CONSIDERATION OF NEW PROJECT INFORMATION RECEIVED PRIOR TO CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT

In February 2017, prior to certification of the Tenaya Cabins Project environmental impact report (EIR), Mariposa County received the Report of Waste Discharge – Amendment No. 2 for Tenaya Lodge Wastewater Treatment Facility (Amended ROWD), prepared by Blair, Church & Flynn for the project applicant, Delaware North (DN), along with comments from the Central Valley Regional Water Quality Control Board (Central Valley RWQCB) (see revised Appendix J of the EIR). The Amended ROWD updates the Tenaya Lodge Wastewater Treatment Plant (WWTP) June 2016 ROWD with actual 2016 WWTP effluent flow data. The Amended ROWD continues to use a discharge rate of 1.5 gallons per foot squared per day (gal/ ft²/day) for application of treated effluent to the existing leach fields; however, it adds a 20 percent safety (contingency) factor to the monthly average flows. Including the 20 percent safety factor, the Amended ROWD indicates that additional storage or additional leach field lines would be required to handle peak effluent flows. The Amended ROWD recommends adding 908 linear feet of leach field trench to the Tenaya Lodge’s existing central leach field to increase disposal capacity (increasing the system’s total leach lines from 2,484 to 3,392 linear feet).

1.1 REVISIONS TO THE DRAFT ENVIRONMENTAL IMPACT REPORT

The Tenaya Cabins Project, as evaluated in the Draft EIR (August 26, 2016) and Final EIR (January 13, 2017), proposes connection to the Tenaya Lodge WWTP to treat and dispose of wastewater from the proposed cabins and clubhouse. The proposed project would include expansion of the Tenaya Lodge center leach field (located north of the existing Tenaya Lodge and south of the Tenaya Cabins Project site) with an additional 637 linear feet of leach lines (see Draft EIR Exhibit 3-11 and page 3-19, “Sewer and Wastewater Treatment and Disposal”). The additional leach lines would provide treated effluent disposal capacity for the proposed Tenaya Cabins at full occupancy, increasing the total Tenaya Lodge WWTP system disposal capacity from 33,600 gallons per day (gpd) to 42,195 gpd. With the project’s proposed sewer pipeline connections and increase in leach lines, the Draft EIR determined that the Tenaya Lodge WWTP system would provide sufficient wastewater treatment and disposal capacity to serve the Tenaya Cabins Project (see Draft EIR Impact 4.12-2 on pages 4.12-18 through 4.12-20). However, the February 2017 Amended ROWD provides new information regarding the baseline conditions of wastewater disposal capacity for the Tenaya Lodge WWTP system. Therefore, the following Draft EIR sections are updated to disclose this information and to consider if this information alters the potential environmental impacts of the Tenaya Cabins Project.

Changes in Draft EIR text are signified by strikeouts where text is removed and by underline where text is added. The information contained herein clarifies and expands the information in the Draft EIR and does not constitute “significant new information” requiring recirculation. (See Public Resources Code § 21092.1; CEQA Guidelines § 15088.5.)

Revisions to Chapter 2, Executive Summary

Table 2-1, Summary of Impacts and Mitigation Measures, page 2-25 (second row), of the Draft EIR is hereby revised as follows:
Impact 4.12-2: Require or result in the construction of new or expanded wastewater treatment facilities or result in the exceedance of wastewater discharge requirements of the applicable regional water quality control board. The project would install sewer lines to convey project-generated wastewater to the Tenaya Lodge wastewater treatment plant, which has a capacity to treat up to 125,000 gallons per day (gpd) of wastewater. This capacity is sufficient to serve maximum demands from the Tenaya Lodge and Cottages (average daily flow of 80,000 gpd, and peak daily flow of 100,000 gpd) in addition to the maximum demands from the proposed Tenaya Cabins and future single family residence average (average daily flow of 8,595 gpd and peak daily flow of 12,893 gpd). The treatment plant complies with the wastewater discharge requirements (WDRs) of the Central Valley Regional Water Quality Control Board. Although the project would include the expansion of the central leach field at the Tenaya Lodge to accommodate the project-related effluent increase and allow for proper disposal of treated effluent from the WWTP, it would not be sufficient to allow for proper discharge of all treated effluent from the WWTP during peak winter month(s) when the subsurface drip irrigation system is not in use. Therefore, this impact would be less than potentially significant.

Mitigation Measure 4.12-2: Increase treated wastewater disposal capacity

Prior to the building permit final for the Tenaya Cabins, DN shall install a total of 908 linear feet of additional leach line at the Tenaya Lodge central leach field, including the 637 linear feet identified in the project and 271 linear feet identified in the Report of Waste Discharge – Amendment No. 2 for Tenaya Lodge Wastewater Treatment Facility (February 2017).

DN shall comply with all Central Valley RWQCB waste discharge requirements (WDRs) applied to the Tenaya Lodge WWTP under the State Water Resources Control Board’s General Waste Discharge Requirements for Discharges to Land by Small Domestic Wastewater Treatment Systems Order WQ-2014-0153-DWO (General Order).

Revisions to Section 4.12, Utilities and Public Services

The text on page 4.12-8 of Section 4.12, “Utilities and Public Services,” of the Draft EIR is hereby revised as follows:

WASTEWATER

Wastewater in Fish Camp is served by onsite, private wastewater treatment plants (WWTP) or septic systems. The Tenaya Lodge and Cottages are served by the newly upgraded Tenaya WWTP, which commenced operation in January 2016. The Tenaya Lodge WWTP has capacity to treat up to 125,000 gallons per day (gpd) (an increase over its former capacity of 80,000 gpd). The WWTP is a tertiary treatment system that combines an activated process, membranes to filter wastewater, and an ultraviolet (UV) disinfection system in a single unit. Filtered material captured in the screens are washed, compacted, and then disposed of at the Mariposa County Sanitary Landfill.

The WWTP discharges treated effluent to either leach fields adjacent to the Lodge or to a sub-surface drip irrigation system (during the irrigation season), also adjacent to the Lodge, as addressed in WDR Order No. 99-086. The Order states that the 2,484 linear feet of leach lines were designed to a loading rate of 1.5 gallons per square foot per day (gal/ft²/day), providing for a total permitted leach field capacity of 30,000 gpd. There are flow meters and soil moisture sensors on five sub-zones of leach field to monitor flow and distribute effluent appropriately. In the irrigation season, mid-April through mid-October, the sub-surface drip
irrigation system is permitted to provide an additional 64,250 gpd of effluent disposal capacity (Appendix J). To account for the possibility of the need to dispose more effluent on a daily basis than available capacity, the WWTP contains 150,000 gallons of emergency storage.

The Report of Waste Discharge – Amendment 2 for Tenaya Lodge Wastewater Treatment Facility, February 2017 (Amended ROWD) (Appendix J) updates the Tenaya Lodge WWTP June 2016 ROWD with actual 2016 WWTP effluent flow data. The Amended ROWD continues to use a discharge rate of 1.5 gal/ft²/day for application of treated effluent to the existing leach fields; however a 20 percent safety (contingency) factor has been added to the monthly average flows. Including the 20 percent safety factor, the Amended ROWD indicates that additional storage or additional leach field lines would be required to handle peak effluent flows.

The text on pages 4.12-18 through 4.12-20 under Impact 4.12-2 of the Draft EIR is hereby revised as follows:

**Impact 4.12-2: Require or result in the construction of new or expanded wastewater treatment facilities or result in the exceedance of wastewater discharge requirements of the applicable regional water quality control board**

The project would install sewer lines to convey project-generated wastewater to the Tenaya Lodge wastewater treatment plant, which has a capacity to treat up to 125,000 gallons per day (gpd) of wastewater. This capacity is sufficient to serve maximum demands from the Tenaya Lodge and Cottages (average daily flow of 80,000 gpd, and peak daily flow of 100,000 gpd) in addition to the maximum demands from the proposed Tenaya Cabins and future single family residence average (average daily flow of 8,595 gpd and peak daily flow of 12,893 gpd). The treatment plant complies with the wastewater discharge requirements (WDRs) of the Central Valley Regional Water Quality Control Board, and although the project would include the expansion of the central leach field at the Tenaya Lodge to accommodate the project-related effluent increase, it would not be sufficient to allow for proper disposal of all treated effluent from the WWTP during peak winter month(s) when the subsurface drip irrigation system is not in use. Therefore, this impact would be less than potentially significant.

Project-generated wastewater would be collected with a below-grade piping system located under the proposed project roads and gravity fed to a lift station located near the low point of the property, as identified on Exhibit 3-11. From the lift station, wastewater would be pumped to the Tenaya Lodge WWTP located south of the project site on the southwestern side of the Tenaya Lodge, between the Lodge and the Cottages (Exhibit 3-12). Approximately 4,425 linear feet of sewer pipeline and approximately 2,300 linear feet of new sewer force main would be needed to connect Parcel 1 and Parcel 2 to the Tenaya Lodge WWTP as shown on Exhibit 3-12. The environmental impacts of installing these lines are fully addressed throughout this Draft EIR, as the utility lines are included in the project footprint of disturbance, which is described in Chapter 3 of this Draft EIR.

**Wastewater Treatment Capacity**

The Tenaya Lodge WWTP was recently upgraded; the new WWTP became operational in January 2016 and has capacity to treat up to 125,000 gpd of wastewater to California Code of Regulations, Title 22, standards for tertiary treated wastewater. The WWTP currently treats the effluent produced by the Tenaya Lodge and Cottages. The wastewater demand varies
monthly. The summer is the busiest time with higher occupancy resulting in higher flows to the treatment plant. The summer average daily wastewater demand for the Lodge and Cottages is 67,300 gpd (in July) (Design, Community & Environment 2011). However, the maximum potential demands from the Tenaya Lodge and Cottages could represent an average daily flow of 80,000 gpd, and peak daily flow of 100,000 gpd (Design, Community & Environment 2011). The Tenaya Cabins Project would add up to an average daily flow of 8,595 gpd. The peak daily flow, based on the average daily demand multiplied by 1.5 (consistent for the peak factor for the Lodge), would be 12,893 gpd. Therefore, the combined total wastewater treatment demand at the Tenaya Lodge WWTP could represent an average daily flow of 88,595 gpd, and a peak daily flow of 112,893, which are within the WWTP’s 125,000 gpd capacity. No additional wastewater treatment capacity or facility upgrades would be necessary.

**Effluent Disposal Capacity**

The effluent disposal capacity is variable depending on time of year. The existing WWTP effluent disposal area consists of leach fields that have a capacity of 30,000 gpd (monthly average) that can be used year round. In addition, there is a subsurface disposal irrigation system that has a capacity of approximately 64,250 gpd (monthly average) that can be used mid-April to Mid-October when groundwater levels are low. Combined, the existing WWTP has a permitted monthly average disposal capacity of 80,000 gpd (Blair, Church & Flynn 2011). With the upgraded treatment quality (Title 22 requirements), the Tenaya Lodge and the Tenaya Cabins can use some of the treated effluent for irrigation of landscaping (during the irrigation season), which would further increase the effective disposal capacity (less effluent would need to be disposed in the leach field).

The project would add an average flow of 8,595 gpd to the Tenaya WWTP disposal requirements. Considering the project’s anticipated wastewater in addition to the wastewater from the Lodge and Cottages, as well as the effluent disposal capacity from the leach fields, subsurface disposal irrigation system, and 150,000 gallons of storage, a water balance was prepared (Appendix J). During mid-April to mid-October when the subsurface disposal irrigation system is in operation, there would be sufficient effluent disposal capacity to handle discharge from the proposed project in addition to the Lodge and Cottages, and none of the emergency storage would be required. During winter months when the irrigation system is not in use, the leach fields would be able to accommodate the effluent discharge for all months, except November, in which 105 gallons of effluent storage would be required. However, during peaking events from November through March, effluent storage capacity would be reduced and could result in insufficient disposal and/or storage capacity.

To ensure sufficient effluent disposal capacity during peak events for the entire WWTP system (the Lodge, Cottages, and proposed project), the project would construct an additional 637 linear feet of leach lines (Exhibit 3-11). This would expand the disposal capacity at the central leach field to account for the 8,595 gpd flow from the Tenaya Cabins at full occupancy (Appendix J). This additional leach field capacity, in addition to the existing subsurface irrigation and storage capacity, would provide adequate capacity for disposal of treated effluent during peaking events throughout all months of the year. However, the Tenaya Lodge WWTP February 2017 ROWD states that, based on the most affected month, November, additional disposal capacity would be required. The Amended ROWD recommends adding 908 linear feet of leach field trench to the existing central leach field to accommodate the project-related increase in flows as well as a 20 percent safety factor in discharge capacity. The project’s proposed construction of 637 linear feet of new leach lines would address only a portion of this, leaving a deficiency/need for an additional 271 linear feet of leach line. Without the addition of 271 feet of leach line or additional storage capacity
for treated effluent, the project would result in a potentially significant impact due to insufficient treated effluent disposal capacity.

**Redundancy and Emergency Storage**
The Tenaya Lodge WWTP has alarms and redundancy as required for recycled water use by the California Code of Regulations, Title 22. The plant has a 50,000 gallon influent storage tank that is used to spread the flow evenly throughout the day. The plant also has a 50,000 gallon effluent tank that serves as additional capacity to evenly disperse the flow throughout the day. The treatment plant also has two 50,000-gallon emergency storage tanks that are reserved for use when the treatment plant cannot treat the flow to tertiary standards. The 100,000 gallons of emergency storage has return valving, alarms, and piping so that the wastewater can be returned to the treatment process to be adequately treated prior to discharge.

**Antidegradation Analysis**
WDRs currently apply to the Tenaya Lodge WWTP through RWQCB Order No. 99-086. A summary of these requirements is show in Table 4.11-1 in Section 4.11, “Hydrology and Water Quality.” The Tenaya Lodge implements a testing plan to monitor onsite disposal and groundwater quality. The testing must demonstrate compliance with RWQCB WDRs. Therefore, the effluent discharge from the Tenaya WWTP is not expected to negatively impact the groundwater at the site or the surrounding areas. The wastewater from the WWTP is of a quality standard consistent with the recycled water standards of Title 22.

**Conclusion**
The Tenaya Lodge WWTP has sufficient capacity to treat project-related wastewater and the WWTP monitors discharge and complies with the wastewater discharge requirements (WDRs) of the Central Valley RWQCB. To ensure sufficient capacity to dispose of treated effluent, although the project would include construction of 637 linear feet of additional leach field lines to properly dispose the increased effluent generated from the project (8,595 gpd), it would not provide sufficient discharge capacity to handle peak treated effluent discharge flows from the Tenaya WWTP system during the winter when the irrigation system is not in use. Therefore, due to the lack of sufficient effluent disposal capacity, the project would have a less than potentially significant impact on wastewater treatment and discharge.

**Mitigation Measures**
No mitigation is required.

**Mitigation Measure 4.12-2: Increase treated wastewater disposal capacity**
Prior to the building permit final for the Tenaya Cabins, DN shall install a total of 908 linear feet of additional leach line at the Tenaya Lodge central leach field, including the 637 linear feet identified in the project and 271 linear feet identified in the Report of Waste Discharge – Amendment No. 2 for Tenaya Lodge Wastewater Treatment Facility (February 2017).

DN shall comply with all Central Valley RWQCB waste discharge requirements (WDRs) applied to the Tenaya Lodge WWTP under the State Water Resources Control Board’s General Waste Discharge Requirements for Discharges to Land by Small Domestic Wastewater Treatment Systems Order WQ-2014-0153-DWQ (General Order).
Significance after Mitigation
Implementation of Mitigation Measure 4.12-2 would increase the wastewater disposal capacity in the Tenaya Lodge WWTP system to provide sufficient treated effluent disposal capacity for the Lodge, Cottages, and proposed Tenaya Cabins during all months of the year. Therefore, this impact would be reduced to a less-than-significant level.

Revisions to Chapter 5, Cumulative Impacts

The text on page 5-14 of the Draft EIR is hereby revised as follows:

Cumulative demand for wastewater treatment
The Silvertip Resort development would include onsite wastewater treatment facilities which would treat wastewater to tertiary treatment level, allowing for use of recycled water for above-ground irrigation. The project-related effluent that would be treated at the Tenaya WWTP, which has sufficient capacity to treat wastewater from the project in addition to flows from the Lodge and Cottages. In addition, as required by Mitigation Measure 4.12-2, the Tenaya Cabins Project would increase leach field capacity for the Tenaya WWTP to allow for appropriate disposal of treated effluent during all months of the year (Appendix J). Waste Discharge Requirements (WDRs) currently apply to the Tenaya Lodge WWTP through RWQCB Order No. 99-086. A summary of these requirements is show in Table 4.11-1 in Section 4.11, “Hydrology and Water Quality.” The Tenaya Lodge implements a testing plan to monitor onsite disposal and groundwater quality. The testing must demonstrate compliance with RWQCB WDRs. Therefore, the effluent discharge from the Tenaya WWTP is not expected to negatively impact the groundwater at the site or the surrounding areas. The wastewater from the Tenaya WWTP is of a quality standard consistent with the recycled water standards of Title 22.

The separate wastewater treatment systems at Tenaya Lodge and Silver Tip would not affect each other and would not prevent compliance with Central Valley RWQCB requirements. Further, the Fish Camp TPA does not contain a community sewer and wastewater treatment system; residents and businesses rely on septic systems. Increased levels of effluent from the Silvertip Resort and the project would not require an expansion of existing septic systems such that residents or businesses in Fish Camp would be affected. Cumulative impacts related to wastewater would be less than significant.

Mitigation Measures
No additional mitigation is required.

1.2 RECIRCULATION OF THE DRAFT ENVIRONMENTAL IMPACT REPORT IS NOT REQUIRED

A lead agency is required to recirculate a Draft EIR when the agency adds “significant new information” to the EIR after the close of the public comment period but prior to certification of the Final EIR. (Public Resources Code, § 21092.1; CEQA Guidelines, § 15088.5.) “New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” (CEQA Guidelines, § 15088.5, subd. (a).)
“Significant” new information includes information showing that “(1) [a] new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented; or (2) [a] substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.” (Ibid., subds. (a)(1), (a)(2).)

The following discussion applies these standards to the February 2017 Amended ROWD and the associated revisions to the Tenaya Cabins Project Draft EIR text, provided in Section 1.1, above. In particular, this discussion focuses on whether the information provided is new, and whether that information discloses:

1. a new significant impact that the project or mitigation would cause,
2. an impact that will be substantially more severe unless mitigation is adopted that avoids the impact,
3. a feasible project alternative is available that would avoid a significant impact, but the applicant will not adopt it, or
4. that the Draft EIR is “fundamentally and basically inadequate” such that meaningful public comment was precluded. (CEQA Guidelines, § 15088.5, subd. (a).)

The Tenaya Cabins Project proposal includes construction of 637 linear feet of new leach line at the Tenaya WWTP system’s central leach field (north of the Tenaya Lodge and south of the project site) to increase treated effluent disposal capacity in relation to the project’s increased wastewater flows (see Draft EIR Chapter 3, “Project Description,” page 3-19 and Exhibit 3-11, Section 4.12, “Utilities and Public Services,” page 4.12-8 and Impact 4.12-2, and Appendix J). The Draft EIR assesses potential environmental impacts related to construction and operation of infrastructure improvements, including these additional leach lines, as appropriate in each resource section in Chapter 4, “Environmental Setting, Impacts, and Mitigation Measures,” as well as Chapter 5, “Cumulative Impacts.” For example, impacts to biological resources associated with infrastructure improvements are identified and analyzed in Section 4.4, “Biological Resources,” and impacts to cultural resources are analyzed in Section 4.5, “Cultural Resources.”

Consistent with its waste discharge self-reporting requirements, DN prepared the February 2017 Amended ROWD utilizing actual 2016 Tenaya WWTP system flows. The Amended ROWD documented peak flows in November 2016 that exceeded the system’s leach field disposal capacity. To handle the newly identified peak flows, the February 2017 Amended ROWD identified the need for a total of 908 linear feet of new leach lines (271 linear feet more than the 637 linear feet proposed in the Tenaya Cabins Project). This is new information that amplifies the wastewater disposal capacity information disclosed in the Draft EIR (Chapter 3, page 3-19 and Section 4.12, page 4.12-8). This new information also increases the severity of Draft EIR Impact 4.12-2 (pages 4.12-18 through 4.12-20) from less than significant to potentially significant. However, Mitigation Measure 4.12-2 has been required herein to reduce the impact on wastewater disposal capacity to less than significant. This mitigation measure is feasible and is consistent with the project proposal to increase leach lines at the Tenaya Lodge WWTP system’s central leach field. The applicant, DN, proposed this measure in the Amended ROWD, indicating their ability and willingness to implement this measure. Furthermore, the potential environmental impacts due to construction and operation of additional leach lines at the central leach field were evaluated in the Draft EIR. The expansion of leach lines from 637 linear feet to 908 linear feet in the same location (the central leach field) does not extend the footprint or severity of project’s environmental impacts beyond that evaluated in the
Draft EIR; therefore, no new significant environmental effects would result from implementation of the new Mitigation Measure 4.12-2.

Mariposa County believes the Draft EIR is complete and fully compliant with CEQA. Recirculation is not required because the wastewater disposal capacity information merely clarifies or amplifies information in the Draft EIR (Impact 4.12-2), and because it makes insignificant modifications to an adequate EIR in the form of a feasible mitigation measure (Mitigation Measure 4.12-2) that the project proponent agrees to adopt. (CEQA Guidelines, § 15088.5, subd. (b).)
Tenaya Cabins Project

Final Environmental Impact Report

PREPARED FOR:

Mariposa County
Planning Department
P.O. Box 2039
5100 Bullion Street
Mariposa, CA 95338

Sarah Williams
(209) 966-5151
swilliams@mariposacounty.org

PREPARED BY:

Ascent Environmental, Inc.
455 Capitol Mall, Suite 300
Sacramento, CA 95814

Suzanne Enslow
916.444.7301
suzanne.enslow@ascentenvironmental.com

January 13, 2017
**TABLE OF CONTENTS**

<table>
<thead>
<tr>
<th>Chapter/Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACRONYMS AND ABBREVIATIONS</td>
<td>ii</td>
</tr>
<tr>
<td>1 INTRODUCTION</td>
<td>1-1</td>
</tr>
<tr>
<td>1.1 Background</td>
<td>1-1</td>
</tr>
<tr>
<td>1.2 Organization of Final EIR</td>
<td>1-2</td>
</tr>
<tr>
<td>1.3 List of Commenters</td>
<td>1-2</td>
</tr>
<tr>
<td>2 REVISIONS TO THE DRAFT EIR</td>
<td>2-1</td>
</tr>
<tr>
<td>2.1 Project Modifications</td>
<td>2-1</td>
</tr>
<tr>
<td>2.2 Revisions to the Draft EIR</td>
<td>2-1</td>
</tr>
<tr>
<td>3 RESPONSES TO COMMENTS ON THE DRAFT EIR</td>
<td>3-1</td>
</tr>
<tr>
<td>4 MITIGATION MONITORING AND REPORTING PROGRAM</td>
<td>4-1</td>
</tr>
<tr>
<td>5 REPORT PREPARERS</td>
<td>5-1</td>
</tr>
</tbody>
</table>

**Tables**

<table>
<thead>
<tr>
<th>Table</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 1-1</td>
<td>1-3</td>
</tr>
</tbody>
</table>

List of Commenters
### ACRONYMS AND ABBREVIATIONS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>AASHTO</td>
<td>American Association of State Highway and Transportation Officials’</td>
</tr>
<tr>
<td>APN</td>
<td>assessor’s parcel number</td>
</tr>
<tr>
<td>BMPs</td>
<td>best management practices</td>
</tr>
<tr>
<td>CEQA</td>
<td>California Environmental Quality Act</td>
</tr>
<tr>
<td>DN</td>
<td>Delaware North</td>
</tr>
<tr>
<td>FCMWC</td>
<td>Fish Camp Mutual Water Company</td>
</tr>
<tr>
<td>Final EIR</td>
<td>Final Environmental Impact Report</td>
</tr>
<tr>
<td>NOP</td>
<td>notice of preparation</td>
</tr>
<tr>
<td>RWQCB</td>
<td>Central Valley Regional Water Quality Control Board</td>
</tr>
<tr>
<td>WDRs</td>
<td>wastewater discharge requirements</td>
</tr>
<tr>
<td>WWTP</td>
<td>wastewater treatment plant</td>
</tr>
</tbody>
</table>
INTRODUCTION

This Final Environmental Impact Report (Final EIR) has been prepared by Mariposa County, as lead agency, in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (CCR Section 15132). This Final EIR contains responses to comments received on the Draft Environmental Impact Report (Draft EIR) for the Tenaya Cabins Project. The Final EIR consists of the Draft EIR and this document, which includes comments on the Draft EIR, responses to those comments, and revisions to the Draft EIR.

1.1 BACKGROUND

Delaware North, the owner and operator of the Tenaya Lodge, has proposed a two parcel land division (LDA 2014-165), General Plan/Specific Plan zoning amendment (SPZA 2014-163), and conditional use permit (CUP 2014-164) on assessor’s parcel number (APN) 010-350-008. Proposed Parcel 1 is a 24.82 acre parcel; the land use is proposed to be amended from Single Family Residential 1-acre to Resort Commercial for the construction of 54 prefabricated cabins and a clubhouse (approximately 2,700 square feet). Proposed Parcel 2 is a 21,782 square foot parcel; the land use is proposed to be amended from Single Family Residential ½-acre to Single Family Residential ½-acre for a future single family residence. The project site is located immediately north of the Tenaya Lodge and is primarily undeveloped forested land that includes a one-acre pond (Rainbow Lake) at the northern end, Big Creek on the eastern side, meadow and wetlands on the southern portion of the site, and State Highway 41 on the western side.

The County prepared a Draft EIR pursuant to CEQA for the Tenaya Cabins Project and used several methods to solicit input. A notice of preparation (NOP) for an EIR was issued by Mariposa County in February 2015 for the original project proposal, which included the same land division into two parcels and the same type of development as the current proposal, but included 34 cabins rather than 54. The NOP was sent to the California State Clearinghouse, federal, state, and local agencies, and members of the public.

Following the changes to the proposed project, a revised NOP was released on July 17, 2015 notifying the public that Mariposa County would be preparing an EIR for the revised project that now proposes 54 prefabricated cabins and a clubhouse on Parcel 1, and a potential future residence on Parcel 2. A scoping meeting was held to provide agencies and the public with the opportunity to learn more about the Tenaya Cabins Project and to provide input as to the issues that should be addressed in the EIR. An agency and tribal site visit was held at 1:00 p.m. on August 13, 2015 and a public scoping meeting was held at 6:00 p.m. on August 13, 2015. At these meetings, Mariposa County staff made presentations to describe the proposed project and to discuss key environmental issues identified in preliminary analyses, and received input from public agencies and members of the public on the scope of issues that should be addressed in the EIR.

The Draft EIR evaluated the potential for the Tenaya Cabins Project to result in significant environmental impacts and determined that impacts would be less than significant, or would be mitigable to less than significant. The Draft EIR was released on August 26, 2016 for public review and comment for a 45-day period. The Draft EIR and project application were available for public review online at:

Ascent Environmental

Mariposa County

Introduction

The Draft EIR and Tenaya Cabins application materials were also available for public review at the following locations:

- Mariposa County Planning
  5100 Bullion Street
  Mariposa, CA 95338
  Hours: M-F 8-5

- Mariposa Library
  4978 10th Street
  Mariposa, CA, 95338
  Hours: M 8:30-4, T-F 8:30-6, Sat 8:30-4

- Wawona Library
  7971 Chilnualna Road
  Wawona, CA 95389
  Winter Hours (as of 9/6/16): M,W,F 12-5pm, Sat 10-3

A public hearing was held on September 23, 2016 at the Mariposa County Planning Commission meeting, at the Government Center Board Chambers Mariposa County Government Center on 5100 Bullion Street, Second Floor, Mariposa, CA 95338. There was also a public meeting on September 24, 2016 with the Fish Camp Planning Advisory Council in Fish Camp, California, near the project site. Public comments were received on the Draft EIR at both of these meetings.

1.2 ORGANIZATION OF FINAL EIR

This Final EIR is organized as follows:

Chapter 1, “Introduction,” provides an introduction and overview of the Final EIR, describes the background and organization of the Final EIR, and lists all parties who submitted comments on the Draft EIR during the public review period.

Chapter 2, “Revisions to the Draft EIR,” presents revisions to the Draft EIR text made in response to comments, or by the lead agency to amplify, clarify or make minor modifications or corrections. Changes in the text are signified by strikeouts where text is removed and by underline where text is added.

Chapter 3, “Comments and Responses,” contains copies of the comment letters and public hearing comments on the Draft EIR received during the public review period and responses to the comments.

Chapter 4, “Mitigation Monitoring and Reporting Program,” provides the County’s draft mitigation, monitoring, and reporting program (MMRP), which is required to ensure implementation of all mitigation measures adopted through the CEQA process. The MMRP is considered draft until the County certifies the EIR and approves the project. The MMRP would be adopted along with Findings of Fact for the project, if approved.

Chapter 5, “Report Preparers,” identifies the lead agency contacts as well as the preparers of this Final EIR.

1.3 LIST OF COMMENTERS

Table 1-1 indicates the numerical designation for each comment letter received on the Draft EIR, the author of the comment letter, and the date of the comment letter. The letters are organized by agency, individuals, and then comments provided at the Planning Commission public hearing and Fish Camp Planning Advisory Council meeting.
### Table 1-1 List of Commenters

<table>
<thead>
<tr>
<th>Letter #</th>
<th>Commenter</th>
<th>Date of Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Scott Morgan, Director California Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit</td>
<td>10/11/16</td>
</tr>
<tr>
<td></td>
<td><strong>Individuals</strong></td>
<td></td>
</tr>
<tr>
<td>I1</td>
<td>Karen Glendenning, Fish Camp Resident</td>
<td>9/24/16</td>
</tr>
<tr>
<td>I2</td>
<td>Shirley Marshall, Owner of neighboring Marshall property</td>
<td>9/22/16</td>
</tr>
<tr>
<td>I3</td>
<td>Ann (Marshall) Marckesano, Member of Marshall family, owners of neighboring Marshall property</td>
<td>10/3/16</td>
</tr>
<tr>
<td>I4</td>
<td>Allison L. Casagrande, Member of Marshall family, owners of neighboring Marshall property</td>
<td>10/7/16</td>
</tr>
<tr>
<td>I5</td>
<td>Tim L. Casagrande, Member of Marshall family, owners of neighboring Marshall property</td>
<td>10/11/16</td>
</tr>
<tr>
<td>I6</td>
<td>Richard Brady, Fish Camp Planning Advisory Council Board Member</td>
<td>9/24/16</td>
</tr>
<tr>
<td></td>
<td><strong>Public Hearings/Meetings</strong></td>
<td></td>
</tr>
<tr>
<td>PH</td>
<td>Public Hearing at Mariposa County Planning Commission Meeting</td>
<td>9/23/16</td>
</tr>
<tr>
<td>FC</td>
<td>Public Meeting at Fish Camp Planning Advisory Council Meeting</td>
<td>9/24/16</td>
</tr>
</tbody>
</table>
This page intentionally left blank.
2 REVISIONS TO THE DRAFT EIR

This chapter presents revisions to the Draft EIR text made in response to comments, or to amplify, clarify or make minor modifications or corrections to information in the Draft EIR (Section 2.2 of this chapter). Changes in the text are signified by strikethrough where text is removed and by underline where text is added. The information contained within this chapter clarifies and expands on information in the Draft EIR and does not constitute “significant new information” requiring recirculation. (See Public Resources Code Section 21092.1; CEQA Guidelines Section 15088.5.)

2.1 PROJECT MODIFICATIONS

No modifications to the proposed project, as described in Draft EIR Chapter 3, “Project Description,” have occurred since publication of the Draft EIR in August 2016.

2.2 REVISIONS TO THE DRAFT EIR

This section presents specific text changes made to the Draft EIR since its publication and public review. The changes are presented in the order in which they appear in the original Draft EIR and are identified by the Draft EIR page number. Text deletions are shown in strikethrough, and text additions are shown in underline. The following revisions do not change the intent or content of the analysis or effectiveness of mitigation measures presented in the Draft EIR.

Revisions to Chapter 1, Introduction
The text on page 1-6 of Chapter 1, “Introduction,” of the Draft EIR is hereby revised as follows:

The Draft EIR and Tenaya Cabins application materials are also available for public review at the following locations:

<table>
<thead>
<tr>
<th>Location</th>
<th>Address</th>
<th>Hours:</th>
<th>Location</th>
<th>Address</th>
<th>Hours:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mariposa County Planning</td>
<td>5100 Bullion Street</td>
<td>M-F 8-5</td>
<td>Wawona Library</td>
<td>7971 Chilnualna Road</td>
<td>M, W, F 1-612-5pm,</td>
</tr>
<tr>
<td>Mariposa, CA 95338</td>
<td></td>
<td></td>
<td>Wawona, CA 95389</td>
<td></td>
<td>Sat 10-3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Winter Hours (as of 9/6/16)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mariposa Library</td>
<td>4978 10th Street</td>
<td>M 8:30-4, T-F 8:30-6,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mariposa CA, 95338</td>
<td></td>
<td>Sat 8:30-4</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Revisions to Chapter 2, Executive Summary
Exhibit 2-2 of the Draft EIR is hereby revised as follows to correctly show the alignments of Fish Camp Lane and Silvertip Lane:
Exhibit 2-2

Tenaya Cabins Project Site Location

Legend
- Project Location

Source: Adapted by Ascent Environmental in 2016

Aerial NAIP 2014
Page 2-5 of the Draft EIR is hereby revised as follows:

As discussed throughout the following resource sections in Chapter 4 of this Draft EIR, one or more environmental impacts were found to be potentially significant or significant for these resources. However, these impacts would be reduced to less-than-significant levels with implementation of mitigation. No significant and unavoidable impacts were identified.

- Section 4.4, Biological Resources
- Section 4.5, Cultural Resources
- Section 4.8, Greenhouse Gas Emissions and Climate Change
- Section 4.9, Noise
- Section 4.10, Geology, Soils, and Seismicity
- Section 4.11, Hydrology and Water Quality
- Section 4.12, Utilities and Public Services
- Section 4.13, Hazards and Hazardous Materials

The row for “Utilities and Public Services” in Table 2-2, “Summary of Environmental Effects of the Alternatives Relative to the Proposed Tenaya Cabins Project,” of the Draft EIR is hereby revised as follows:

<table>
<thead>
<tr>
<th>Utilities and Public Services</th>
<th>Less than significant with mitigation (Project and Cumulative)</th>
<th>Less</th>
<th>Greater</th>
<th>Greater</th>
<th>Similar/Less</th>
</tr>
</thead>
</table>

Revisions to Chapter 3, Project Description
Exhibit 3-2 of the Draft EIR is hereby revised as follows to correctly show the alignments of Fish Camp Lane and Silvertip Lane:
The text on page 3-15 of the Draft EIR is hereby revised as follows:

**TRANSIT SERVICE AND PEDESTRIAN ACCESS**

The Yosemite Area Regional Transportation System (YARTS) provides regularly scheduled public transit service (bus service) in the Yosemite region, including gateway communities along its routes such as Fish Camp. As of October 1, 2016, YARTS has a summer-only year-round bus route that will run from May 15 through September 15 (2017) along Highway 41 (Yellow Line) connecting Fresno, Coarsegold, Oakhurst, Fish Camp, Wawona, and Yosemite Valley (per www.yarts.com, accessed on October 11, 2016). There are is a regularly-scheduled stops for northbound service at the Tenaya Cottages (Timberloft) and a regularly scheduled stop for southbound service at the Fish Camp General Store. Passengers can call for a shuttle from the General Store to the Tenaya Lodge Tenaya Lodge for both directions (to Yosemite and to Fresno) (YARTS 2016a and b).

The text of Table 3-1 on page 3-16 of the Draft EIR is hereby revised as follows:

<table>
<thead>
<tr>
<th>Table 3-1</th>
<th>Utility and Public Service Providers</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public Service/Utility</strong></td>
<td><strong>Agency/Entity</strong></td>
</tr>
<tr>
<td>Water Supply (wells)</td>
<td>Private – Delaware North</td>
</tr>
<tr>
<td>Sewer and Wastewater Treatment</td>
<td>Private – Delaware North</td>
</tr>
<tr>
<td>Recycled Water (for irrigation)</td>
<td>Private – Delaware North</td>
</tr>
<tr>
<td>Stormwater Drainage</td>
<td>Private – Delaware North</td>
</tr>
<tr>
<td>Fire and Life Safety</td>
<td>Mariposa County Fire Department, CAL FIRE, USFS</td>
</tr>
<tr>
<td>Law Enforcement</td>
<td>Mariposa County Sheriff’s Department</td>
</tr>
<tr>
<td>Public Schools</td>
<td>Wawona Elementary School (charter school), and Yosemite Union High School District (located in Madera County)</td>
</tr>
<tr>
<td>Electricity</td>
<td>Pacific Gas and Electric (PG&amp;E)</td>
</tr>
<tr>
<td>Telephone</td>
<td>Sierra Telephone</td>
</tr>
<tr>
<td>Data and cable Satellite television service</td>
<td>Northland Cable TV Sonifi Inc.</td>
</tr>
<tr>
<td>Propane</td>
<td>Ferrellgas</td>
</tr>
<tr>
<td>Solid Waste Hauling</td>
<td>Mariposa County Total Waste Systems, Inc.</td>
</tr>
</tbody>
</table>

Source: Compiled by Ascent Environmental, Inc. 2015

The truck trips associated with paving activities described on page 3-21 and in Table 3-2 of the Draft EIR are hereby revised, as follows:

A summary of the estimated construction-related trips is shown in Table 3-2. The total number of offsite construction trips would not necessarily occur on the same day, because construction activities would vary daily. One hundred and eight (108) hauling trips were added to the building construction phase to represent the amount of trips needed to transport the 54 pre-fabricated cabins. In addition, forty (40) haul trips were added to represent trips needed to import materials (drain rock and pipes) for the leach field expansion. An estimated 145 trips were added in relation to paving activities.
Revisions to Section 4.6, Transportation and Circulation

The truck trips associated with paving activities described in Impact 4.6-1 and Table 4.6-10 of the Draft EIR is hereby revised, as follows:

A summary of the estimated construction-related trips is shown in Table 4.6-10. The total number of offsite construction trips would not necessarily occur on the same day, since construction activities would vary daily. One hundred and eight (108) hauling trips were added to the building construction phase to represent the amount of trips needed to transport the 54 pre-fabricated cabins. In addition, forty (40) haul trips were added to represent trips needed to import materials (drain rock and pipes) for the leach field expansion. For paving operations, an estimated 145 trips were added. Construction staging would occur on the project site and it is assumed that soil (cuts and fills) would be balanced onsite.


during the peak building construction phase, when there may be overlap between building construction and paving activities, there could be up to approximately 20 trips on a peak day (the 162 and 145 haul trips would be spread out over the an approximately 100 day building construction phase). It is assumed that all construction employees would arrive during the a.m. peak hour, between 6:30 a.m. and 7:30 a.m. and that 75 percent of construction employees would depart during the p.m. peak hour, between 3:00 p.m. and 4:00 p.m.

The text on page 4.6-33 of the Draft EIR is hereby revised as follows:

Transit

The Tenaya Cabins Project would utilize the existing YARTS stop for northbound service at the Tenaya Lodge Cottages (Timberloft) and a regularly scheduled stop for southbound service at the Fish Camp.
General Store. Passengers can call for a shuttle from the General Store to the Tenaya Lodge (YARTS 2016a and b). Delaware North would provide shuttle service from the Tenaya Cabins to the Lodge for both employees and visitors to connect to the YARTS bus service along the Highway 41 corridor, which provides service to/from Yosemite National Park and Oakhurst. The project would support use of the existing YARTS system and would not alter its service. As it does for other employees at the Tenaya Lodge and Cottages, DN would offer an incentive mileage program for anyone living over 50 miles from the project site, YARTS monthly passes, and would encourage and coordinate carpooling among employees. The project would have no impact on transit services and this topic is not addressed further in this EIR.

Revisions to Section 4.9, Noise
Based on the concerns expressed in the submitted comment letters, Mitigation Measure 4.9-2 of the Draft EIR is hereby revised to ensure that Mariposa County daytime and nighttime noise standards shall not be exceeded:

**Mitigation Measure 4.9-2: Reduce noise exposure to sensitive receptors from new stationary noise sources**

The project applicant shall implement the following measures to reduce the effect of noise levels generated by onsite stationary noise sources:

- Routine testing and preventive maintenance of the emergency diesel generator shall be conducted during the less sensitive daytime-business hours (i.e., 7:00 a.m. to 5:00 p.m.). The generator shall be equipped with noise control (e.g., muffler) devices in accordance with manufacturers’ specifications.

- External mechanical equipment, including the diesel powered emergency generator, shall incorporate features designed to reduce noise emissions below the County stationary noise source criteria standards (i.e., 55 dB L_{eq} during daytime hours and 45 dB L_{eq} during nighttime hours). These features may include, but are not limited to, locating equipment within equipment rooms or enclosures that incorporate noise reduction features, such as acoustical louvers, and exhaust and intake silencers. Equipment enclosures shall be oriented so that major openings (i.e., intake louvers, exhaust) are directed away from nearby noise-sensitive receptors.

- The clubhouse speaker system shall be located, oriented, and calibrated so that it operates at noise levels that do not exceed County standards (i.e., 50 dB L_{eq} during daytime hours and 40 dB L_{eq} during nighttime hours) at any existing or planned sensitive receptor.

To ensure that Mariposa County noise performance standards for non-transportation noise sources are not exceeded at any nearby sensitive land uses, the project applicant shall comply with the following:

- Prior to issuance of any grading or building permits for the project, a site specific noise study shall be submitted by a qualified acoustical engineer addressing County noise performance standards for non-transportation noises at the surrounding off-site sensitive receptors within 800 feet of the project site.

- A qualified acoustical specialist shall be selected by the County and hired at the project applicant’s expense to verify the effectiveness of all noise reduction measures. The noise study shall use approved calculation methodologies and include recommendations and measures to ensure compliance with County standards. A copy of the report shall be filed with the County and copies shall be provided to all off-site residential receptors located within 800 feet of the project site. If through this mitigation measure it is determined that the reduction of sound at the surrounding sensitive receptors associated with the implementation of mitigation measures is not sufficient to comply with County standards, then the stationary noise source shall not be permitted.
As part of the site-specific noise study, the applicant shall assess the level of noise generated by the clubhouse speaker system to ensure that it does not exceed County standards (i.e., 50 dB $L_{eq}$ during daytime hours and 40 dB $L_{eq}$ during nighttime hours) at any sensitive receptor. The speaker locations and settings shall be reviewed and approved by the County. The clubhouse speaker system shall be recalibrated once a year to ensure that it continues to operate in compliance with the County noise standards. The results of the calibration, including monitored noise levels, shall be provided to the County. If an exceedance of County standards occurs, the speaker system shall be recalibrated, volumes shall be lowered if necessary, and the system shall be re-reviewed by the County to demonstrate compliance with the County standards.

**Significance after Mitigation**

Implementation of Mitigation Measure 4.9-2 would require that the project’s stationary noise sources are oriented, located, and designed in such a way that reduces noise exposure. Therefore, the project’s stationary noise sources would comply with the County noise standards for sensitive receptors, reducing this impact to a **less-than-significant** level.

**Revisions to Section 4.12, Utilities and Public Services**

The text on Draft EIR page 4-3 is hereby revised as follows:

**SCHOOLS**

Although the project site is located in Mariposa County, it is served by the Yosemite Union High School District in Madera County, except the Jack L. Boyd Outdoor School, a public facility operated by the Merced County Office of Education, located to the west of the project site. The Yosemite Union High School District consists of five high schools. Three are located in Oakhurst and are attended by students from Fish Camp. The Yosemite Union High School District consists of five high schools. Three are located in Oakhurst and are attended by students from Fish Camp. These are Yosemite High School serving grades 9-12 with an enrollment of 698; Ahwahnee High School, a continuation high school serving grades 10-12 with an enrollment of 18; and Evergreen High School serving grades 9-12 with an enrollment of 32 (California Department of Education 2014b, c, d). Why indeed

Elementary school services for students in Fish Camp is provided by the Wawona Elementary School, which is a charter school located on Chilnualna Falls Road in Wawona. Enrollment at Wawona Elementary School varies from 5 to 25 students depending on the year and the number of families with children living in the area (California Department of Education 2014a). The Yosemite Union High School District collects developer impact fees from development projects for the construction and reconstruction of school facilities as authorized by Government Code Section 65995. The project would be required to pay the fees in effect for commercial and residential development at the time building permits are issued.

As described above under population and housing, the Tenaya Cabins Project would provide for only one permanent residence. The temporary and permanent employees related to the Tenaya Cabins could be met by existing population in the region. Therefore, the project would not require new or expanded school facilities, as the schools that serve the Fish Camp area have sufficient capacity. Therefore, the project would have **no impact** on schools.
Revisions to Section 4.12, Utilities and Public Services
The text in Table 4.12-1 on page 4.12-4 of the Draft EIR is hereby revised as follows:

<table>
<thead>
<tr>
<th>Table 4.12-1</th>
<th>Existing Utility and Public Service Providers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Service/Utility</td>
<td>Agency/Entity</td>
</tr>
</tbody>
</table>
| Water | Fish Camp Municipal Water Company
Yosemite Alpine Community Service District
Yosemite Resort Properties Water System
Private - Delaware North – Tenaya Water System |
| Sewer and Wastewater Treatment | Septic Systems
Private - Delaware North – Tenaya Wastewater Treatment Plant |
| Recycled Water (for irrigation) | Private – Delaware North – Tenaya Wastewater Treatment Plant |
| Stormwater Drainage | Private land owners |
| Solid Waste Hauling | Mariposa County Total Waste Systems, Inc. |
| Solid Waste Disposal | Mariposa County Landfill |
| Electrical Service | Pacific Gas and Electric (PG&E) |
| Propane | Ferrellgas |
| Telephone | Sierra Telephone |
| Data and cable | Northland Cable TV, Sonifi Inc. |
| Television service | |
| Fire Protection | Mariposa County Fire Department
CAL FIRE – Private wildlands/timber production areas
USFS – Sierra National Forest
NPS – Yosemite National Park |
| Police Services | Mariposa County Sheriff's Department
California Highway Patrol (Highway 41)
USFS – Sierra National Forest |
| Road Maintenance | Caltrans
Mariposa County
Yosemite Alpine Community Service District |
| Snow Removal | Caltrans
Thunder Ridge Company |

Source: Compiled by Ascent Environmental 2016; Mariposa County 2015b, 2015c, 2016

Page 4.12-10 of the Draft EIR is hereby revised as follows:

SOLID WASTE

Solid waste from Fish Camp is taken to the Mariposa County landfill. The Mariposa County Department of Public Works contracts with the County Total Waste Systems, Inc. to haul solid waste to the landfill. The County Department of Public Works operates the landfill. The landfill is located 2.2 miles north of Mariposa on Highway 49. The landfill's operating hours are Tuesday through Saturday 8:00 a.m. to 4:00 p.m. The recycling center operates during the same hours.
Revisions to Section 4.14, Visual Resources

The die-off of trees in the project area is an emerging concern that could affect the visual screening of the proposed cabins and clubhouse. Although existing conditions and the visual impacts of the project do not warrant a significant impact determination, due to the uncertainties of how die-off could affect visual screening, the following mitigation has been added to Impact 4.14-1 of the Draft EIR as follows:

Mitigation Measures

No mitigation is required.

Mitigation Measure 4.14-1: Provide Vegetative Screening

If tree die-off occurs on the project site to the extent that the visibility of built structures becomes prominent, as determined by the County, the applicant/operator shall plant a visual screen that effectively mutes the visibility. A planting plan shall be prepared by a landscape architect and be approved by the County; it shall use native tree and vegetation species and shall identify the sizes of plantings. Plantings shall be irrigated with recycled water and monitored for establishment for five (5) years. If plantings die, they shall be replaced on a one-to-one ratio until established. Irrigation shall meet the 2015 Model Water Efficient Landscape Ordinance (CCR Title 23, Chapter 2.7), as verified by Mariposa County.
RESPONSES TO COMMENTS ON THE DRAFT EIR

October 11, 2016

Steve Engfer
Mariposa County
PO Box 2039
Mariposa, CA 95338

SCH#: 2015021032

Dear Steve Engfer:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on October 10, 2016, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse
Responses to Comments on the Draft EIR

Ascent Environmental

Mariposa County

3-2

Mariposa County

Tenaya Cabins Project Final EIR

---

### Responses to Comments on the Draft EIR

**Document Details Report**

**State Clearinghouse Data Base**

- **SCH#**: 2015021032
- **Project Title**: SPZA 2014-163, CUP 2014-164, and LDA 2014-165 Tenaya Cabins
- **Lead Agency**: Mariposa County
- **Type**: EIR Draft EIR
- **Description**: Delaware North has proposed a two parcel land division (LDA 2014-165), general plan/specific plan zoning amendment (SPZA 2014-163), and conditional use permit (CUP 2014-164) on APN 010-350-006, an undeveloped forested site immediately to the north of Tenaya Lodge. DN proposes to construct up to 54 pre-manufactured cabins (approx. 675 sq each) and a clubhouse (approx. 2,700 sq) on parcel 1, and parcel 2 would be used for a future single family residence. Site access would be provided from hwy 41 and utility connections would be made to the existing Tenaya Lodge.

### Lead Agency Contact

- **Name**: Steve Engfer
- **Agency**: Mariposa County
- **Phone**: 209-742-1250
- **Address**: PO Box 2038
- **City**: Mariposa
- **State**: CA
- **Zip**: 95338
- **Fax**

### Project Location

- **County**: Mariposa
- **City**: Mariposa
- **Region**: Mariposa
- **Lat / Long**: 37° 28' 40" N / 119° 38' 12" W
- **Cross Streets**: State Hwy 41 and Jackson/Big Sandy Road
- **Parcel No.**: 010-350-008

<table>
<thead>
<tr>
<th>Township</th>
<th>Range</th>
<th>Section</th>
<th>Base</th>
<th>MDBM</th>
</tr>
</thead>
<tbody>
<tr>
<td>5S</td>
<td>21E</td>
<td>23</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Proximity to:

- **Highways**: Hwy 41
- **Airports**: Big Creek
- **Railways**: Bass Lake Join Union
- **Waterways**: Fish Camp Specific Plan - SFR-1 Acre Classification
- **Schools**: SFR-1 Acre Classification
- **Land Use**: Archaeologic-Historic; Biological Resources; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Noise; Sewer Capacity; Soil Erosion/Compaction/Grading; Traffic/Circulation; Water Quality; Water Supply; Landuse; Aesthetic/Visual; Agricultural Land; Drainage/Absorption; Geologic/Seismic; Minerals; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Solid Waste; Toxic/Hazardous; Vegetation; Wetland/Riparian; Growth Inducing; Cumulative Effects; Air Quality

### Project Issues

- Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 4; Cal Fire; Department of Parks and Recreation; Office of Emergency Services, California; California Highway Patrol; Caltrans, District 10; Regional Water Quality Control Bd., Region 5 (Fresno); Native American Heritage Commission

### Date Received

- **Date Received**: 08/25/2016
- **Start of Review**: 08/26/2016
- **End of Review**: 10/10/2016

Note: Blanks in data fields result from insufficient information provided by lead aeov.
The letter documents that the State Clearinghouse submitted the Tenaya Cabins Draft EIR to selected state agencies and that, as of the close of the comment period on October 10, 2016, no state agency comments were received. The project complied with the State Clearinghouse review requirements for draft environmental documents pursuant to CEQA.
Comments on Tenaya Cabin Project.
Presented at FCPAC Special Meeting on 9/24/2016.

I’d like to commend the Delaware North design that calls for a secondary emergency egress for this 30 +/- acre parcel. Not only does this project have a secondary emergency egress, but the main Tenaya Lodge has a secondary emergency egress. The inclusion of the secondary emergency egress benefits not only the guests, the community at large, and the travelers on Highway 41 but the emergency personnel that will respond to an event. Good Job Delaware North.

Public Access to Draft EIR Information.
The Wawona Library switched to Winter Hours on Tuesday, Sept. 6, 2016. Winter hours are Monday, Wednesday, and Friday from 12 – 5 pm and on Saturday from 10 – 3 pm. The Summer Hours ended on Monday, Sept. 5, 2016. Access to the document(s) is not as represented.

Exhibit 2.2.
Incorrectly shows Fish Camp Lane coming off Highway 41 adjacent to the bridge. Incorrectly shows Silvertip Lane twisting around and never touching Fish Camp Lane. It would have been nice for the Planning Department to catch this error.

Page 2.4. Leach lines.
Description of additional leach lines between lodge and the project site. This area had daylighting issues several years ago. Will the Tenaya Lodge/Cabin maintenance crews remove the snow from the leach field to allow for visual inspection of the leach fields when snow is on the ground?

Page 2.6. Alternatives.
This page shows the various alternatives to the proposed projects. I am in favor of Alternative #4 – 3X cabins. Alternative 4 allows for less impact, less traffic, less fire risk, more of a “wilderness experience” with fewer cabins for the visitors and community alike.

Due to the snow that happens along Highway 41 and adding in the curves in the road way I do not agree with allowing the main access to the Cabin Project to be where the wooden gate is currently located. Access needs to be from the MAIN TENAYA access road.
The Lake and Streambed Alteration Agreement that is in place for the development of the deceleration lane, turn lane and acceleration lane for the Silvertip project is in VERY CLOSE proximity to the road modifications needed for the Tenaya Cabins project. There is too much road modification in less than a ½ mile of roadway. ADD to this is the snow and ice that occurs in the wintertime on this curvy portion, multi banked portion of Highway 41. TOO MUCH is happening in this short portion of Highway 41.

Page 3.15. YARTS
YARTS service (Yellow Line) along the Highway 41 corridor will stop September 30, 2016. IT will restart in May 2017. THUS this is not a year round transportation service. The current YARTS bus stop is in front of the Fish Camp Store, southbound, and adjacent to the main Tenaya Lodge road entrance, northbound. A call is made to the Tenaya front desk to send a vehicle over to pick up the passengers when they disembark the bus.

Page 3.20. Dry Utilities.
Northland Cable is mentioned as a supplier to the Cabin project. I don’t believe Northland Cable has active service in Fish Camp.

Exhibit 4.3-1
Why does this exhibit show a zoning map from 2004? Why didn’t Mariposa County Planning provide a more current zoning map to the EIR consultants? Rezoning of the properties for the Silvertip project has been done since that time... around 2010 or so... so a more current map could have been provided.

Mitigation 4.13-3 calls for providing supplemental fire protection staff and equipment by the Tenaya Cabins staff AND to provide a mutually agreeable project contribution toward the fire station/equipment/apparatus. The personal protective equipment, needed for the staff, is to be paid for by the Tenaya Lodge/Cabins and then it becomes property of Mariposa County Fire. Do other firefighters in Mariposa County have to pay for their personal protective equipment? Doesn’t Mariposa County pay for the personal protective equipment for the county’s firefighters?

Please accept these comments into the record. These comments are not exhaustive and I may provide further comments up through 5 pm on October 11, 2016.

Karen Glendenning
Private Citizen of Fish Camp
Karen Glendenning  
Fish Camp Resident  
September 24, 2016

The comment expresses support for the provision of secondary emergency access to the project site in addition to the Tenaya Lodge secondary emergency access, stating that it is a benefit to not only guests, but the community at large and emergency personnel. Support for this aspect of the project proposal is noted by the County.

The comment provides correction to the hours for the Wawona Library, which switched from summer hours to winter hours on September 6, 2016.

The text on page 1-6 of Chapter 1, “Introduction,” of the Draft EIR is hereby revised as follows:

The Draft EIR and Tenaya Cabins application materials are also available for public review at the following locations:

<table>
<thead>
<tr>
<th>Mariposa County Planning</th>
<th>Mariposa Library</th>
<th>Wawona Library</th>
</tr>
</thead>
<tbody>
<tr>
<td>5100 Bullion Street, Mariposa, CA 95338</td>
<td>4978 10th Street, Mariposa CA, 95338</td>
<td>7971 Chilnualna Road, Wawona, CA 95389</td>
</tr>
<tr>
<td>Hours: M-F 8–5</td>
<td>Hours: M 8:30-4, T-F 8:30-6, Sat 8:30-4</td>
<td>Winter Hours (as of 9/6/16); M, W, F 1-612, 5pm, Sat 10-3</td>
</tr>
</tbody>
</table>

It should also be noted that the Draft EIR and project application materials were available for public review online at the County’s website (http://www.mariposacounty.org/index.aspx?nid=1460), at the Mariposa County Planning office, and at the Mariposa Library.

The comment states that Draft EIR Exhibit 2-2 incorrectly shows Fish Camp Lane coming off Highway 41 near the bridge and that Silvertip Lane is also incorrect, as it is shown never touching Fish Camp Lane. Exhibits 2-2 and 3-2 of the Draft EIR have been revised accordingly, as shown in Chapter 2 of this Final EIR. This mapping change has been made to correctly reflect the existing roadways in Fish Camp. However, these roads are outside the project boundary and they would not be altered by the proposed project. These map edits do not affect or alter the impacts of the project.

The comment raises concerns with additional leach lines to the Tenaya Lodge leach fields and past daylighting issues. The comment questions whether Delaware North (DN) maintenance crews will remove snow from the Tenaya Lodge wastewater treatment plant (WWTP) leach field to allow for visual inspection of the leach fields during winter. As explained in Table 4.11-1 in Section 4.11, “Hydrology and Water Quality,” of the Draft EIR and in Impact 4.12-2 in the “Utilities and Public Services” Section, the WWTP complies with the wastewater discharge requirements (WDRs) of the Central Valley Regional Water Quality Control Board (RWQCB) (Order No. 99-086). DN implements a testing plan to monitor onsite treated effluent disposal and groundwater quality. The testing must demonstrate compliance with RWQCB WDRs. DN will coordinate with the RWQCB and will comply as necessary for inspections of the WWTP and leach fields.

The comment expresses support for Alternative 4, Reduced Density Alternative (34 Units), citing less impacts, less traffic, less fire risk, and a more rustic visitor experience. As stated on page 6-20 of the Draft EIR, of the development alternatives, Alternative 4 would be the environmentally superior alternative. This alternative appears to meet the project objectives.
and would result in similar impacts as the proposed project. However, the reduction in development footprint, cabins, and visitor and employee population would reduce the severity of the impacts for multiple resources. Nonetheless, Alternative 4 would not avoid the significant mitigable impacts of the proposed project and would require implementation of the same mitigation measures. The Mariposa County Planning Commission and Board of Supervisors will take the commenter’s opinions regarding preference for Alternative 4 into consideration when rendering a decision on the project.

The comment expresses concern regarding the proposed entryway location for the Tenaya Cabins project, the curves of Highway 41, and snow conditions. The comment urges access to the project site through the existing Tenaya Lodge site, utilizing the existing Tenaya Lodge entry from Highway 41. The Draft EIR evaluated safety-related impacts on Highway 41 in Section 4.6, “Transportation and Circulation,” Impact 4.6-4. The impact evaluates the potential for hazards due to the project entry from Highway 41, considering the S-curves and limited site distance. In consultation with Caltrans, the proposed intersection design would conform to Caltrans’ Highway Design Manual and the American Association of State Highway and Transportation Officials’ (AASHTO) A Policy on Geometric Design of Highways and Streets (2001) standards. Construction of the project entry driveway in accordance with applicable design standards for adequate lines of sight would ensure the entrance to the project would not substantially increase hazards due to a design feature. Thus, this impact would be less than significant. Furthermore, similar consultation with Caltrans has occurred for the Silver Tip Project entryway to prevent an increase hazardous conditions on Highway 41.

The Draft EIR acknowledges winter snowfall and addresses roadway snow removal in Chapter 3, “Project Description,” and in Section 4.6, “Transportation and Circulation.” As stated on Draft EIR page 4.6-4, snow removal is conducted by Caltrans for Highway 41. The project entry site entry at Highway 41 has been configured to meet Caltrans requirements for acceleration and deceleration distances, sight distance, shoulders, and turning lane requirements (see Exhibit 3-10 and “Vehicular Access” on page 3-13 of the Draft EIR). Furthermore, as stated on Draft EIR page 3-15, snow removal is included in the project to ensure roads, pedestrian pathways, parking, and related areas are clear to provide pedestrian and vehicular access throughout the Tenaya Cabins site and to Parcel 2. The site plans (Draft EIR Exhibit 3-4) identify snow storage areas, which would be onsite within the privately-owned property. Snow removal would be the responsibility of DN. Best management practices (BMPs) would be installed at snow storage areas, and all snowmelt would be diverted to the onsite drainage system. It is not anticipated that any off-haul of snow would be needed, as there is ample onsite undeveloped land for snow storage.

Alternative vehicular access to the Tenaya Cabins Project site from the existing Tenaya Lodge was considered and is discussed on page 6-4 of the Draft EIR. Under the heading, “Alternative Vehicular Access,” it is explained that this alternative was determined to be infeasible due to the steep topography between the existing Lodge and the project site. In addition, wetlands have been identified between the Lodge and the project site; constructing a roadway to County requirements would result in greater impacts to sensitive wetland habitats and water quality than the proposed project. Furthermore, this alternative would not reduce traffic on Highway 41, and project-related traffic and roadway safety impacts were determined to be less than significant (no mitigation required) (see Draft EIR Section 4.6, “Transportation and Circulation”). Therefore, vehicular access through the Tenaya Lodge was removed from consideration as a potential alternative.

The comment expresses concern regarding the amount of combined improvements to Highway 41 for both the approved Silver Tip Project as well as those proposed for the Tenaya Cabins project. The comment asserts that it would be too much road modification in less than half a mile of a curvy section of Highway 41, particularly in winter conditions. As detailed
in Impact 4.6-5 of the Draft EIR, the Tenaya Cabins project would be designed to conform to Caltrans’ *Highway Design Manual* (2015) and the AASHTO *A Policy on Geometric Design of Highways and Streets* (2001) standards. The same requirements are imposed on the approved Silver Tip Project. It should also be noted that the Tenaya Cabins Project improvements to Highway 41 have been designed in consultation with Caltrans and two options have been prepared: one option that would tie into Highway 41 under existing conditions and another option to tie into Highway 41 with Silver Tip Project improvements in place. The proposed improvements, in accordance with applicable design standards, are intended to provide adequate lines of sight and to ensure the project entrances would not substantially increase hazards due to a design feature. Thus, safety impacts in the Cumulative 2040 condition (assuming both Silver Tip and Tenaya Cabins are constructed) would be considered a less-than-significant impact.

The comment provides clarification and correction to the text regarding YARTS service on page 3-15 of the Draft EIR, under “Transit Service and Pedestrian Access.” The text on page 3-15 of the Draft EIR is hereby revised as follows:

**TRANSIT SERVICE AND PEDESTRIAN ACCESS**

The Yosemite Area Regional Transportation System (YARTS) provides regularly scheduled public transit service (bus service) in the Yosemite region, including gateway communities along its routes such as Fish Camp. As of October 1, 2016, YARTS has a summer-only year-round bus route that will run from May 15 through September 15 (2017) along Highway 41 (Yellow Line) connecting Fresno, Coarsegold, Oakhurst, Fish Camp, Wawona, and Yosemite Valley. There are regularly scheduled stops for northbound service at the Tenaya Cottages (Timberloft) and a regularly scheduled stop for southbound service at the Fish Camp General Store. Passengers can call for a shuttle from the General Store to the Tenaya Lodge Tenaya Lodge for both directions (to Yosemite and to Fresno) (YARTS 2016a and b).

In addition, the text on page 4.6-33 of the Draft EIR is hereby revised as follows:

**Transit**

The Tenaya Cabins Project would utilize the existing YARTS stop for northbound service at the Tenaya Lodge Cottages (Timberloft) and a regularly scheduled stop for southbound service at the Fish Camp General Store. Passengers can call for a shuttle from the General Store to the Tenaya Lodge (YARTS 2016a and b). Delaware North would provide shuttle service from the Tenaya Cabins to the Lodge for both employees and visitors to connect to the YARTS bus service along the Highway 41 corridor, which provides service to/from Yosemite National Park and Oakhurst. The project would support use of the existing YARTS system and would not alter its service. As it does for other employees at the Tenaya Lodge and Cottages, DN would offer an incentive mileage program for anyone living over 50 miles from the project site, YARTS monthly passes, and would encourage and coordinate carpooling among employees. The project would have no impact on transit services and this topic is not addressed further in this EIR.

This text edit clarifying YARTs service does not alter the conclusions related to transit impacts because the project would support use of the existing YARTS system and would not alter its service. In addition, DN would offer an incentive mileage program for anyone living over 50 miles from the project site, YARTS monthly passes, and would encourage and coordinate carpooling among employees.

The comment asserts that Northland Cable does not have active service in Fish Camp. The Tenaya Lodge uses Sonifi Inc. satellite service, not Northland Cable. This change does not
alter the conclusions with respect to the environmental impacts of the project. The text in Table 4.12-1 of the Draft EIR is hereby revised as follows:

<table>
<thead>
<tr>
<th>Public Service/Utility</th>
<th>Agency/Entity</th>
</tr>
</thead>
</table>
| Water                  | Fish Camp Municipal Water Company  
|                        | Yosemite Alpine Community Service District  
|                        | Yosemite Resort Properties Water System  
|                        | Private - Delaware North – Tenaya Water System  |
| Sewer and Wastewater Treatment | Septic Systems  
|                        | Private - Delaware North – Tenaya Wastewater Treatment Plant  |
| Recycled Water (for irrigation) | Private - Delaware North – Tenaya Wastewater Treatment Plant  |
| Stormwater Drainage    | Private land owners  |
| Solid Waste Hauling    | Mariposa County Total Waste Systems, Inc.  |
| Solid Waste Disposal   | Mariposa County Landfill  |
| Electrical Service     | Pacific Gas and Electric (PG&E)  |
| Propane                | Ferrellgas  |
| Telephone              | Sierra Telephone  |
| Data and cable         | Northland Cable TV  
| Satellite television service | Sonifi Inc.  |
| Fire Protection        | Mariposa County Fire Department  
|                        | CAL FIRE – Private wildlands/timber production areas  
|                        | USFS – Sierra National Forest  
|                        | NPS – Yosemite National Park  |
| Police Services        | Mariposa County Sheriff’s Department  
|                        | California Highway Patrol (Highway 41)  
|                        | USFS – Sierra National Forest  |
| Road Maintenance       | Caltrans  
|                        | Mariposa County  
|                        | Yosemite Alpine Community Service District  |
| Snow Removal           | Caltrans  
|                        | Thunder Ridge Company  |

Source: Compiled by Ascent Environmental 2016; Mariposa County 2015b, 2015c, 2016

I1-10 The comment questions why Draft Exhibit 4.3-1 is based on a 2004 Mariposa County zoning map, stating that the Silver Tip project site was rezoned. The 2004 zoning map is the most recent version available from Mariposa County. The map correctly identifies the Silver Tip Project site as Resort Commercial. In addition, the approval and pending development of the Silver Tip Project in Fish Camp is disclosed and discussed in Chapter 5, “Cumulative Impacts,” of the Draft EIR; see pages 5-2 through 5-4.

I1-11 In relation to Draft EIR Mitigation Measure 4.13-3, the comment questions whether Mariposa County pays for protective equipment for the county’s firefighters or whether firefighters have to pay for their own equipment. The County does not require firefighters to purchase their own equipment. The supplemental fire protection staff and equipment required by Mitigation Measure 4.13-3 is a reasonable condition of approval, similar to that required of the Silver Tip Project, to reduce project-related fire hazards. This comment does not relate to the adequacy of the environmental analysis in the EIR and no further response is necessary.
September 23, 2016

Steve Esler, Associate Planner
County of Mariposa
5100 Bullion Dr
Mariposa, CA 95338-2039

Re: Tenaya Cabin Project

Dear Sir,

My family owns property adjacent to above property project. I am the sole owner at original ownership purchased December of 1964. My two daughters will share ownership upon my death. I have five adult grandchildren and five great-grandchildren. We all love the property. The thought of the property to be developed or sold is to enjoy the tranquility and beauty of the area.

We knew the Keller property between 22 by Highway 41 was zoned for single family use and developed at any time and we would welcome single family neighbors.

Regarding the Tenaya Cabin Project, we ask that you not allow a change of zoning. I cannot imagine the development would not compromise Big Creek. The meadow drains into the Creek. The proposed building and traffic cannot help but pollute.
- 2 -

Jack Camp Town Planning Area - Specific Plan & Draft Environmental Impact Report - November 1982

We disagree with the assumption that the project will not result in adverse effects on the value of adjacent properties. Our is such a property.

There are three 8" diameter gravity sewer mains, one rainwater drain field from the main wastewater system, Number 3 is 300 feet to the east of the development. Number 3 is built to a hill from our cabin. This line measured 59,000 gpd, then 20,000 gpd, 103,000 gpd, 125,000 gpd in 2011.

I do not know the present capacity of our well. We have been told that our water well is now full. We have the ability to supply water for future development.

How would you intend to prevent unauthorized entry of our property by the project? It would take a more aggressive approach.

The noise factor of the traffic office is a concern. We are not interested in the mention of outdoor music. We have faced that problem with the hotel previously.

Please consider our objections to this development. This is very important in our lives.

Sincerely,

Sue L. Marshall

1738 S. Clover Ave,
Grass Valley, CA 95701
(530) 251-5118
Responses to Comments on the Draft EIR

Shirley Marshall
Owner of neighboring Marshall property
September 22, 2016

I2-1

The comment provides an introduction and states that the commenter would welcome development of the project site consistent with the current single-family zoning/occupancy by homeowners. It should be noted that development of the project in accordance with existing zoning was considered in the Draft EIR Chapter 6, “Alternatives Analysis.” Please see Section 6.4.2, “Alternative 2: No Project – Fish Camp Town Planning Area Specific Plan Alternative, 1-acre Lots,” which evaluated development in accordance with existing land use designations and zoning under the Fish Camp Specific Plan (single family residential with one acre lots). With consideration of environmental site constraints, this would include up to 20 single-family residential lots with up to 20 secondary units, and associated infrastructure. As discussed in Section 6.4.2 and summarized in Table 2-2 of the Draft EIR, this alternative would result in similar impacts to the proposed project related to biological resources, cultural resources, geology and soils, hazards and hazardous materials, and visual resources. Alternative 2 would result in lesser impacts related to transportation/circulation, air quality, climate change, and noise. However, this alternative would result in greater impacts related to forestry, hydrology and water quality, and utilities and public services. Therefore, this alternative was determined not to be the environmentally superior alternative. Support for the current land use designation and zoning is noted by the County. The Mariposa County Planning Commission and Board of Supervisors will take the commenter’s preference for existing zoning into consideration when rendering a decision on the project.

I2-2

The comment requests no change to the project site zoning and raises concerns that the proposed Tenaya Cabins Project would result in impacts to Big Creek and the meadow due to development and traffic. The Draft EIR evaluated project-related impacts to Big Creek and the meadow due to construction and operation of the proposed project; please see Sections 4.4, “Biological Resources,” and 4.11, “Hydrology and Water Quality.” The project site plan sets all structures back from Big Creek, avoiding development of structures within the base flood elevation of Big Creek (see Draft EIR Exhibit 4.11-6). The site plan also avoids development in most of the wetland and water habitats documented in the jurisdictional delineation prepared for the project (see Draft EIR Exhibit 4.4-3). Specifically, Impact 4.4-7 addresses impacts to sensitive habitats, wetlands, and waters and discloses that project construction would have 0.01 acre of permanent impact and 0.02 acre of temporary impact to wetlands or waters (see Exhibit 4.4-3). Mitigation Measure 4.4-7 requires the project to avoid or otherwise mitigate for these impacts. Furthermore, Draft EIR Mitigation Measures 4.11-1, 4.11-2, and 4.11-3 require the project to implement best management practices (BMPs) and adhere to a site-specific stormwater pollution prevention plan during construction; install permanent stormwater controls and water quality BMPs for the life of the project; and maintain stormwater runoff at pre-project conditions (no net increase in runoff) through installation of retention/detention facilities. It should also be noted that the project was found to have a less-than-significant impact to groundwater recharge (Impact 4.11-5). Therefore, project impacts related to Big Creek and the meadow were determined to be less than significant.

I2-3

The comment cites the Fish Camp TPA Specific Plan, page 36, which states that amendment to the Specific Plan shall not result in damage to or adverse effects on the value of adjacent properties. Discussion of project-related social or economic impacts is not required by CEQA; rather, CEQA is focused on disclosing, avoiding, and mitigating the physical environmental effects of a project. No evidence has been provided to suggest that the project would adversely affect property values.

As noted in comment I2-1, the Tenaya Cabins project site is located within the Fish Camp Town Planning Area, and is currently zoned single family residential with one acre lots (SRF – 1 acre),...
which is anticipated to allow for up to 20 single-family residential lots with up to 20 secondary units on the project site. The Fish Camp TPA Specific Plan would be amended to reflect the Resort Commercial and Single Family Residential ½-acre land use designations for the project site. The subsequent development of 54 cabins, a clubhouse and a future single family residence would be consistent with relevant policies of the Mariposa County General Plan (2006), the development standards of the Fish Camp TPA Specific Plan, and the resource-specific recommendations of the Specific Plan (Draft EIR Impact 4.3.2). In addition, as discussed in Draft EIR Impact 4.3-1, implementation of the Tenaya Cabins Project would be compatible with surrounding land uses, and would not result in the division of the community. Furthermore, as summarized in Chapter 2 of the Draft EIR, the Tenaya Cabins Project was determined to result in less-than-significant or mitigable to less-than-significant environmental impacts. Therefore, project-related adverse effects on adjacent properties are not anticipated.

I2-4

The comment raises concerns regarding the number of sewer lines and septic systems in the area and impacts to Big Creek and the meadow. The proposed project would not add a new WWTP or septic system to the Fish Camp area, but rather would utilize the existing upgraded Tenaya WWTP. As described on page 3-19 of the Draft EIR, this would involve new sewer pipes, a new lift station, and expanded leach fields. However, as discussed in Draft EIR Impact 4.12-2, the WWTP has capacity to treat up to 125,000 gallons per day (gpd) of wastewater. This capacity is sufficient to serve maximum demands from the Tenaya Lodge and Cottages (average daily flow of 80,000 gpd, and peak daily flow of 100,000 gpd) in addition to the maximum demands from the proposed Tenaya Cabins and future single family residence average (average daily flow of 8,595 gpd and peak daily flow of 12,893 gpd). In addition, the project’s proposed lift station would include redundant pumps and, in the event of a power outage, the project includes a back-up emergency generator with a 200 kilowatt capacity (see page 3-20 of the Draft EIR). Furthermore, in an unanticipated failure of the lift station, water could be turned off to prevent any sewer flow from the project until repairs were implemented.

As explained in response to comment I1-4, above, the WWTP complies with the WDRs of the RWQCB (Order No. 99-086). The Tenaya Lodge implements a testing plan to monitor onsite disposal and groundwater quality. The testing must demonstrate compliance with RWQCB WDRs. DN will coordinate with the RWQCB and will comply with any and all requirements for inspections of the WWTP and leach fields. Please see Impact 4.12-2 of the Draft EIR, which determined that the project would have a less-than-significant impact on wastewater treatment and discharge. Please also see response to comment I2-2 above, regarding impacts to Big Creek and the meadow.

I2-5

The commenter is concerned with trespass on their property and the need for a fence and a gate. As stated above, discussion of project-related social or economic impact, such as possible trespassing, is not required by CEQA; rather, CEQA is focused on disclosing, avoiding, and mitigating the physical environmental effects of a project. However, the applicant (DN) has stated that a gate would be installed on the project roadway at the access point to the Marshall property to prevent unauthorized access to that property. In addition, signs would be installed at the property boundary of the project site, stating that trespass on neighboring private properties is prohibited. Furthermore, as required by Mariposa County Code (Chapter 8.36) and the Environmental Health Department, the proposed project includes appropriate solid waste and recycling in bear-resistant garbage containers; solid waste would be hauled off the site to the Mariposa County Sanitary Landfill (see Draft EIR Impact 4.12-3). Therefore, litter from the project site would be minimized.

I2-6

The comment raises concerns with noise at the Marshall family property from the proposed project. Noise-sensitive land uses in the vicinity of the project site are discussed under “Sensitive Land Uses” on page 4.9-10 of the Draft EIR. Residences are identified as sensitive...
land uses and are mapped on Exhibit 4.9-1 on page 4.9-11 of the Draft EIR. The Marshall family property is one of the lots mapped as a residential sensitive receptor.

Project-generated traffic noise was calculated using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model, the findings of on-site noise level measurements, and traffic data from the traffic engineer (VRPA Technologies, Inc.) and Caltrans. The FHWA Model is a standard analytical method used by state and local agencies for roadway traffic noise prediction. As documented in Impact 4.9-1 and Table 4.9-8 of the Draft EIR, implementation of the project would result in a maximum traffic noise increase of 0.3 dB on Highway 41 through Fish Camp. Noise increases of less than 1 dB would not be perceptible. No sensitive receptors would be exposed to substantial increases in traffic noise. Further, the topography of the project site provides natural shielding from traffic-related noise from Highway 41. This impact would be less than significant.

Development of the project would result in the operation of new stationary noise sources, a speaker system and 200 kW diesel powered generator (when needed). Draft EIR Impact 4.9-2 determined that operation of these sources could produce noise levels that exceed the County hourly daytime and nighttime allowable noise levels (i.e., 50 dB \(L_{eq}\) and 40 dB \(L_{eq}\)) for nearby receptors, including the Lodge, nearby residence, and potential future development on the 0.5-acre parcel. Specifically, the noise level at the Marshall family cabin during operation of the proposed clubhouse speaker system was estimated to be 59.3 dBA, which would exceed the County noise standards. Although amplified sound would be required to conclude at 10:00 p.m. (see page 3.4 of the Project Description in the Draft EIR), as evaluated in Impact 4.9-2 of the Draft EIR, this would be a significant impact. Therefore, Mitigation Measure 4.9-2, detailed on page 4.9-18 of the Draft EIR requires that the project’s stationary noise sources (i.e. clubhouse speaker system and emergency generator) be oriented, located, and designed in such a way that reduces noise exposure, and does not exceed County standards (i.e., 50 dB \(L_{eq}\) during daytime hours and 40 dB \(L_{eq}\) during nighttime hours) at all surrounding sensitive receptors. Mitigation Measure 4.9-2 requires the testing and monitoring of the clubhouse speaker system and the emergency generator to ensure that Mariposa County noise standards are not exceeded at any nearby sensitive receptor. Mitigation Measure 4.9-2 applies to all surrounding sensitive receptors, including the sensitive receptor in question (Marshall family cabin), and requires site specific noise monitoring as a condition of approval for the project.

Based on the concerns expressed in the submitted comment letters, Mitigation Measure 4.9-2 of the Draft EIR is hereby revised to ensure that Mariposa County daytime and nighttime noise standards shall not be exceeded, including at the sensitive receptor (cabin) on the Marshall family property:

**Mitigation Measure 4.9-2: Reduce noise exposure to sensitive receptors from new stationary noise sources**

The project applicant shall implement the following measures to reduce the effect of noise levels generated by onsite stationary noise sources:

- Routine testing and preventive maintenance of the emergency diesel generator shall be conducted during the less sensitive daytime-business hours (i.e., 7:00 a.m. to 5:00 p.m.). The generator shall be equipped with noise control (e.g., muffler) devices in accordance with manufacturers’ specifications.

- **External mechanical equipment, including the diesel powered emergency generator, shall incorporate features designed to reduce noise emissions below the County stationary noise source criteria standards (i.e., 55 dB \(L_{eq}\) during daytime hours and 45 dB \(L_{eq}\) during nighttime hours). These features may include, but are not limited to, locating equipment within equipment rooms or...**
enclosures that incorporate noise reduction features, such as acoustical louvers, and exhaust and intake silencers. Equipment enclosures shall be oriented so that major openings (i.e., intake louvers, exhaust) are directed away from nearby noise-sensitive receptors.

- The clubhouse speaker system shall be located, oriented, and calibrated so that it operates at noise levels that do not exceed County standards (i.e., 50 dB $L_{eq}$ during daytime hours and 40 dB $L_{eq}$ during nighttime hours) at any existing or planned sensitive receptor.

To ensure that Mariposa County noise performance standards for non-transportation noise sources are not exceeded at any nearby sensitive land uses, the project applicant shall comply with the following:

- Prior to issuance of any grading or building permits for the project, a site specific noise study shall be submitted by a qualified acoustical engineer addressing County noise performance standards for non-transportation noises at the surrounding off-site sensitive receptors within 800 feet of the project site.

- A qualified acoustic specialist shall be selected by the County and hired at the project applicant’s expense to verify the effectiveness of all noise reduction measures. The noise study shall use approved calculation methodologies and include recommendations and measures to ensure compliance with County standards. A copy of the report shall be filed with the County and copies shall be provided to all off-site residential receptors located within 800 feet of the project site. If through this mitigation measure it is determined that the reduction of sound at the surrounding sensitive receptors associated with the implementation of mitigation measures is not sufficient to comply with County standards, then the stationary noise source shall not be permitted.

- As part of the site-specific noise study, the applicant shall assess the level of noise generated by the clubhouse speaker system to ensure that it does not exceed County standards (i.e., 50 dB $L_{eq}$ during daytime hours and 40 dB $L_{eq}$ during nighttime hours) at any sensitive receptor. The speaker locations and settings shall be reviewed and approved by the County. The clubhouse speaker system shall be recalibrated once a year to ensure that it continues to operate in compliance with the County noise standards. The results of the calibration, including monitored noise levels, shall be provided to the County. If an exceedance of County standards occurs, the speaker system shall be recalibrated, volumes shall be lowered if necessary, and the system shall be re-reviewed by the County to demonstrate compliance with the County standards.

**Significance after Mitigation**

Implementation of Mitigation Measure 4.9-2 would require that the project’s stationary noise sources are oriented, located, and designed in such a way that reduces noise exposure. Therefore, the project’s stationary noise sources would comply with the County noise standards for sensitive receptors, reducing this impact to a less-than-significant level.

The comment expresses opposition to the proposed project. The Mariposa County Planning Commission and Board of Supervisors will take the commenter’s opinions regarding the merits or qualities of the proposed project into consideration when rendering a decision on the project.
October 3, 2016

Steve Engfer, Associate Planner  
Mariposa County Planning Department  
P.O. Box 2039  
Mariposa, CA 95338

Dear Mr. Engfer:

My name is Ann (Marshall) Marckesano, the eldest of two daughters of Kenneth and Shirley Marshall. This is my comment letter as a member of the Marshall family, owners of a property (APN 010-390-002) adjacent to the proposed DNC Tenaya Explorer Cabins Project.

I am extremely disappointed with the proposed zoning change of the 26.89 acres of concern from SFR1-acre to resort commercial (Parcel 2 SFR1/2-acre). The justifications put forward by the parties involved seem thin, at best. If approved, the now tranquil Fish Camp community will be stripped of its uniqueness. The current proposal with its increased number of structures supporting approximately 162 guests is very similar to the high density of projects like Disney World's Fort Wilderness Resort's (see enclosed photos). Besides the irreversible damage to a sensitive wilderness area, what immediately comes to my mind is this project's immense impact upon surrounding neighbors' land rights and usability. Such a proposal shows a total and blatant disregard towards the spirit of preservation that our family and others have fostered during the past half century.

I would like to note some specific concerns:

1) Increased Pollution

- water pollution (our well, meadow wetlands and Big Creek due to failed sewage and water treatment systems and from the construction process itself)

- noise pollution (amplified outdoor music and speech till 10:30PM is unacceptable, also the location of the club house in relationship to our property is worrisome)

- litter from inevitable trespassers (making their way to Big Creek, sledding, making their way to the Tenaya Lodge or National Forest properties, etc.)

- light pollution
2) Increased impact on biologically-sensitive and non-sensitive flora and fauna

3) Disruption of the bi-yearly, historical cattle drive through the land corridor, a relatively low impact tradition my family supports and cherishes

4) The compounded environmental effects if current drought conditions persist.

The realization of any one of these concerns has the potential to seriously degrade the quality and value of our family's land.

I admit that I am wary of the County's "mitigation" process when it accomplishes only bare minimum protections for environmental concerns. Who will be responsible for monitoring and policing the impact of the project long term? I also know about Mariposa County's past decision to approve the very controversial, nearby Silver Tip Lodge Project by stating "that any environmental impacts that would occur are justified by the benefits of the project and therefore in the best interest of the people of the State." I wonder whose "best interest" is being served if short-term gain is allowed to overshadow the long-term preservation of precious wilderness—i.e., the very essence of Fish Camp itself. I fear this project only benefits the Robert Keller family and the Delaware North Company in exchange for some limited tax revenue.

In closing, I plead with you to take into account my concerns as well as those of other small land owners in the Fish Camp community. If this project is approved by Mariposa County in its current form, most of what we all love and have invested in over many years will never be the same. I am speaking of things which will be lost to future generations and therefore carry no price tag.

Sincerely,

Anna (Marshall) Marckesano
11112 Burywood Lane
Reston, VA 20194
(703) 597-9492
am.marckesano@gmail.com
I3  Ann (Marshall) Marckesano
Member of Marshall family, owners of neighboring Marshall property
October 3, 2016

I3-1  The comment provides an introduction and expresses opposition to the proposed project. The Mariposa County Planning Commission and Board of Supervisors will take the commenter’s opinions regarding the proposed project into consideration when rendering a decision on the project.

I3-2  The comment raises concerns regarding water pollution and impacts to Big Creek and the meadow due to construction and failed sewer and water treatment systems. Please refer to responses to comments I2-2 and I2-4, above.

I3-3  The comment raises concerns with noise from the proposed project. Please refer to response to comment I2-6.

I3-4  The commenter is concerned with trespass and litter on their property and the need for a fence and a gate. Please refer to response to comments I2-3 and I2-5.

I3-5  The comment raises concerns regarding light pollution. The project’s potential to result in light pollution is addressed in Section 4.14 of the Draft EIR, specifically Impact 4.14-2. As explained therein, the project would result in new sources of light, including interior and exterior residential lighting, street lighting, clubhouse lighting, and lighting from vehicle traffic. However, the project would implement measures to limit the intensity and visibility of outdoor lighting, and the cabins and clubhouse would be screened from Highway 41 and surrounding properties by existing vegetation and topography. As explained in Impact 4.14-2, consistent with General Plan Policy 11-1d, lighting shall meet the standards established by the International Dark Sky Association and building materials shall have a low reflective index. Furthermore, lighting shall use the lowest possible wattage, shall be shielded and directed downward, and timers shall be used to avoid continual lighting. Therefore, the project’s lighting would be less prominent than existing light sources in Fish Camp, would not create a new source of substantial light that would adversely affect views in the area, and would not contribute substantially to skylight. Please also see response to comment PH-3, which discusses concerns regarding the die-off of trees and potential screening of the proposed project.

I3-6  The comment raises concerns regarding biological resource impacts. The project-related construction and operation impacts to forest habitat, special status species, and sensitive habitats, including wetlands and waters, are addressed in Section 4.4, “Biological Resources,” of the Draft EIR. The project’s impacts are mitigable to less-than-significant levels with implementation of the mitigation measures identified in Section 4.4. Please also see response to comment I2-2, above.

I3-7  The comment raises concerns regarding disruption of the historic cattle drive through the area. DN has contacted the owner of the cattle that are brought through Fish Camp in the spring and fall and has agreed to support the continued access for the cattle drive.

I3-8  The comment expresses concern with environmental effects if drought conditions persist. The Draft EIR addresses the issue of drought conditions in Sections 4.8, “Greenhouse Gas Emissions and Climate Change,” Section 4.11, “Hydrology and Water Quality,” and Section 4.13, “Hazards and Hazardous Materials.” As addressed in Impact 4.11-4, the well testing program implemented for the project was conducted over a relatively short period and was not able to simulate a variety of conditions that could occur, such as multiple area wells operating simultaneously, more extreme drought conditions, etc. Because water availability
Responses to Comments on the Draft EIR

Ascent
Environmental
Mariposa County
Tenaya Cabins Project Final EIR

is a critical issue and there was potential drawdown identified at Fish Camp Mutual Water Company (FCMWC) Well 1, DN shall prepare and implement a FCMWC Well 1 monitoring program (per Mitigation Measure 4.11-4). In addition, if triggered as a result of that monitoring program, DN shall implement one or more water demand management measures at the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages to incrementally reduce groundwater pumping until supplemental monitoring of FCMWC Well 1 shows no residual reduction in the production capacity. Drought is also discussed in relation to climate change and fire hazards (see page 4.8-5 of the Draft EIR); project impacts related to wildfire hazard are evaluated and mitigated to a less-than-significant level in Section 4.13, “Hazards and Hazardous Materials,” of the Draft EIR, see Impact 4.13-3.

I3-9

The commenter expresses concern that the project could degrade the quality and value of their neighboring property. Please refer to response to comments I2-3 and I2-5.

I3-10

The comment questions how compliance with the imposed mitigation measures would be monitored. The California Environmental Quality Act (CEQA) requires public agencies to adopt a mitigation reporting or monitoring program (MMRP) for all projects for which an environmental impact report (EIR) has been prepared (Public Resources Code, Section 21081.6; State CEQA Guidelines, Section 15091). This is intended to ensure the implementation of all mitigation measures adopted through the CEQA process. Specifically, Section 21081.6(a)(1) of the Public Resources Code requires a lead or responsible agency to “... adopt a reporting or monitoring program for changes made to the project or conditions of project approval, adopted to mitigate or avoid significant effects on the environment.” If Mariposa County certifies the EIR and approves the project, the County will also adopt a MMRP that identifies all required mitigation measures, the party(ies) responsible for implementation, the necessary timing of implementation, and the mechanisms for monitoring compliance with each mitigation measure. The MMRP would then be in place through all phases of the project, including design, construction, and operation. The MMRP would be kept on file at the Mariposa County Planning Department and would be available for review.

The comment expresses concern about financial interests and taxes generated by the project. This comment does not relate to the adequacy of the environmental analysis in the EIR or the project analysis required; no further response is necessary. The Mariposa County Planning Commission and Board of Supervisors will take the commenter’s concern regarding financial gains into consideration when rendering a decision on the project.

I3–11

The comment expresses opposition to the proposed project. The Mariposa County Planning Commission and Board of Supervisors will take the commenter’s opinions regarding the proposed project into consideration when rendering a decision on the project.
October 7, 2016

Steve Engfer
Mariposa County Planning
Post Office Box 2039
Mariposa, California 95338
sengfer@mariposacounty.org

Dear Mr. Engfer-

My name is Alison (Marshall) Casagrande and my mother, Shirley Marshall, owns the property which includes a cabin located at 1154 Highway 41, Fish Camp, CA. I will refer to this property as “The Marshall family cabin.” My family has owned the Marshall family cabin since 1964 and it is adjacent to and “land locked” by the proposed Tenaya cabin project.

The following is a list of concerns I feel the draft EIR for the proposed Tenaya cabin project did not consider and therefore requires additional evaluation:

1. Trespassing onto the Marshall family cabin property-

   a. The proposed Tenaya cabin development project will result in trespassing onto adjacent properties and will result in littering.

      Comments: Even with the current project site being undeveloped adjacent properties are affected by year round littering by trespassers. The proposed project will create more access to trespassers and the littering will increase.

   b. The proposed Tenaya cabin development project will result in trespassing, which will cause damage to the flora on adjacent properties.

      Comments: During the 52 years of my family’s ownership of the Marshall cabin, we have seen several varieties of wildflowers on our property and the banks of Big Creek such as red & yellow monkey faces, bleeding hearts, small orange columbine, purple cat paws, wild rose, purple thistles, white yarrow, different types of lupine, pink & white azaleas, Indian paint brush, golden rod, snow flowers, black-eyed Susans, light purple Fort Miller, fireweed, yellow buttercup, orange tiger lilies, dandelions, purple & white clover, golden rod, and others. And I apologize I do not know the scientific names for these wildflowers. These fragile wildflowers are attractive and trespassers
will pick them and/or trample them. There is also a concern regarding trespassers taking pinecones.

2. Noise created by the proposed project construction and when operating. It must be considered as one large development.
   a. Noise levels need to be evaluated from the proposed project towards the Marshall family cabin.
   b. The cumulative noise from the existing Tenaya Lodge plus the noise from the proposed project must be evaluated.

Comments: Since the Tenaya Lodge property is adjacent to the proposed Tenaya cabin project and will both be owned and operated by Delaware North, they must be considered as one large development. Currently noise is created by outdoor events at the Tenaya Lodge such as wedding and receptions, which have been acceptable. But there is also noise created by music & singing at the western themed BBQ area located on the northern downslope side of the Tenaya Lodge, which has been unacceptable. This area also consists of a wooden structure with electricity, a stage with speakers, etc. To my knowledge Mariposa County never evaluated or approved of this use at this location. And asking for forgiveness after the fact instead of submitting the project for evaluation and possible approval is not acceptable.

Please contact me at (559) 906-2052 or at tacasa1041@gmail.com if you have any concerns or questions. Thank you.

Sincerely,

Alison L. Casagrande
Family Member of Marshall Family Cabin
Allison L. Casagrande
Member of Marshall family, owners of neighboring Marshall property
October 7, 2016

The comment provides an introduction as to the commenter's relationship to the Marshall property, which is adjacent to and land-locked by the project site.

The commenter is concerned with trespass, litter, and damage to vegetation on their property. Please refer to response to comments I2-3 and I2-5. The comments regarding the wildflowers and their attractiveness are noted and the fencing that inhibits trespassing would also reduce the potential that these plants are damaged. In addition, regarding concerns of impacts to special status plant species, please see Draft EIR Impact 4.4-2. Based on the three botanical surveys performed in April-July 2015 (H.T. Harvey and Assoc. 2015a) two watch list (CRPR 4) plant species, which have limited distribution but do not meet the definition of endangered, rare, or threatened, are known to be present on the project site: oak-leaved nemophila, and Coleman's rein orchid (Table 4.4-1) (Exhibit 4.4-2). There is suitable habitat on the project site for other special-status species (Table 4.4-1); however, these species are unlikely to be present on the project site as they were not detected by the surveys that were performed during their blooming period (H.T. Harvey and Assoc. 2015a). The mapped population of oak-leaved nemophila would be avoided by project activities. One of two mapped populations of Coleman's rein orchid would likely be damaged or destroyed during project construction; however this would not be a substantial adverse effect on this species as a whole. Project impacts to special-status plant species would be less than significant.

The comment raises concerns with noise from the proposed project and affects at the Marshall cabin. Please refer to response to comment I2-6.

The Tenaya Lodge and Cottages are considered in the existing baseline conditions of the Draft EIR. The proposed project would be owned and managed by the same entity as the Tenaya Lodge but would operate under a separate permit, with separate operating restrictions including those identified as mitigation measures. Regarding cumulative noise, Mitigation Measure 4.9-2 requires that the project's stationary noise sources are oriented, located, and designed in such a way that reduces noise exposure and complies with County noise standards. Because the project's stationary noise sources would be required to comply with the County noise standards for sensitive receptors, this impact would be mitigated to a less-than-significant level. Furthermore, cumulative impacts of the project are evaluated in Chapter 5 of the Draft EIR.
October 11, 2016

Steve Engfer, Associate Planner
Mariposa County Planning Department
PO Box 2039
Mariposa, CA 95338

Subject: Tenaya Cabins Project Draft Environmental Impact Report Comments

Provided herein are comments regarding the August 2016 Draft Environmental Impact Report (DEIR) for the proposed Tenaya Cabins Project, many of which were provided by me during the public comment period at the recent Mariposa Planning Commission and Fish Camp Planning Advisory Committee hearings.

The most important issue with respect to the entire project design and operation is the sewage collection and transmission system. All other issues of the project regarding design and most importantly long term operation have been addressed, to some degree of adequacy, with mitigation measures that intend to resolve the environmentally sensitive setting and concerns of the project. However, the DEIR is severely inadequate in addressing impacts to sewage collection, transmission and operation from the project to Tenaya’s treatment plant. Merely stating a proposed site plan indicating the location of sewage lines and proposed lift pump station(s) is inadequate in that no evaluation is performed at to whether more environmentally safe design alternatives are feasible. For instance, having a sewage lift pump station directly above Big Creek, to enable sewage to gravity flow from the cabins and clubhouse, is not adequately evaluated or discussed relative to design features and redundancies to prevent and address pump failures. Such occurrences could result in direct impacts to Big Creek.

In addition, the DEIR does not adequately evaluate or discuss in detail the transmission of sewage through a wetland and over a ridge to Tenaya’s Wastewater Treatment Plant (TWTP). Again, only stating the design location and reference to construction activities which could impact the wetland is inadequate. Stating that an “existing road” through the meadow as the appropriate location to put utilities without evaluating alternatives is also inadequate. The existing road was created several years ago (era 2000) during a tree transplanting operation conducted by Tenaya Lodge, when trees from the proposed Cabins project area were dug up and transported across the wetland meadow via the “existing road” and transplanted around the Tenaya Lodge. To my knowledge, and with confirmation from the Army Corps of Engineers, whose jurisdiction includes these wetlands, no approvals for this elevated road, and 36” culvert through the wetland meadow has been sought or given. Therefore, consideration for placement of utilities at that location simply because the road is there and creates a “baseline for the environmental setting” is misguided. Alternatives for the sewage system design, collection, and transmission must be provided. In addition, a discussion of its sewage system must be evaluated for its potential environmental impacts and how it is to be operated with “required measures that protect and avoid to the extent feasible jurisdictional wetlands or other waters by The United States”, as stated in the Mariposa County General Plan, Goal II-Policy II-4a(8).

The second most important project issue creating a real and significant potential environmental impact is storm water runoff. The DEIR discusses the need for construction mitigation measures and the need for
future design features in the project to address storm water runoff emanating from the project. However, the DEIR does not adequately evaluate how or even whether storm water runoff will be controlled to protect wetlands and more importantly protect and mitigate impacts to Big Creek. The proposed project design features including roads and structures are in such close proximity to wetlands and Big Creek that mitigation measures and controls for storm water runoff become significant and are not explained or adequately addressed in the DEIR. This is not only true for construction periods but more importantly for the long term operational controls and impacts, again, especially to Big Creek.

The project site plan is not designed to minimize site disturbance and preserve existing natural features of the site. Having the "clubhouse" and sewage lift station above the Big Creek riparian corridor will create potential negative impacts to this area and downstream. The DEIR does not adequately address alternative project design features or locations for the clubhouse and sewage lift station, nor does it provide adequate mitigation measures to support these features as having less than significant impacts. **Mitigation Measure 4.4 -7: Avoid and mitigate for impacts to sensitive habitats, wetlands and waterways.** This mitigation measure states: "As a first priority, the project applicant shall seek to avoid impacts to sensitive habitats through project design, setbacks, and other avoidance measures". Clearly the DEIR does not give adequate attention to this issue, with the exception of fueling vehicles to prevent leaks and spills and mentioning controls during construction. The DEIR does not adequately support the design features and locations of amenities and utilities such as the sewage system in these sensitive areas nor does the report provide adequate mitigation measures beyond construction. Simply directing the applicant to receive approval from United States Army Corps of Engineers (USACE) and to replace all wetland habitat at acreage and locations agreeable to USACE and the Regional Water Quality Control Board (RWQCB) and as determined during the Section 401 and Section 404 permitting process, although allowed, does not give the public and decision makers an adequate understanding of true environmental conditions and impacts that will exist.

The DEIR does not adequately address noise to adjacent properties. The noise study only evaluated noise levels and attenuation factors at two locations over 700 feet north and east of the project's main noise producer, the clubhouse. No evaluation was conducted for the half acre parcel within the project or the adjacent Marshall property less than 300 feet from the clubhouse.

The DEIR does not adequately address or mention access to the only adjoining land locked parcel, The Marshall property. The DEIR should discuss access impacts and provide mitigation measures during construction and after. Impacts from the project's guests and general public that will visit the site and potentially access The Marshall property should also be addressed and evaluated.

Thank you for the opportunity to comment on the Tenaya Cabin’s Project DEIR and for providing the previous public hearings. If you have any questions or need further information from me I can be reached at (559) 349-7617 or at tescasa1041@gmail.com.

Sincerely,

Tim L. Casagrande

1041 E. Portland Ave
Fresno, CA 93720
Responses to Comments on the Draft EIR

I5

Tim L. Casagrande
Member of Marshall family, owners of neighboring Marshall property
October 11, 2016

I5–1

The comment raises concerns regarding the project’s sewage and transmission system and operational concerns of potential failure and the proposed alignment of pipes to connect with the Tenaya Lodge WWTP. Please refer to responses to comments I2-2 and I2-4, above.

The comment also expresses concern regarding use of the existing road between the project site and the Tenaya Lodge, at the southwestern corner of the site. The comment asserts that the road was constructed without permits, resulting unmitigated impacts to the meadow and wetlands, and that it should not be considered baseline for the environmental setting. CEQA Guidelines Section 15125(a) states that an EIR must include “a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published.” The Notice of Preparation (NOP) for the Tenaya Cabins Project was published in February 2015, then a revised NOP was published in July 2015. At that time, the dirt road between the project site and the Tenaya Lodge was an existing part of the physical environmental conditions. If unpermitted activities occurred in the past, while unfortunate (if they occurred), CEQA provides no mechanism to “look back” and remedy the condition. In fact, the body of case law concerning CEQA and prior (pre-project) activities has stated that the existing conditions are the baseline, even if such conditions are in place from prior illegal activities. See, for instance, Riverwatch v County of San Diego, Cal.App.4.Dist.,1999. In the instance of the project, the proposed site plan utilizes the existing road for utility connections and a boardwalk because it represents the least impactful alignment for connection to the Tenaya Lodge wells, WWTP, and other utility connections. All impacts associated with using this alignment can be mitigated to a less-than-significant level; specifically, please see Draft EIR Impact and Mitigation Measure 4.4-7 regarding impacts to sensitive habitats, wetlands, and waters.

Alternative vehicular access to the Tenaya Cabins Project site from the existing Tenaya Lodge was considered on page 6-4 of the Draft EIR. Alternative vehicular access through the lodge would allow for utility alignments under such a roadway. However, under the heading, “Alternative Vehicular Access,” it is explained that this alternative was determined to be infeasible due to the steep topography between the existing lodge and the project site. In addition, on Draft EIR page 4.4-8, Table 4.4-1, and in Exhibit 4.4-1, a Preliminary Delineation of Wetlands and Other Waters (H.T. Harvey and Assoc. 2016b, Draft EIR Appendix C) identified wetland habitats on the project site that may be considered waters of the United States and or waters of the State. Constructing a roadway to County requirements would result in greater impacts to sensitive wetland habitats and water quality than the proposed project. Draft EIR Impact 4.4-7 concluded that the project’s impacts to sensitive habitats, wetlands, and waters (0.01 acre of permanent impact and 0.02 acre of temporary impact to wetlands or waters, see Exhibit 4.4-3) would be mitigable to less than significant (Mitigation Measure 4.4-7). Furthermore, this alternative would not reduce traffic on Highway 41, and all project-related traffic and roadway safety impacts were determined to be less than significant (no mitigation required) (see Draft EIR Section 4.6, “Transportation and Circulation”). Therefore, alternative vehicular access through the Tenaya Lodge, which would allow for alternative utility alignments, was removed from consideration.

I5–2

The comment expresses concern regarding construction and operational stormwater runoff and impacts to Big Creek and the meadow. Please refer to responses to comments I2-2 and I2-4, above.

I5–3

The comment asserts that the project does not avoid and mitigate for impacts to sensitive habitats, wetlands, and waters. Please refer to responses to comments I2-2 and I2-4, above.
I5-4 The comment raises concerns with noise from the proposed project and affects at the Marshall family cabin. Please refer to response to comment I2-6.

I5-5 The commenter expresses concern that the Draft EIR does not mention access to the land-locked Marshall property and asserts that access impacts must be addressed. Improvements to site access and sufficient easements are required in order to meet county standards for the project roadway to serve the demand of the resort commercial and land division uses where the existing Marshall driveway and easement are impacted. The land division requirements ensure that easements and access improvements meet county design requirements, at least up to the new residential parcel relative to the Marshall access. Furthermore, if needed, the easement on the project property to the parcel line can be amended through the Parcel Map for the land division. The project would also maintain the existing easement between Highway 41 and the Marshall property throughout the construction period. The county requires that project designs be supported by appropriate engineering and plans that demonstrate that pre- and post-project runoff and drainage does not create a significant impact. Therefore, project access and roadway improvements would not adversely affect the Marshall property access.

The comment also raises concerns regarding trespass on the Marshall property due to the project. Please refer to responses to comments I2-3 and I2-5.
Responses to Comments on the Draft EIR

Tenaya Cabins Project Environmental Impact Report (EIR)

DRAFT EIR COMMENTS

Written comments should be submitted at the earliest possible date, but not later than 5:00 p.m. on October 11, 2016 to: Steve Engfer, Associate Planner, Mariposa County Planning Department, PO Box 2039 Mariposa, CA 95338; Telephone: (209) 742-1250; email: sengfer@mariposacounty.org.

Name: ____________________________

Organization (if any): ____________________________

Address (optional): ____________________________

City, State, Zip: ____________________________

Email (optional): ____________________________

Mariposa County invites you to provide specific comments on the adequacy of the Tenaya Cabins Project EIR. You can use this form or write your comments in letter or e-mail form and submit, as described above. Comments that are received will be considered in the preparation of the Final EIR. Thank you!

Comments

Project is making this a metropolitan area. What about public response 45 minutes away?

There are multi-story hotels in Yosemite. Is the equipment to address this? Would you like to go on 3rd floor if there is a fire?

Concern about 102 taxes generated by Tenaya Camp go to Mariposa and don't come back in way of community services

More space on back
Richard Brady  
Fish Camp Planning Advisory Council Board Member  
September 24, 2016

I6-1

The comment expresses concern that the project would make Fish Camp a metropolitan area and concern regarding police response times. The Tenaya Cabins project site is located within the Fish Camp Town Planning Area, and is currently zoned single family residential with one acre lots (SRF – 1 acre), which would allow for an estimated 20 single-family units and 20 secondary units on the site. The Fish Camp TPA Specific Plan would be amended to reflect the Resort Commercial and Single Family Residential ½ -acre land use designations for the project site. The subsequent development of 54 cabins, a clubhouse and a future single family residence would be consistent with relevant policies of the Mariposa County General Plan (2006), the development standards of the Fish Camp TPA Specific Plan, and the resource-specific recommendations of the Specific Plan (Draft EIR Impact 4.3-2). Furthermore, as discussed in Draft EIR Impact 4.3-1, implementation of the Tenaya Cabins Project would be compatible with surrounding land uses, and would not result in the division of the community.

Police response times to the proposed project are discussed in Draft EIR Impact 4.12-4. The Tenaya Cabins Project would add visitors to the Fish Camp area, which would create a limited additional demand for law enforcement services. The Tenaya Lodge security personnel provide security, complaint resolution and interaction with law enforcement or emergency response personnel in case of an incident. Based on consultation with the Mariposa County Sheriff’s Department, the project would include Tenaya security personnel expanding their rounds to include the Tenaya Cabins site. Therefore, the project would not result in the need for additional or expanded law enforcement service facilities and would not result in decreased law enforcement service levels.

I6-2

The comment states that there are multi-story structures in Fish Camp and questions whether fire protection equipment is able to address a fire in a multi-story building. All proposed 54 pre-fabricated cabins would be single-story structures (14 to 18-feet tall) and the clubhouse would comply with the Fish Camp TPA Specific Plan height standards (“vertical distance from the uphill side of a building to the highest point of a building shall not exceed 35 feet above the natural grade line”) (Draft EIR Impact 4.14-1). Impact 4.13-3 of the Draft EIR addresses the project-related fire hazards and increased demand for fire protection and emergency services. As evaluated therein, implementation of the project would expose people and structures to an area with a very high risk of wildfire and would increase demand for fire protection and emergency services. Structural fire protection services are provided by the Mariposa County Fire Department from the Company 33 Fire Station located in Fish Camp. CAL FIRE is responsible for wildland fire protection in all privately owned lands that are wildlands, grasslands, or timber production areas. The USFS and National Park Service protect the Sierra National Forest and Yosemite National Park. These federal, state, and county fire protection agencies have an agreement to mutually assist each other in cases of fires located on the boundaries of their jurisdictions. Adherence to the California Building Code standards for fire prevention during construction, compliance with regulations for fire protection and emergency access would reduce the wildland fire threat to workers and residents of Fish Camp. However, due to continued concern related to response time to a fire, supplementary staffing, equipment, and mutually agreed contribution for the Mariposa County Fire Department as required by Mitigation Measures 4.13-3 would ensure that responders would be present in Fish Camp when volunteers are absent and would reduce the project-related impact to a less-than-significant level.

In addition, the separate, approved Silver Tip Project included the following mitigation measure, which became a condition of project approval:
The project developer shall be required to pay the cost of fire apparatus capable of reaching the peak of the hotel structure and providing an elevated stream to service interior operations. The project developer shall be required to pay an incremental cost to accommodate the additional equipment required. Alternatively, the Fire Department will waive these requirements if the following measures are incorporated in the project design:

1) hotel/conference structure to be constructed to Type II FR standards, automatic fire protection sprinklers per NFPA 13;

2) fire suppression equipment to be available to fire crews located on each floor;

3) all enclosed spaces within the hotel/conference center structure to be finished and protected per NFPA 13;

4) direct access to be provided to the roof for the Fire Department, with surface treatment to allow movement. All equipment shall be approved by and become the property of the Fire Department.

Finally, the existing Tenaya Lodge provides fire suppression equipment on each floor, automatic fire protection sprinklers, and access as required by the Fire Department.

The comment expresses concern about taxes generated by Fish Camp going to Mariposa and not coming back to Fish Camp community services. This comment does not relate to the adequacy of the environmental analysis in the EIR or the project analysis required; no further response is necessary. The Mariposa County Planning Commission and Board of Supervisors will take the commenter’s concern regarding use of taxes into consideration when rendering a decision on the project.
## Tenaya Cabins Project Draft EIR
### Public Hearing – Planning Commission Meeting
### September 23, 2016 9:00 a.m.
### Verbal Comments

<table>
<thead>
<tr>
<th>NAME</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>PH1 Commissioner Renea Kennec</td>
<td>Is there sufficient groundwater for this project?</td>
</tr>
<tr>
<td>PH2 Commissioner Mark Becker</td>
<td>Water situation is most concerning to him. Any measures of water reduction use in Tenaya Lodge to accompany this proposal? Also, interested in how tests were conducted. Were other wells inactive during testing period?</td>
</tr>
<tr>
<td>PH3 Commissioner Vince Kehoe</td>
<td>In terms of visual impacts from Camp Green Meadows, White Chief Mountain Lodge, other residences – the ponderosa pine forest is experiencing trees dying in droves. Are there any plans to mitigate this, although it is a moving target?</td>
</tr>
<tr>
<td>PH4 Commissioner Mark Becker</td>
<td>Permitting for structures. Is that handled by county or HCD? Do we lose permitting to state? Will they be on permanent foundations?</td>
</tr>
<tr>
<td>PH5 Tim Casagrande</td>
<td>Casagrande family owns the Marshall property that is landlocked to the project site property. Road crossing with boardwalk and utility connections: The current road structure and culvert crossing the wetland between the proposed project development and the Tenaya Lodge was constructed over time, over years (maybe the last 10 – 15 years). However, the EIR utilizes that existing road as a baseline condition that is compared to proposed project actions to determine impact significance. However the existing road was put in without permits or studies. Concern regarding putting in a boardwalk and utilities across the current road and having that become the baseline condition. The EIR has not evaluated other alternatives for meadow PH6crossing for utility lines, or whether a boardwalk is appropriate at that location. The EIR should address alternatives to that meadow crossing. In addition, the delineation for the project indicated that the current crossing has dewatered some of the meadow. This crossing may be the most appropriate location, but would like to see alternatives discussed. Sewage: Lift station(s) identified in the site plan are located directly above Big Creek. Based on 35 years of environmental health experience, lift stations will fail. The EIR addresses construction of the lift stations but not potential impacts of operation and potential for failure. EIR needs to address these issues, including redundancy and most appropriate location for infrastructure. Concern with operational impacts (runoff) and setbacks to Big Creek and the meadow.</td>
</tr>
<tr>
<td>NAME</td>
<td>COMMENT</td>
</tr>
<tr>
<td>---------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Noise study: Concern that only two receptors were looked at; however, Marshall property 200 feet from noise source.</td>
</tr>
<tr>
<td></td>
<td>Access to Marshall property: The family has an easement through the project site to land-locked site. What are the short- and long-term issues associated with that access and are there alternatives for access?</td>
</tr>
<tr>
<td></td>
<td>Trespass: Concerns with public trespass on their property.</td>
</tr>
<tr>
<td></td>
<td>Number of units: Alternatives evaluated subdivision, but what is a feasible number of units with site constraints, setbacks, utility needs (septic systems)? Feels that the original 34-unit alternative is more appropriate based on site conditions.</td>
</tr>
<tr>
<td></td>
<td>Grove of aspens at property line that provides some screening at end of meadow.</td>
</tr>
<tr>
<td>PH6</td>
<td>Commissioner Mark Becker</td>
</tr>
<tr>
<td></td>
<td>Question about lift stations, elevations, backup generators, and impacts to Big Creek.</td>
</tr>
</tbody>
</table>
Mariposa County Public Hearing
September 23, 2016

PH-1 Commissioner Renea Kennec questioned if there is sufficient groundwater to serve the project. The project-related water demands and the sufficiency of groundwater to serve that demand is evaluated in Section 4.12, “Utilities and Public Services,” of the Draft EIR. The water supply analysis was based on the technical Groundwater Study prepared by Todd Groundwater, provided in Appendix I of the Draft EIR. As discussed in Impact 4.12-1, the proposed project’s water demand would be met by the existing capacity of the Tenaya Lodge wells and the project would not require new water supply or entitlements. Furthermore, the project would not adversely affect groundwater recharge (groundwater recharge exceeds the project’s water demand), and well monitoring and water demand management would be implemented to prevent potential effects on FCMWC Well 1 productivity. Therefore, the project’s impact on water supply is less than significant.

PH-2 Commissioner Mark Becker expressed concern for the adequacy of water supply for the project. Please see response to comment PH-1. Commissioner Becker also questioned if the project and Tenaya Lodge would be implementing water conservation measures to reduce water demands. As described in Draft EIR Chapter 3, “Project Description,” the following water conservation measures would be included in the Tenaya Cabins Project to reduce water usage:

- limited native and low-water-use landscaping;
- use of recycled water for landscape irrigation, if needed, from the new Tenaya Lodge Wastewater Treatment Plant; purple piping to deliver recycled water to the project site would be installed as part of this project; and
- use of high-efficiency water fixtures (e.g., faucets, toilets) in all buildings.

Furthermore, Draft EIR Mitigation Measure 4.11-4 requires that DN implement a monitoring program for FCMWC Well 1. If triggered as a result of the FCMWC Well 1 monitoring program, DN shall implement one or more of the following water demand management measures at the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages to incrementally reduce groundwater pumping until supplemental monitoring of FCMWC Well 1 shows no residual reduction in the production capacity.

- Adjust operation of the three existing wells in the Tenaya Lodge water system; alternate well pumping so that the Tenaya wells do not pump at the same time.
- Reduce the rates of pumping in three existing wells in the Tenaya Lodge water system.
- Reduce occupancy at the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages to reduce the total demand for water.
- Install additional water conservation devices throughout the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages to reduce the total demand for water.

PH-3 Commissioner Vince Kehoe noted the die-off of trees throughout the region and questioned whether this would affect screening of the Tenaya Cabins Project. The Commissioner questioned if there is any mitigation to address the visual impact of the project on surrounding businesses and residences. Draft EIR Section 4.14, “Visual Resources,” evaluates the project’s potential adverse effects on scenic resources, visual character, and light and glare. Because the proposed cabins, clubhouse, and residence would be partially
screened by maintaining the natural features of the site, because utility connections would be undergrounded, and because the resort commercial development would be consistent with the other existing and proposed resort commercial and residential development surrounding the site in the Fish Camp TPA, the change in visual character of the project site and its surroundings would be less than significant (Impact 4.14-1). In addition, the project would implement measures to limit the intensity and visibility of outdoor lighting, and the cabins and clubhouse would be screened from Highway 41 and surrounding properties by existing vegetation and topography. Therefore, the project’s lighting would be less prominent than existing light sources in Fish Camp, would not create a new source of substantial light that would adversely affect views in the area, and would not contribute substantially to skyglow. This impact would be less than significant (Impact 4.14-2).

However, the die-off of trees in the project area is an emerging concern that could affect the visual screening of the proposed cabins and clubhouse. Although existing conditions and the visual impacts of the project do not warrant a significant impact determination, due to the uncertainties of how die-off could affect visual screening, the following mitigation has been added to the Draft EIR, as follows:

**Mitigation Measure 4.14-1: Provide Vegetative Screening**

If tree die-off occurs on the project site to the extent that the visibility of built structures becomes prominent, as determined by the County, the applicant/operator shall plant a visual screen that effectively mutes the visibility. A planting plan shall be prepared by a landscape architect and be approved by the County; it shall use native tree and vegetation species and shall identify the sizes of plantings. Plantings shall be irrigated with recycled water and monitored for establishment for five (5) years. If plantings die, they shall be replaced on a one-to-one ratio until established. Irrigation shall meet the 2015 Model Water Efficient Landscape Ordinance (CCR Title 23, Chapter 2.7), as verified by Mariposa County.

PH-4

Commissioner Mark Becker questioned how permitting would be handled for the project structures. Draft EIR Section 3.5, “Potential Approvals and Permits Required,” explains that the required entitlements for the Tenaya Cabins Project from Mariposa County include:

- General Plan/Fish Camp Specific Plan Land Use and Zoning Amendment from existing SFR-1 Acre classification to Resort Commercial classification for proposed Parcel 1 and a change to SFR ½ Acre land use classification for proposed Parcel 2 (½ acre parcel).
- Two Parcel Land Division to create a ½ acre residential parcel, the remaining proposed as Resort Commercial.
- Conditional Use Permit for:
  - 54 pre-manufactured cabins of approximately 750± square feet each (approximately 675± square feet of room space plus approximately 75 square feet of deck), and
  - a multi-function clubhouse, outdoor deck and recreation area to provide guest registration, laundry, retail, hospitality, banqueting, food service, pool, barbecue and hot tub. The clubhouse outdoor area/deck is designed to seat 60± people. Amplified sound for events at the clubhouse would conclude at 10:00 p.m.; however, events could continue past that time.

Mariposa County would also be responsible for issuing grading and building permits for the project (see Draft EIR Table 3-3).
Tim Casagrande is a member of Marshall Family, which owns the neighboring Marshall property. The commenter’s concerns regarding the baseline condition of the dirt road connecting to the Tenaya Lodge, operational stormwater runoff and water quality impacts including failure of the sewer lift station, noise impacts at the Marshall cabin, and trespass concerns are addressed in responses to comments I2-2 through I2-6 and I5-1 through I5-5, above.

The comment expresses support for Alternative 4, Reduced Density Alternative (34 Units). As stated on page 6-20 of the Draft EIR, of the development alternatives, Alternative 4 would be the environmentally superior alternative. This alternative would meet the project objectives and would result in similar impacts to the proposed project, but the reduction in development footprint, cabins, and visitor and employee population would reduce the severity of the impacts for multiple resources. Nonetheless, Alternative 4 would not avoid the significant mitigable impacts of the proposed project and would require implementation of the same mitigation measures. The Mariposa County Planning Commission and Board of Supervisors will take the commenter’s opinions regarding preference for Alternative 4 into consideration when rendering a decision on the project.

In regard to screening of the Tenaya Cabins project, please refer to response to comment PH-3.

Commissioner Mark Becker expressed concern about sewer lift stations, back-up generators, and impacts to Big Creek. Please refer to responses to comments I2-2 and I2-4.
<table>
<thead>
<tr>
<th>NAME</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>FC1 Thorn Hertwig</td>
<td>Owns a second home in Fish Camp and runs the Fish Camp Mutual Water Company (FCMWC). Primarily concerned about potential impacts to the FCMWC infrastructure. There is approximately 1,300 feet of FCMWC pipeline crossing the project site and FCMWC operates two wells. Will the FCMWC infrastructure need to be upgraded to 2017 by the project? Will FCMWC infrastructure be relocated outside of the project site? Will sewage lines cross FCMWC water transmission lines? Appropriate pipeline separation is necessary. The best FCMWC well is within the project site development area; it needs to be protected. Staff also need to be able to access the well for sampling. FCMWA is willing to work with DN on issues. FCMWC well #1 across the highway was addressed in the EIR as testing showed some impacts to that well. Just want to make sure that the wells and pipelines are protected.</td>
</tr>
</tbody>
</table>
| FC2 John Luther | What road is proposed to the east of Rainbow Lake? (proposed emergency access road) Is it paved or dirt? (paved and at grades consistent with fire code) Is it going to block drainage flows to Rainbow Lake? (necessary drainage would be installed)  

Tenaya Lodge is the best-kept secret in Fish Camp; it is very hidden. Would like to see similar approach with the project. Think of views of the Rainbow Lake.  

Where is the primary access road? Is the entrance designed for bus traffic and trash disposal vehicles?  

(*Access road is not designed for buses; however trash disposal trucks will come to the site.*) |
| FC3 Karen Glendenning | Fish Camp Resident - Written comments provided and verbally read. |
| FC4 Jim Christian | Jim is a board member for FCMWC and a retired engineer. Soils on the project site are loose loam and won’t support the weight of construction equipment/compaction. He is concerned that the buried FCMWC water lines would be potentially impacted during construction, especially since they are only approximately two feet deep. Potential impacts to the FCMWA lines needs to be taken into consideration as does potentially relocating the lines and upgrading the lines.  

EIR page 4.6-34 estimated offsite construction trips and showed 10 for paving operations. He believes this would be more like 10 trips per hour – and same thing for construction water needed for compaction (which will use more than 6 trips per day for water trucks). |
## Tenaya Cabins Project Draft EIR  
### Public Meeting – Fish Camp Planning Advisory Council  
#### September 24, 2016 9:30 a.m.

### Verbal Comments

<table>
<thead>
<tr>
<th>NAME</th>
<th>COMMENT</th>
</tr>
</thead>
</table>
| FC5      | Carole Rosenberger  
Concern regarding existing FCMWA lines – aligned under project roads. Protection of the water lines. Who will pay for moving the water lines?  
*The project will not impact FCMWC water lines. Lines run under the roads. If construction resulted in an impact to water lines, DN would repair.*  
Noise can be heard from the railroad – noise does travel. |
| FC6      | Arlene Grady  
Arlene owns the property across Highway 41 from the project site. Lighting seems to be addressed – it needs to be directed down and away from houses. However, what about noise? How is noise addressed? If this becomes an issue, is there a way for it to be addressed. It could affect neighbors. Parking could result in noise as well. |
| FC7      | Jacquie Hale  
Concerned about support of emergency services in this location. Station 33 often unmanned. Always have to wait 15-20 minutes for staff to come here from away. We are quadrupling number of residents in the community.  
*Hazards / hazard materials section of DEIR, establishes requirement for equipment and staff be trained at Tenaya Lodge to be able to respond to Emergencies. See 4.13-3.*  
*The Tenaya Lodge volunteers would not be at fire station – it is not manned. However, they would be able to respond to community. They are a part of fire department staff for purpose of emergency response.* |
| FC8      | Bob Bassett  
Bob is the principal of the Jack L. Boyd Outdoor School in Fish Camp. Page 4.3 of the EIR describes school impacts, but potential impacts to the Outdoor School was not addressed. The school is run by the Merced County Office of Education. It is a residential school – concerns about trespass. |
| FC9      | Tim Casagrande  
Casagrande family owns the Marshall property that is landlocked to the project site property (east and south). Although the EIR addresses a lot of issues, there are some concerns of the need to address some more.  
Sewage: Concern is primarily related to the transmission of sewage to the Tenaya Lodge. Lift station(s) identified in the site plan are located directly above Big Creek. Based on 35 years of environmental health experience, lift stations will fail. The EIR addresses construction of the lift stations but not potential impacts of operation and potential for failure. EIR needs to address these |
Road crossing with boardwalk and utility connections: The current road structure and culvert crossing the wetland between the proposed project development and the Tenaya Lodge was constructed over time, over years (maybe the last 10 – 15 years). However, the EIR utilizes that existing road as a baseline condition that is compared to proposed project actions to determine impact significance. However the existing road was put in without permits or studies. Concern regarding putting in a boardwalk and utilities across the current road and having that become the baseline condition. The EIR has not evaluated other alternatives for meadow crossing for utility lines, or whether a boardwalk is appropriate at that location. The EIR should address alternatives to that meadow crossing. In addition, the delineation for the project indicated that the current crossing has dewatered some of the meadow. This crossing may be the most appropriate location, but would like to see alternatives discussed.

Drainage: Concern with operational impacts (runoff) and setbacks to Big Creek and the meadow.

Noise study: Concern that only two receptors were looked at; however, Marshall property 200 feet from noise source but was not included as a potential sensitive receptor. Would like to see additional study to evaluate noise impacts to their property.

Access to Marshall property: The family has an easement through the project site to land-locked site. What are the short- and long-term issues associated with that access and are there alternatives for access?

Trespass: Concerns with public trespass on their property.

Number of units: Alternatives evaluated subdivision, but what is a feasible number of units with site constraints, setbacks, utility needs (septic systems)? Feels that the original 34-unit alternative is more appropriate based on site conditions.

Annual Cattle Drive: It passes through the project parcel. Should it be addressed in the EIR?
Responses to Comments on the Draft EIR

Fish Camp Planning Advisory Council Meeting
September 24, 2016

FC-1

The commenter expressed concern for potential impacts to FCMWC water pipelines that cross under the project site, questioning if the project would relocate the pipelines, if appropriate separation from new utility lines would be provided, and stating that the FCMWC wells and pipelines need to be protected. The proposed Tenaya Cabins Project has been designed to avoid development of proposed buildings or structures on FCMWC easements. In addition, as explained in Draft EIR Chapter 3, “Project Description,” under “Infrastructure and Utilities,” proposed utility connections would be installed underground within the limits of the paved project roads and existing Tenaya Lodge roads where feasible. All proposed utility lines would comply with separation standards set by the State of California and the Mariposa County Health Department. The proposed utility connections are shown on Exhibits 3-11 and 3-12 of the Draft EIR.

The existing FCMWC easements, well, and pipelines within the Tenaya Cabins project site have been identified. The project does not propose to relocate or alter the FCMWC pipelines. Nonetheless, if it is determined that those lines cannot be avoided, they would be relocated under project roads in compliance with separation standards. Additionally, if there was unintended damage to existing infrastructure such as the FCMWC pipelines due to project construction, the project applicant (DN) would be responsible to repair the damaged facilities. The existing Easement Agreements (#932100, #932101, and #2057098) between the land owner (Keller) and FCMWC establish that the land owner has the right to relocate or alter pipelines on the property. Any such relocation or alteration shall be without expense to FCMWC and not interrupt or affect function of the pipeline or appurtenant facility. If the project is approved, Mariposa County’s conditions of approval for the project would further enforce these requirements for protection of existing onsite utility infrastructure.

FC-2

The commenter questioned what road was proposed at the northwest end of the project development area, near Rainbow Lake. That road is a paved emergency access road, which is described on page 3-15 of the Draft EIR, under “Emergency Access.” The commenter questioned if it would block drainage to Rainbow Lake. The project drainage plan shall include appropriate drainage facilities along project roadways, including the emergency access road, as to prevent impacts to flows to Rainbow Lake as well as prevent water quality impacts. Please see Impacts 4.11-1 through 4.11-3 of the Draft EIR, which address these issues.

The commenter encouraged an approach similar to the Tenaya Lodge that sets-back development from Highway 41, making it hidden from view. Draft EIR Section 4.14, “Visual Resources,” evaluates the project’s potential adverse effects on scenic resources, visual character, and light and glare. The proposed cabins, clubhouse, and residence would be partially screened by maintaining the natural features of the site; utility connections would be undergrounded; and the resort commercial development would be consistent with the other existing and proposed resort commercial and residential development surrounding the site in the Fish Camp TPA (Impact 4.14-1). In addition, the project would implement measures to limit the intensity and visibility of outdoor lighting, and the cabins and clubhouse would be screened from Highway 41 and surrounding properties by existing vegetation and topography (Impact 4.14-2). Please also see response to comment PH-3, above, which discusses concerns regarding the die-off of trees and potential screening of the proposed project.

The Mariposa County Planning Commission and Board of Supervisors will take the commenter’s opinions regarding preference for Alternative 4 into consideration when rendering a decision on the project.

The comment questioned where the primary access road would be located and if the road would be designed to handle bus and trash disposal vehicles. The vehicular access is described on pages 3-12 through 3-14 and shown on Exhibit 3-9 of the Draft EIR. The project's
vehicular access is proposed from Highway 41, north of the Tenaya Lodge entrance and Summit Road and south of Fish Camp Lane, at the location of an existing dirt-road entrance to the site. The site entry and onsite access road has been configured to meet Caltrans requirements and County requirements. The project site access road is not designed or intended for buses; however, trash disposal trucks would access the site via this road.

FC-3
The comment letter read into the record is comment letter I1. Please refer to responses to comments I1 through I1-11.

FC-4
The commenter expresses concern that the FCMWC water lines under the project site would be impacted during project construction and that potential impacts to those lines, and/or relocating and upgrading the lines, needs to be considered. Please refer to response to comment FC-1, above.

The commenter also asserts that the construction trips described for paving on page 4.6-34 of the Draft EIR are too low and that there would need to be additional truck trips for water related to soils compaction. The project engineer estimates the project would need approximately 96,500 square feet of asphalt concrete (AC) for all onsite roads, fire tuck pull outs, paths and parking spaces. Assuming 4 inches of AC, this would be approximately 2,330 tons and approximately 120 trucks. In addition, the project would involve approximately 16,000 square feet of improvements to Highway 41, with an estimated 6 inches of AC, which would be another approximately 500 tons and approximately 25 trucks. Therefore, total project-related paving is estimated to result in approximately 145 truck trips. As with the haul trips related to building construction, the paving trips would be spread out over the construction period (estimated to be 100 days) and would primarily occur at a different time than building haul trips. However, even with a conservative assumption that there is overlap in the paving and building phases of construction, the peak haul-trip day remains very similar to the Draft EIR estimation of 20 trips on a peak day: the 145 paving haul trips, spread out over 100 days, would add only 1 or 2 truck trips to the peak day. Therefore, the peak haul trip day could have approximately 22 truck trips instead of approximately 20 trips, which does not alter the less-than-significant project construction traffic impact (see Impact 4.6-1 of the Draft EIR).

Therefore, the truck trips associated with paving activities has been updated in Table 3-2 and Table 4.6-10, and the text of Impact 4.6-1 of the Draft EIR is hereby revised, as follows:

A summary of the estimated construction-related trips is shown in Table 4.6-10. The total number of offsite construction trips would not necessarily occur on the same day, since construction activities would vary daily. One hundred and eight (108) hauling trips were added to the building construction phase to represent the amount of trips needed to transport the 54 pre-fabricated cabins. In addition, forty (40) haul trips were added to represent trips needed to import materials (drain rock and pipes) for the leach field expansion. For paving operations, an estimated 145 trips were added. Construction staging would occur on the project site and it is assumed that soil (cuts and fills) would be balanced onsite.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Construction Trips per Day</th>
<th>Total Construction Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Worker</td>
<td>Vendor</td>
</tr>
<tr>
<td>Site Preparation</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>Grading</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>Building Construction (including utilities)</td>
<td>12</td>
<td>5</td>
</tr>
<tr>
<td>Paving</td>
<td>13</td>
<td>0</td>
</tr>
<tr>
<td>Architectural Coating</td>
<td>2</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: FirstCarbon Solutions 2015 – Appendix E
During the peak building construction phase, when there may be overlap between building construction and paving activities, there could be up to approximately 20 trips on a peak day (the 162 and 145 haul trips would be spread out over the an approximately 100 day building construction phase). It is assumed that all construction employees would arrive during the a.m. peak hour, between 6:30 a.m. and 7:30 a.m. and that 75 percent of construction employees would depart during the p.m. peak hour, between 3:00 p.m. and 4:00 p.m.

The clarification of the paving-related truck trips does not significantly alter peak day construction trips nor does it alter the conclusions with respect to the environmental impacts of the project. Impact 4.6-1, “Construction-related traffic impacts,” remains less than significant.

**FC-5**

The commenter expresses concern that the FCMWC water lines under the project site would be impacted during project construction and that potential impacts to those lines, and/or relocating and upgrading the lines, needs to be considered. Please refer to response to comment FC-1, above.

The commenter also states that noise can be heard at her property from the railroad, indicated that noise does travel. Please refer to response to comment I2-6 regarding the noise impacts due to the proposed project.

**FC-6**

The commenter expresses concerns regarding night lighting and noise from the proposed project. As the commenter indicates, night lighting is addressed in Draft EIR Impact 4.14-2; the project would implement measures to limit the intensity and visibility of outdoor lighting, and the cabins and clubhouse would be screened from Highway 41 and surrounding properties by existing vegetation and topography. As explained in Impact 4.14-2, consistent with General Plan Policy 11-1d, lighting shall meet the standards established by the International Dark Sky Association and building materials shall have a low reflective index. Furthermore, lighting shall use the lowest possible wattage, shall be shielded and directed downward, and timers shall be used to avoid continual lighting. Therefore, the project’s lighting would be less prominent than existing light sources in Fish Camp, would not create a new source of substantial light that would adversely affect views in the area, and would not contribute substantially to skyglow. Please also see response to comment PH-3, above which discusses concerns regarding the die-off of trees and potential screening of the proposed project.

In terms of noise concerns, please refer to response to comment I2-6 regarding the noise impacts due to the proposed project.

**FC-7**

The commenter expresses concerns about emergency services in Fish Camp, stating that Station 33 is often unmanned. Impact 4.13-3 of Section 4.13, “Hazards and Hazardous,” of the Draft EIR discusses fire hazards and fire protection services in the project area. Mitigation Measure 4.13-3 establishes the requirement for supplementary fire protection staff and equipment at Tenaya Lodge, as well as mutually agreed upon contribution to the Mariposa County Fire Department, which would ensure that responders would be present in Fish Camp when volunteers are absent. The Tenaya Lodge staff would be trained to meet Mariposa County Fire Department Volunteer Fire Service standards; as such, they would be a part of fire department staff for purpose of emergency response.

**FC-8**

The commenter states the potential impacts to the Jack L. Boyd Outdoor School was not addressed (page 4-3 of the Draft EIR). This residential school is run by the Merced County Office of Education.
The text on page 4-3 of the Draft EIR page 4-3 is hereby revised as follows:

SCHOOLS

Although the project site is located in Mariposa County, it is served by the Yosemite Union High School District in Madera County, except the Jack L. Boyd Outdoor School, a public facility operated by the Merced County Office of Education, located to the west of the project site. The Yosemite Union High School District consists of five high schools. Three are located in Oakhurst and are attended by students from Fish Camp. These are Yosemite High School serving grades 9-12 with an enrollment of 698; Ahwahnee High School, a continuation high school serving grades 10-12 with an enrollment of 18; and Evergreen High School serving grades 9-12 with an enrollment of 32 (California Department of Education 2014b, c, d). Why indeed

Elementary school services for students in Fish Camp is provided by the Wawona Elementary School, which is a charter school located on Chilnualna Falls Road in Wawona. Enrollment at Wawona Elementary School varies from 5 to 25 students depending on the year and the number of families with children living in the area (California Department of Education 2014a). The Yosemite Union High School District collects developer impact fees from development projects for the construction and reconstruction of school facilities as authorized by Government Code Section 65995. The project would be required to pay the fees in effect for commercial and residential development at the time building permits are issued.

As described above under population and housing, the Tenaya Cabins Project would provide for only one permanent residence. The temporary and permanent employees related to the Tenaya Cabins could be met by existing population in the region. Therefore, the project would not require new or expanded school facilities, as the schools that serve the Fish Camp area have sufficient capacity. Therefore, the project would have **no impact** on schools.

The commenter raised concerns regarding trespass. Please refer to response to comment I2-5, above.

FC-9

Tim Casagrande is a member of Marshall Family, which owns the neighboring Marshall property. The commenter’s concerns regarding the baseline condition of the dirt road connecting to the Tenaya Lodge, operational stormwater runoff and water quality impacts including failure of the sewer lift station, noise impacts at the Marshall cabin, and trespass concerns are addressed in responses to comments I2-2 through I2-6 and I5-1 through I5-5, above.

The comment expresses support for Alternative 4, Reduced Density Alternative (34 Units). As stated on page 6-20 of the Draft EIR, of the development alternatives, Alternative 4 would be the environmentally superior alternative. This alternative would meet the project objectives and would result in similar impacts to the proposed project, but the reduction in development footprint, cabins, and visitor and employee population would reduce the severity of the impacts for multiple resources. Nonetheless, Alternative 4 would not avoid the significant mitigable impacts of the proposed project and would require implementation of the same mitigation measures. The Mariposa County Planning Commission and Board of Supervisors will take the commenter’s opinions regarding preference for Alternative 4 into consideration when rendering a decision on the project.

In regard to screening of the Tenaya Cabins project, please refer to response to comment PH-3.
Finally, the comment raises concerns regarding disruption of the historic cattle drive through the area. As indicated in response to comment I3-7, DN has contacted the owner of the cattle that are brought through Fish Camp in the spring and fall and has agreed to support the continued access for the cattle drive.
This page intentionally left blank.
The California Environmental Quality Act (CEQA) requires public agencies to adopt a mitigation reporting or monitoring program for all projects for which an environmental impact report (EIR) has been prepared (Public Resources Code, Section 21081.6; State CEQA Guidelines, Section 15091). This is intended to ensure the implementation of all mitigation measures adopted through the CEQA process. Specifically, Section 21081.6(a)(1) of the Public Resources Code requires a lead or responsible agency to “... adopt a reporting or monitoring program for changes made to the project or conditions of project approval, adopted to mitigate or avoid significant effects on the environment.”

Mariposa County has approved the Tenaya Cabins Project proposed by Delaware North (DN), the owner and operator of the Tenaya Lodge. The project will divide an undeveloped 26.89-acre parcel, assessor’s parcel number (APN) 010-350-008, located immediately north of the Tenaya Lodge, into two parcels. The first parcel will be rezoned from Single Family Residential 1-acre to Resort Commercial for the construction of 54 pre-fabricated cabins and an approximately 2,700 square-foot clubhouse. The second parcel will be rezoned from Single Family Residential 1-acre to Single Family Residential ½ -acre for a future single family residence. The project site is currently forested and bordered by wetlands, meadow, and the Tenaya Lodge to the south, State Highway (Highway) 41 to the west, a 1-acre pond (Rainbow Lake) to the north, and Big Creek to the east.

Mariposa County is the lead agency for the Tenaya Cabins Project (project) under CEQA. A Final EIR for the project was certified on DATE, 2017, by the Board of Supervisors. Mariposa County filed a Notice of Determination with the State Clearinghouse on DATE, 2017, along with Findings of Fact for the project.

This mitigation monitoring and reporting program (MMRP) includes all mitigation measures adopted in the Tenaya Cabins Project Final EIR. The MMRP table below is organized as follows: if an EIR topic, such as biological resources, includes mitigation measures, it is included in the table. The number of the relevant EIR section (i.e., Section 4.4 for Biological Resources) is also included. The EIR numbering system for mitigation measures (Mitigation Measure 4.4-3, 4.4-4, 4.4-5, etc.) is carried over into the table. If a resource addressed in the EIR does not result in mitigation, it is not included in the table. The table identifies the mitigation measures, the party(ies) responsible for implementation, the necessary timing of implementation, the mechanisms for monitoring compliance with each mitigation measure, and a column for tracking compliance. The MMRP will be in place through all phases of the project, including design, construction, and operation.

The MMRP will be kept on file at Mariposa County through the following contact:

Steve Engfer, Associate Planner
Mariposa County Planning Department
PO Box 2039 Mariposa, CA 95338
Telephone: (209) 966-5151
Fax number (209) 742-5024
Email: sengfer@mariposacounty.org

<table>
<thead>
<tr>
<th>Mitigation Monitoring and Reporting Program</th>
<th>Party/ies Responsible</th>
<th>Necessary Timing</th>
<th>Mechanisms for Monitoring Compliance</th>
<th>Tracking Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mitigation Measure 4.4-3, 4.4-4, 4.4-5, etc.</td>
<td>Delaware North (DN)</td>
<td>As per EIR</td>
<td>As per EIR</td>
<td>As per EIR</td>
</tr>
<tr>
<td>Mitigation Measure 4.4-3, 4.4-4, 4.4-5, etc.</td>
<td>Mariposa County Planning Department</td>
<td>As per EIR</td>
<td>As per EIR</td>
<td>As per EIR</td>
</tr>
</tbody>
</table>
## 4.4 Biological Resources

### Mitigation Measure 4.4-3: Avoid and minimize impacts to special-status bird species.

To minimize potential disturbance to nesting birds, vegetation removal, grading and other ground disturbing activities associated with construction of the project shall occur during the non-breeding season (September 1–February 28), unless it is not feasible to do so, in which case the following measures shall also be applied.

<table>
<thead>
<tr>
<th>Agency Responsible for Monitoring and Verifying Compliance</th>
<th>Timing of Initial Action</th>
<th>Frequency and Duration of Monitoring</th>
<th>Compliance Verification/Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mariposa County Planning Department CDFW</td>
<td>Construction shall occur September 1 – February 28, or, if not feasible:</td>
<td>Construction schedule to be submitted to and approved by the County</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No less than 14 days and no more than 30 days before construction activities: preconstruction surveys</td>
<td>Completion prior to the start of construction activities</td>
<td></td>
</tr>
</tbody>
</table>

If construction activity is scheduled to occur during the nesting season (February 28 to September 1), a qualified biologist shall conduct preconstruction surveys to identify active special-status bird nests within the project site that could be affected by project construction. Surveys shall be performed before activities occur (e.g., grading, tree removal, trenching, construction) and no less than 14 days and no more than 30 days before the beginning of activity. If no nests are found, no further mitigation is required.

If active nests are found, impacts on special-status bird species shall be avoided by establishment of appropriate buffers around the nests, as determined by a qualified biologist in consultation with CDFW. No project activity shall commence within the buffer area until a qualified biologist confirms that any young have fledged or the nest is no longer active. A 50-foot buffer around olive-sided flycatcher and Vaux’s swift nests are generally adequate to protect them from disturbance, but the size of the buffer may be adjusted by a qualified biologist in consultation with CDFW depending on site specific conditions and species sensitivity to disturbance. Monitoring of the nest by a qualified biologist during construction activities may be required to determine if activity has potential to adversely affect the nest, and to allow for increased buffer size or other measures to avoid impacts to the nest.

### Mitigation Measure 4.4-4: Avoid and minimize impacts to fisher.

Although the USFWS has determined that the West Coast DPS of fisher does not require the protection of the ESA, the USFWS has recommended that a conference assessment be prepared and a conference report or conference opinion be obtained from the USFWS (Nagano, pers. comm., 2016). Because of this recommendation, reference to the USFWS is included in the following mitigation.

The five trees previously identified as containing cavities that are potentially suitable for fisher den sites, and all trees along the utility corridor that contain suitable cavities that were not previously surveyed for potential den sites, shall be surveyed (using trail cameras) no more than 7 days before the initiation of construction activities within 0.25 miles of potentially suitable den sites to determine whether there are occupied dens. The protocol for pre-construction surveys of potential den sites shall be developed in coordination with CDFW and USFWS. If no occupied dens are detected then no further mitigation is required.

<table>
<thead>
<tr>
<th>Agency Responsible for Monitoring and Verifying Compliance</th>
<th>Timing of Initial Action</th>
<th>Frequency and Duration of Monitoring</th>
<th>Compliance Verification/Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mariposa County Planning Department CDFW</td>
<td>Preconstruction survey to be completed no more than 7 days before the initiation of construction</td>
<td>Completion prior to the start of construction activities</td>
<td></td>
</tr>
</tbody>
</table>
### Tenaya Cabins Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Agency Responsible for Monitoring and Verifying Compliance</th>
<th>Timing of Initial Action</th>
<th>Frequency and Duration of Monitoring</th>
<th>Compliance Verification/Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>If any occupied dens are detected, CDFW and USFWS shall be immediately notified and a disturbance-free buffer of 0.25 mile shall be flagged around the den at ground level. Monitoring of the den site, and any adjustment or removal of buffers shall occur in consultation with CDFW and USFWS. If buffer areas cannot be avoided during construction activities, the following construction schedule shall be implemented.</td>
<td>CDFW</td>
<td>If active dens are found: Prior to initiation of construction activities: establish buffer zones</td>
<td>Completion prior to the start of construction activities</td>
<td></td>
</tr>
<tr>
<td>If construction activities must be conducted within the established buffer areas from occupied fisher dens, work in these areas must take place between July 1 and March 1, which is outside of the kit-rearing season. During this period and prior to work occurring within the established buffer, as indicated above the monitoring of the den and the removal of the buffer shall be conducted in coordination with CDFW and USFWS. Once it has been determined that there would be no potential for mortality as a result of den disturbance, the tree may be removed or work conducted within the buffer area with oversight by the qualified biologist.</td>
<td>CDFW</td>
<td>Construction, if work must be done within buffer, it must be between July 1 and March 1</td>
<td>Monitored during construction until it has been determined (in coordination with CDFW and USFWS) that there is no potential for mortality as a result of den disturbance</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 4.4-5: Avoid and minimize impacts to special-status bats. To determine if special-status bats may be affected by construction, preconstruction acoustic surveys shall be conducted during an appropriate seasonal period to detect bats, which at this elevation would be mid-April to mid-October. If no special-status bat species are detected, no further mitigation is required.</td>
<td>Mariposa County Planning Department CDFW</td>
<td>Prior to initiation of construction activities, between mid-April and mid-October: preconstruction surveys</td>
<td>Completion prior to the start of construction activities</td>
<td></td>
</tr>
<tr>
<td>If special-status bat species are detected, surveys to determine the presence of any roosting bats in tree cavities, under bark, or in foliage shall be conducted by a qualified biologist. All trees in the project footprint plus a 300-foot buffer (on the subject property) shall be surveyed. To avoid impacts to roosting bats, if any roost sites are detected, a disturbance-free buffer of 300 foot shall be flagged, and shall not be removed until a qualified biologist has determined that the roost site is no longer in use.</td>
<td>CDFW</td>
<td>And, if special-status bats are found: Prior to initiation of construction activities: establish buffer zones</td>
<td>During construction until roost is no longer in use</td>
<td></td>
</tr>
<tr>
<td>If buffer areas cannot be avoided, removal of trees with active roosts must occur after August 31 and before October 15 to avoid impacts to roosting bats. Construction activities during that time would not have adverse impacts on maternity roosts because young bats would be independent from their mothers and flying. In addition, day roosts could be identified because bats would still be emerging nightly to forage. A passive eviction plan shall be developed in consultation with CDFW. The eviction plan may include opening the roosting cavity to allow air flow, placing a one-way door on the entrance(s) to the roost, or disturbing the roost using a high-frequency broadcasting device. The roost shall be monitored with acoustic surveys to ensure that no bats are in the roosts before the trees are removed.</td>
<td>CDFW</td>
<td>Construction: any work within buffer must be after August 31 and before October 15</td>
<td>Monitored during construction until it has been determined (in coordination with CDFW) that there is no potential for mortality as a result of roost disturbance</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Agency Responsible for Monitoring and Verifying Compliance</td>
<td>Timing of Initial Action</td>
<td>Frequency and Duration of Monitoring</td>
<td>Compliance Verification/ Approval</td>
</tr>
<tr>
<td>--------------------</td>
<td>----------------------------------------------------------</td>
<td>--------------------------</td>
<td>-------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>Mitigation Measure 4.4-6: Avoid and mitigate for impacts to Yosemite toad</td>
<td>Mariposa County Planning Department, USFWS</td>
<td>Prior to any construction or grading, training session</td>
<td>Completion prior to the start of construction activities</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure 4.4-7: Avoid and mitigate for impacts to sensitive habitats, wetlands, and waters</td>
<td>Mariposa County Planning Department, USACE</td>
<td>Project design: impact avoidance</td>
<td>Application review</td>
<td></td>
</tr>
</tbody>
</table>
### Tenaya Cabins Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Agency Responsible for Monitoring and Verifying Compliance</th>
<th>Timing of Initial Action</th>
<th>Frequency and Duration of Monitoring</th>
<th>Compliance Verification/Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exhibit 4.4-1. Setbacks shall be fenced or flagged before construction occurs in adjacent areas. In areas where a setback is not feasible, such as for the construction of the boardwalk and clubhouse, encroachment of the work area into wet meadow habitats will be kept to a minimum and similarly flagged or fenced. If a 25 foot buffer is not feasible a reduced setback may be utilized in other areas of the project site if approved by a qualified biologist. To facilitate site management and ensure avoidance of sensitive habitats, all wetlands, riparian areas and streams and their setback areas shall be clearly delineated on plan sets. No construction- or operation-related vehicular access shall occur through wetlands, riparian areas, or streams. A biological monitor shall be present during construction to ensure the setback areas are avoided. If impacts to jurisdictional wetlands or other waters of the United States is not possible, the project applicant shall implement the following measures to compensate for the loss of wetlands and other waters of the United States. The preliminary wetland delineation shall submitted to and verified by USACE. If, based on the verified delineation, it is determined that fill of waters of the United States would result from project implementation, authorization for such fill shall be secured from USACE. Based on the 0.01 permanent impact identified, the project may qualify for use of a Nationwide Permit if required criteria are met. For those wetlands that cannot be avoided, the project applicant shall replace all wetland habitat at acreage and location agreeable to USACE and the RWQCB and as determined during the Section 401 and Section 404 permitting processes, and shall implement all permit conditions.</td>
<td>Prior to any construction or grading: permit approval Construction: implement permit conditions (buffers/monitoring) Permit approval prior to the start of construction activities Ongoing during construction</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 4.5 Cultural Resources

**Mitigation Measure 4.5-1a: Conduct archaeological monitoring outside of P 22 594/CA-MRP-280/H.** Archaeological monitoring will be conducted in areas outside of site P 22 594/CA-MRP-280/H where there is likelihood that archaeological remains may be discovered but where those remains are not visible on the surface (per the confidential Cultural Resources Assessment on file at the county). Where necessary, the project proponent will seek Native American input and consultation.

**Mitigation Measure 4.5-1b: Stop work in the event of an archaeological discovery outside of P 22 594/CA-MRP-280/H.** If potentially significant cultural resources are discovered outside of site P 22 594/CA-MRP-280/H during ground-disturbing activities associated with individual project preparation, construction, or completion, the project proponent will require the construction contractor to stop work in that area until a qualified archaeologist can access the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with appropriate agencies and interested parties. A qualified archaeologist will follow accepted professional standards in recording any find including submittal of the standard California Department of Parks and Recreation (DPR) Primary Record forms (Form DPR 523) and location information to the California Historical Resources Information Center office (Central California Information Center) for California projects.

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Agency Responsible for Monitoring and Verifying Compliance</th>
<th>Timing of Initial Action</th>
<th>Frequency and Duration of Monitoring</th>
<th>Compliance Verification/Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.5 Cultural Resources</strong></td>
<td>Mariposa County Planning Department Construction: during earth-disturbing activities Continuously during construction-related earth-moving activities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Agency Responsible for Monitoring and Verifying Compliance</td>
<td>Timing of Initial Action</td>
<td>Frequency and Duration of Monitoring</td>
<td>Compliance Verification/Approval</td>
</tr>
<tr>
<td>--------------------</td>
<td>----------------------------------------------------------</td>
<td>--------------------------</td>
<td>--------------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Consulting an archaeologist will also evaluate such resources for significance per CRHR eligibility criteria (PRC Section 5024.1; Title 14 CCR Section 4852). If the archaeologist determines that the find does contain temporally diagnostic materials and does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, the lead agency will be notified and a data recovery plan will be prepared.</td>
<td>Mariposa County Planning Department NAHC</td>
<td>Construction: during earth-disturbing activities</td>
<td>Continuously during construction-related earth-moving activities</td>
<td></td>
</tr>
<tr>
<td><strong>Mitigation Measure 4.5-2: Stop work if human remains are discovered.</strong> California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097. If human remains are discovered during any demolition/construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the project applicant shall notify the Mariposa County coroner and the NAHC immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. If the remains are determined by the NAHC to be Native American, the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant (MLD), if any, identified by the NAHC. Following the coroner’s findings, the archaeologist, and the NAHC-designated MLD shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section 5097.94.</td>
<td>Delaware North, the project applicant, shall further consult with the Picayune Rancheria of the Chukchansi Indians to plan, design, agree on the content, and implement the following: a. Cultural Resource Interpretative Program (Program) for the Tenaya Cabins Project site, which shall include i. cultural resource interpretive display(s) inside the clubhouse, ii. cultural resource seminar(s) or workshop(s) for interested groups, and/or iii. cultural resource brochures and/or handouts for the patrons and public. The primary goal of the Program shall be to educate the public on the cultural history of the Fish Camp area, particularly the Chukchansi Indians and their history in the region, as well as the significance of environmental resources to their culture.</td>
<td>Mariposa County Planning Department Department of Museums</td>
<td>Prior to the issuance of a grading or building permit: program approval</td>
<td>Verification of installation of interpretive display(s) and brochure(s) prior to the certificate of occupancy of project clubhouse or cabins</td>
</tr>
</tbody>
</table>
### Tenaya Cabins Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Agency Responsible for Monitoring and Verifying Compliance</th>
<th>Timing of Initial Action</th>
<th>Frequency and Duration of Monitoring</th>
<th>Compliance Verification/Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>The agreement for the Tenaya Cabins Cultural Resource Interpretive Program between the Tribe and Delaware North shall be submitted to, and approved by the County Planning Director prior to the issuance of a grading or building permit for the project. The Program shall define the location, material type(s), and dimensions of any/all displays proposed. The Program shall establish the themes, text, and images for all displays and brochures. The agreement shall define the financial obligation of Delaware North related to the display(s) and brochures/handouts and their maintenance. Delaware North shall make space available for cultural resource seminars/workshops, but shall not be financially responsible for their implementation. The Cultural Resource Interpretive Program agreement shall be submitted to, and approved by, the Planning Director. The County shall be responsible for verification of installation of interpretive display(s) and brochure(s) prior to the certificate of occupancy of project clubhouse or cabins.</td>
<td>Mariposa County Planning Department</td>
<td>Prior to the issuance of a grading or building permit: plan approval</td>
<td>Verification of installation prior to the certificate of occupancy of project clubhouse or cabins</td>
<td></td>
</tr>
</tbody>
</table>

#### 4.8 Greenhouse Gas Emissions and Climate Change

**Mitigation Measure 4.8-1: Incorporate design features into project to be consistent with the Scoping Plan.** To achieve consistency with the California Light-Duty Vehicle Greenhouse Gas Standards, the applicant shall:
- Install, at a minimum, two onsite electric charging stations for use by guests and employees to encourage use of plug-in electric and hybrid vehicles.

#### 4.9 Noise

**Mitigation Measure 4.9-2: Reduce noise exposure to sensitive receptors from new stationary noise sources.** The project applicant shall implement the following measures to reduce the effect of noise levels generated by onsite stationary noise sources:
- Routine testing and preventive maintenance of the emergency diesel generator shall be conducted during the less sensitive daytime-business hours (i.e., 7:00 a.m. to 5:00 p.m.). The generator shall be equipped with noise control (e.g., muffler) devices in accordance with manufacturers’ specifications.
- External mechanical equipment, including the diesel powered emergency generator, shall incorporate features designed to reduce noise emissions below the County stationary noise source criteria standards (i.e., 55 dB Leq during daytime hours and 45 dB Leq during nighttime hours). These features may include, but are not limited to, locating equipment within equipment rooms or enclosures that incorporate noise reduction features, such as acoustical louvers, and exhaust and intake silencers. Equipment enclosures shall be oriented so that major openings (i.e., intake louvers, exhaust) are directed away from nearby noise-sensitive receptors.
- The clubhouse speaker system shall be located, oriented, and calibrated so that it operates at noise levels that do not exceed County standards (i.e., 50 dB Leq during daytime hours and 40 dB Leq during nighttime hours) at any existing or planned sensitive receptor.
## Tenaya Cabins Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Agency Responsible for Monitoring and Verifying Compliance</th>
<th>Timing of Initial Action</th>
<th>Frequency and Duration of Monitoring</th>
<th>Compliance Verification/Approval</th>
</tr>
</thead>
</table>
| To ensure that Mariposa County noise performance standards for non-transportation noise sources are not exceeded at any nearby sensitive land uses the project applicant shall comply with the following:  
- Prior to issuance of any grading or building permits for the project, a site specific noise study shall be submitted by a qualified acoustical engineer addressing County noise performance standards for non-transportation noises at the surrounding off-site sensitive receptors within 800 feet of the project site.  
- A qualified acoustic specialist shall be selected by the County and hired at the project applicant’s expense to verify the effectiveness of all noise reduction measures. The noise study shall use approved calculation methodologies and include recommendations and measures to ensure compliance with County standards. A copy of the report shall be filed with the County and copies shall be provided to all off-site residential receptors located within 800 feet of the project site. If through this mitigation measure it is determined that the reduction of sound at the surrounding sensitive receptors associated with the implementation of mitigation measures is not sufficient to comply with County standards, then the stationary noise source shall not be permitted.  
- As part of the site-specific noise study, the applicant shall assess the level of noise generated by the clubhouse speaker system to ensure that it does not exceed County standards (i.e., 50 dB Leq during daytime hours and 40 dB Leq during nighttime hours) at any sensitive receptor. The speaker locations and settings shall be reviewed and approved by the County. The clubhouse speaker system shall be recalibrated once a year to ensure that it continues to operate in compliance with the County noise standards. The results of the calibration, including monitored noise levels, shall be provided to the County. If an exceedance of County standards occurs, the speaker system shall be recalibrated, volumes shall be lowered if necessary, and the system shall be re-reviewed by the County to demonstrate compliance with the County standards. | Mariposa County Planning Department | Construction phase | Continuously during project construction |

- Mitigation Measure 4.9.4: Restrict construction hours and apply noise-reducing mufflers to construction equipment. The County shall require the applicant to implement the following noise reduction measures during construction activities:  
  - All construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. for Monday through Friday and 9:00 a.m. to 8:00 p.m. on weekends and legal holidays.  
  - All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer recommendations. Equipment engine shrouds shall be closed during equipment operation.
## Tenaya Cabins Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Agency Responsible for Monitoring and Verifying Compliance</th>
<th>Timing of Initial Action</th>
<th>Frequency and Duration of Monitoring</th>
<th>Compliance Verification/Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.10 Geology and Soils</td>
<td>MariPOssa County Planning Department RWQCB</td>
<td>Prior to any construction or grading: SWPPP Construction: BMP implementation</td>
<td>Continuously during project construction</td>
<td></td>
</tr>
</tbody>
</table>

**Mitigation Measure 4.10-2: Prepare and implement a stormwater pollution prevention plan.** The project applicant shall implement Mitigation Measure 4.11-1, as required in the Final EIR. The project would require coverage by the statewide General Construction Permit. The General Construction Permit requires implementation of BMPs, monitoring of numeric action levels, and adherence to a site-specific Stormwater Pollution Prevention Plan (SWPPP) prepared to address conditions at the site during construction. Therefore, the project applicant shall prepare and implement a SWPPP, as described in Mitigation Measure 4.11-1.

### Hydrology and Water Quality

**Mitigation Measure 4.11-1: Prepare and implement a stormwater pollution prevention plan.** As described in Section 4.11.1, above, the project would require coverage by the statewide General Construction Permit. The General Construction Permit requires implementation of BMPs, monitoring of numeric action levels, and adherence to a site-specific SWPPP prepared to address conditions at the site during construction. Therefore, the project applicant shall prepare a SWPPP, which shall include measures such as the following:

- Temporary BMPs to prevent the transport of earthen materials and other construction waste materials from disturbed land areas, stockpiles, and staging areas during periods of precipitation or runoff, including: filter fences, fiber rolls, erosion control blankets, mulch (such as pine needles and wood chips); and temporary drainage swales and settling basins.

- Designated contractor staging areas for materials and equipment storage outside of riparian areas. Designated staging and storage areas would be protected by construction fencing and/or silt barriers, as appropriate. Following project completion, all areas used for staging would be stabilized or revegetated.

- Temporary BMPs to prevent the tracking of earthen materials and other waste materials from the project site to offsite locations, including stabilized points of entry/exit for construction vehicles/equipment and designated vehicle/equipment rinse stations, and sweeping.

- Temporary BMPs to prevent wind erosion of earthen materials and other waste materials from the project site, including routine application of water to disturbed land areas and covering of stockpiles with plastic or fabric sheeting.

- To avoid temporary impacts to the water quality of wet meadow in the vicinity of the clubhouse and boardwalk, no vehicles or equipment shall be refueled within 100 feet of jurisdictional areas unless a bermed and lined refueling area is constructed. Spill kits shall be maintained on the site in sufficient quantity to accommodate at least three complete vehicle tank failures of 50 gallons each. Any vehicles driven or operated within or adjacent to drainages or wetlands shall be checked and maintained daily to prevent leaks. No vehicles or construction equipment shall be stored overnight within 100 feet of jurisdictional areas unless drip pans or ground covers are used. In addition, a minimum 25-foot setback shall be observed from the outer edge of all wet meadow and forested/shrub wetland/riparian communities (see Exhibit 4.4). Setbacks shall be fenced or
## Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Agency Responsible for Monitoring and Verifying Compliance</th>
<th>Timing of Initial Action</th>
<th>Frequency and Duration of Monitoring</th>
<th>Compliance Verification/Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>flagged before construction occurs in adjacent areas. If a 25 foot buffer is not feasible a reduced setback may be utilized if approved by a qualified biologist.</td>
<td>Mariposa County Planning Department</td>
<td>Project design: final site plans</td>
<td>Plan to be approved prior to the issuance of a grading or building permit for the project.</td>
<td></td>
</tr>
<tr>
<td>▲ Temporary BMPs to capture and contain pollutants generated by concrete construction including lined containment for rinsate to collect runoff from washing concrete delivery trucks and equipment.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▲ Protective fencing to prevent damage to trees and other vegetation to remain after construction, including tree protection fencing and individual tree protection such as protective casings of wood slats around the bases of trees.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▲ Temporary BMPs for the containment or removal of drilling spoils generated from construction of bridge foundations and abutments.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▲ Daily inspection and maintenance of temporary BMPs to ensure proper function. The prime contractor would be required to maintain a daily log of Temporary Construction BMP inspections and keep the log onsite during project construction, available for review by the Central Valley RWQCB and Mariposa County.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▲ Tree removal activities, including the dropping of trees, would be confined to the construction limit boundaries.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▲ Construction boundary fencing to limit disturbance and prevent access to areas not under active construction.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Mitigation Measure 4.11-2: Install permanent stormwater controls and water quality BMPs.

The project applicant shall implement the following stormwater controls and water quality BMPs:

- Best management practices for the containment and isolation of products, and use of non-toxic products whenever possible would reduce the quantity of contaminants exposed to stormwater.

- Recognizing that in some instances it is impossible to isolate all contaminants from stormwater discharges, stormwater controls shall be implemented to reduce the amount of runoff that discharges directly to surface water. Water quality treatment facilities/best management practices (BMPs)/low impact development (LID) measures shall be designed according to the guidance of the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development/Redevelopment, and for Industrial and Commercial as well as the Mariposa County Erosion and Sedimentation Policies for Construction Activities and the Specific Plan Topography and Soil Erosion requirements. Final site plans shall illustrate stormwater controls and water quality BMPs as a condition of project approval.

- Storm drainage from on- and offsite impervious surfaces (including roads) shall be collected and routed through specially designed vegetated swales, infiltration trenches, water quality inlets, detention basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants. BMPs shall be designed at a minimum in accordance with the Mariposa County Erosion and Sedimentation Policies for Construction Activities and the Specific Plan Topography and Soil Erosion requirements.

- No stormwater controls or BMPs shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Agency Responsible for Monitoring and Verifying Compliance</th>
<th>Timing of Initial Action</th>
<th>Frequency and Duration of Monitoring</th>
<th>Compliance Verification/Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>All BMPs shall be maintained as required to insure effectiveness. The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation. Proof of ongoing maintenance, such as contractual evidence, shall be provided to Mariposa County upon request. Maintenance of these facilities shall be provided by the project owner/permittee. Contractual evidence of a monthly parking lot sweeping and vacuuming, and catch basin cleaning program shall be provided upon request. Failure to do so will be grounds for discretionary permit revocation.</td>
<td>Operations: maintain stormwater controls/BMPs</td>
<td>Ongoing during operations – proof of maintenance to be provided to Mariposa County upon request</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| **Mitigation Measure 4.11-3: Prepare and implement a final drainage report that reduces runoff to pre-project conditions.** As part of the project approval process, the applicant shall submit a Drainage Report prepared by a Registered Civil Engineer that addresses at minimum:  
   - written text addressing existing conditions,  
   - the effects of the proposed improvements,  
   - all appropriate calculations,  
   - watershed maps,  
   - changes in flows and patterns, and  
   - proposed on- and off-site improvements to accommodate flows from the project. | Mariposa County Planning Department | Project design: final site plans | Plan to be approved prior to the issuance of a grading or building permit for the project. |
| The final Drainage Report shall provide details showing that stormwater run-off shall be reduced to pre-project conditions (no net increase in runoff) through the installation of retention/detention facilities. Retention/detention facilities shall be designed to the satisfaction of the Mariposa County Public Works Department. The County may, after review of the project final drainage report, delete this requirement if it is determined that drainage conditions do not warrant installation of this type of facility. Maintenance of detention facilities by the property owner, or entity responsible for project maintenance shall be required. No retention/detention facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals. | Operations: maintain stormwater controls/BMPs | Ongoing during operations – proof of maintenance to be provided to Mariposa County upon request |
| **Mitigation Measure 4.11-4: Prepare and implement well monitoring program.** DN shall establish a monitoring program for FCMWC Well 1 and shall, at a minimum, include short duration pumping tests to assess production capacity and pumping water levels. These tests shall be completed on a monthly basis during the months of August, September, and October and shall include the following:  
   - Delaware North shall coordinate with FCMWC to test FCMWC Well 1 once a month during the months of August, September, and October. A qualified well driller, hydrologist or hydrogeologist, approved by the County, shall conduct the testing and provide monitoring reports.  
   - Each test shall be proceeded by a minimum of eight (8) hours of non-operation in FCMWC Well 1.  
   - A static depth to water measurement shall be collected and recorded following the period of non-operation and preceding the start of the test. | Mariposa County Planning Department, FCMWC | Initiated in advance of project construction/completion and during operations: Monthly during August, September, and October | Prior to and ongoing during project operations: for five (5) years. If there is no defined drought during that five (5) year period, then Delaware North, FCMWC, and Mariposa County may extend the monitoring for a...|
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Agency Responsible for Monitoring and Verifying Compliance</th>
<th>Timing of Initial Action</th>
<th>Frequency and Duration of Monitoring</th>
<th>Compliance Verification/Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>▶ Following the period of non-operation and collection of the static depth to water measurement, FCMWC Well 1 shall be pumped at the full capacity of the existing pumping equipment for a period of at least four (4) hours.</td>
<td></td>
<td>second five (5) year period, not to exceed a total of ten (10) years.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>▶ Depth to water measurements shall be collected in FCMWC Well 1 throughout the four (4) hour test. Depth to water measurements shall be collected at least every ten (10) minutes throughout the test.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▶ Production volume and rate measurements shall be collected from the discharge of FCMWC Well 1 at least every ten (10) minutes throughout the test.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▶ The three Tenaya Lodge wells shall be maintained non-operational for a period of at least four (4) hours prior to the start of the test and shall remain non-operational for the first two (2) hours of the test.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▶ After the first two (2) hours of the test have elapsed, the Tenaya Lodge wells shall be turned on and allowed to operate at full capacity.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▶ The production rate and pumping depth to water measurements from FCMWC Well 1 shall be compared to previous test results.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▶ This evaluation with compare each test to previous tests, and also compare the first two (2) hours of each test (when the Tenaya Lodge wells are not operating) to the first two (2) hours of previous tests, and the second two (2) hours of each test (when the Tenaya Lodge wells are pumping) to the second two (2) hours of previous tests.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▶ The comparisons shall consider specific capacity information for incremental time steps during the test (e.g. every hour) and compare these data to those from the same time step in previous tests.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▶ The results of each test shall be compared to the previous tests from that year and to the tests from the same month in previous years.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▶ A sustained reduction of over ten (10) percent of the capacity of FCMWC Well 1, measured either by a reduction in pumping rate or a reduction in specific capacity, shall trigger the need for implementation of water demand management measures at the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages. A sustained ten (10) percent reduction shall apply only to decreases in the capacity of the well when compared to prior years. Small seasonal changes in well production capacity are to be expected, and these shall not trigger implementation of water demand management measures.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>▶ Any reduction of over twenty (20) percent of the capacity of FCMWC Well 1, either compared to previous months or the previous year, shall trigger implementation of water demand management measures at the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Tenaya Cabins Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Agency Responsible for Monitoring and Verifying Compliance</th>
<th>Timing of Initial Action</th>
<th>Frequency and Duration of Monitoring</th>
<th>Compliance Verification/Approval</th>
</tr>
</thead>
</table>

This monitoring program shall be initiated as far as possible in advance of completion of project construction. Collection of baseline pumping rate and water level data from FCMWC Well 1 before the project becomes operational will improve the usefulness and reliability of the monitoring data.

The FCMWC Well 1 monitoring program shall be implemented for five (5) years. If there is no defined drought during that five (5) year period, then Delaware North, FCMWC, and Mariposa County may extend the monitoring for a second five (5) year period, not to exceed a total of ten (10) years.

If triggered as a result of the FCMWC Well 1 monitoring program described above, DN shall implement one or more of the following water demand management measures at the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages to incrementally reduce groundwater pumping until supplemental monitoring of FCMWC Well 1 shows no residual reduction in the production capacity.

- Adjust operation of the three existing wells in the Tenaya Lodge water system; alternate well pumping so that the Tenaya wells do not pump at the same time.
- Reduce the rates of pumping in three existing wells in the Tenaya Lodge water system.
- Reduce occupancy at the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages to reduce the total demand for water.
- Install additional water conservation devices throughout the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages to reduce the total demand for water.

### 4.13 Hazards and Hazardous Materials

**Mitigation Measure 4.13: Provide supplementary fire protection staff and equipment.** Prior to operation of the Tenaya Cabins Project, DN shall provide a minimum of two trained and certified emergency staff on premises or in the Fish Camp community and available to respond to emergencies at all times. The supplementary staff would be trained to meet Mariposa County Fire Department Volunteer Fire Service standards. Staffing may be provided by Tenaya Lodge employees who have completed the required training.

DN shall provide personal protection equipment (PPE) and positive communication equipment for all firefighting and emergency service personnel provided by DN. PPE and communication equipment shall be stored in a central, secure location. Communication systems shall permit uninterrupted contact between all firefighters at all times and at all locations on or within the property. In addition, there shall be positive communication at all times between a fire officer and recognized Emergency Command Center (ECC). All equipment required shall be approved by and become property of Mariposa County and maintained per manufacturer and National Fire Protection Association (NFPA) standards by DN.

DN and Mariposa County shall negotiate a mutually-agreeable project contribution to support the Mariposa County Fire Department apparatus inventory. This shall be included as a condition of permitting for the project.

| Mariposa County Fire Department | Prior to issuance of grading or building permit: agreement | Agreement prior to issuance of grading or building permit | Verification of staff and equipment prior to the certificate of occupancy of project clubhouse or cabins |Prior to the certificate of occupancy of project clubhouse or cabins: staff and equipment available|
## Tenaya Cabins Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Agency Responsible for Monitoring and Verifying Compliance</th>
<th>Timing of Initial Action</th>
<th>Frequency and Duration of Monitoring</th>
<th>Compliance Verification/Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>The above requirements, or equivalent as approved by the Mariposa County Fire Department, shall be included in a fully executed agreement between the Fire Department and DN prior to the issuance of grading or building permit for the project.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 4.14 Visual Resources

**Mitigation Measure 4.14-1: Provide Vegetative Screening.** If tree die-off occurs on the project site to the extent that the visibility of built structures becomes prominent, as determined by the County, the applicant/operator shall plant a visual screen that effectively mutes the visibility. A planting plan shall be prepared by a landscape architect and be approved by the County; it shall use native tree and vegetation species and shall identify the sizes of plantings. Plantings shall be irrigated with recycled water and monitored for establishment for five (5) years. If plantings die, they shall be replaced on a one-to-one ratio until established. Irrigation shall meet the 2015 Model Water Efficient Landscape Ordinance (CCR Title 23, Chapter 2.7), as verified by Mariposa County.

| | Mariposa County Planning Department | If built structures visibility becomes prominent, as determined by the County. | 5-year monitoring for tree establishment | |
|----------------|-----------------------------------|---------------------------------|------------------------------------------| |
5 REPORT PREPARERS

Mariposa County (Lead Agency)
Sarah Williams .................................................................................................................. Planning Director
Steve Engfer ....................................................................................................................... Associate Planner
Alvaro Arias ....................................................................................................................... Senior Planner

Ascent Environmental, Inc. (EIR Preparation)
Gary Jakobs, AICP ................................................................................................................. Principal in Charge
Suzanne Enslow ................................................................................................................... Project Manager
Julia Wilson ......................................................................................................................... Environmental Analyst
Alta Cunningham ................................................................................................................ Cultural Resources
Honey Walters ..................................................................................................................... Senior Air Quality and Noise Specialist
Tiffany Lunday ....................................................................................................................... Geology, Soils, and Seismicity; Hydrology and Water Quality
Ted Thayer ........................................................................................................................ Biological Resources
Linda Leeman ...................................................................................................................... Senior Wildlife Biologist
Lisa Kashiwase ................................................................................................................ GIS Specialist
Gayiety Lane ....................................................................................................................... Document Production

Todd Groundwater, Inc. (Groundwater Demand/Supply/Drawdown)
Chad Taylor, PG, CHG ........................................................................................................... Senior Hydrogeologist
Iris Priestaf, PhD .................................................................................................................. President
Maureen Reilly, PE ............................................................................................................. Senior Engineer
Amber Ritchie, GIT ............................................................................................................. Staff Geologist

Auberry Builders Supply, Inc. (Groundwater Well Testing and Monitoring)
Ron Taylor ........................................................................................................................... Licensed Water Well Pump Contractor
This page intentionally left blank.