RESOLUTION - ACTION REQUESTED 2017-434

MEETING: June 27, 2017

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director


The recommended action is based on the project staff report, EIR, and the Fish Camp Town Planning Advisory Council's and Planning Commission's recommendations.

Project Summary: Delaware North (DN), the owner and operator of the Tenaya Lodge, has proposed a two parcel Land Division (LDA No. 2014-165), a General Plan/Specific Plan Zoning Amendment (GP/SPZA No. 2014-163), and a Conditional Use Permit (CUP No. 2014-164) on assessor's parcel number (APN) 010-350-010 (formerly 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 pre-fabricated 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 1-acre to Single Family Residential ½-acre for a future single family residence.

Action: The Board will consider adoption of a resolution for action on the applications and environmental determination:

1. Certifying the EIR as adequate and complete (SCH 2015021032)
2. Adopting Findings of Fact
3. Adopting the Mitigation Monitoring and Reporting Program
4. Approving the project applications with the recommended findings and conditions.

The Staff Report attached to this item is prepared for two MinuteTraq Items (MT
Item 7133 for adoption of a resolution and MT Item 7134 for waiver of the first reading and introduction of an ordinance).

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Resolution 2015-300, June 23, 2015: Contract for services with Ascent for the preparation of the EIR and an agreement to pay for services with Delaware North.

Resolution 2015-425, September 1, 2015: 1st amendment to the contract with Ascent and the 1st amendment to the agreement with Delaware North.

Resolution 2016-371, July 12, 2016: 2nd amendment to the contract with Ascent.

Resolution 2016-648, December 13, 2016: 3rd amendment to the contract with Ascent.

Resolution 2017-215, April 18, 2017: 4th amendment to the contract with Ascent and second amendment to the agreement with Delaware North.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Alternative: Recommend amendments to findings and/or conditions.

Negative action: Recommend denial (basis for denial recommended would have to be established, considering required findings)

FINANCIAL IMPACT:
None. All costs for project paid by applicant.

ATTACHMENTS:
Staff Report (DOC)
Attachment A- Vicinity Map (PDF)
Attachment B- Project Plans and Tentative Map (PDF)
Attachment C- Draft EIR (PDF)
Attachment D- FEIR and Revised Appendix J (PDF)
Attachment E- Access and Road Exhibit (PDF)
Attachment F- Marshall Easement Deed Correspondence (PDF)
Attachment G- CEQA Findings of Fact and MMRP (PDF)
Attachment I- Correspondence Received (PDF)
Attachment J - Planning Commission Resolution (PDF)
Attachment K - Draft BOS Resolution (DOC)
Attachment L - Notice of Determination (PDF)

CAO RECOMMENDATION
Requested Action Recommended
RESULT: ADOPTED [UNANIMOUS]
MOVER: Miles Menetrey, District V Supervisor
SECONDER: Rosemarie Smallcombe, District I Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
Resolution
No. 2017-434

WHEREAS, applications for a General Plan/Specific Plan Zoning Amendment, Land Division and Conditional Use Permit were received on December 23, 2014, from Delaware North for a property located immediately north of the Tenaya Lodge, in Fish Camp, CA Mariposa County, also known as Assessor Parcel Number (APN) 010-350-010 (formerly APN 010-350-008); and

WHEREAS, the applications proposed Parcel 1 as 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 pre-fabricated 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 1-acre to Single Family Residential ¼ - acre for a future single family residence; and

WHEREAS the Planning Department circulated the applications among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS, an EIR, State Clearinghouse Number (SCH) 2015021032, was prepared for the Tenaya Cabins Project Pursuant to the California Environmental Quality Act; and

WHEREAS, the Tenaya Cabins EIR public scoping process was completed in July and August of 2015; a duly noticed EIR public scoping meeting was held on August 13, 2015 in Fish Camp to obtain public input on issues to be addressed by project EIR; and

WHEREAS, the Tenaya Cabins Draft EIR was prepared and a Notice of Availability was published August 26, 2016; and

WHEREAS a duly noticed public meeting of the Fish Camp Town Planning Advisory Council was held on September 24, 2016 to receive public and advisory council comments on the Draft EIR; and

WHEREAS a duly noticed Planning Commission public hearing was held on September 23, 2016 to receive public and commission comments on the Draft EIR; and
WHEREAS a Final EIR for the project was prepared that included the Draft EIR, comments received, response to comments and revisions; and

WHEREAS, a Staff Report, Final Environmental Impact Report (EIR), Mitigation Monitoring and Reporting Program, findings, conditions and environmental determination were prepared pursuant to the California Government Code, Mariposa County Code, General Plan, Fish Camp Specific Plan, California Environmental Quality Act, and local administrative procedures; and

WHEREAS, a duly noticed Fish Camp Town Planning Advisory Council meeting for the project and Final EIR was scheduled on the 13th day of May 2017; and

WHEREAS, the Fish Camp Town Planning Advisory Council did hold a public meeting on the noticed date and considered all of the information in the public record, including the Staff Report, Final EIR, Mitigation and Monitoring and Reporting Program, CEQA Findings of Fact, mitigation measures and conditions of approval, testimony presented by the public concerning the application, and the comments of the applicant; and

WHEREAS, the Fish Camp Town Planning Advisory Council recommended that the Planning Commission and the Board of Supervisors certify the EIR and approve the project with amended conditions; and

WHEREAS, a duly noticed Planning Commission public hearing meeting for the project and Final EIR was scheduled on the 2nd day of June 2017; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered the Fish Camp Town Planning Advisory Council’s recommendation, all of the information in the public record, including the Staff Report, Final EIR, Mitigation and Monitoring and Reporting Program, CEQA Findings of Fact, project findings, mitigation measures, conditions of approval, testimony presented by the public concerning the application, and the comments of the applicant; and

WHEREAS, the Planning Commission of the County of Mariposa recommended that the Board of Supervisors approve the Tenaya Cabins Project, including GP/SPZA No. 2014-163, LDA No. 2014-165 and CUP No. 2014-164 by:

- Certifying the EIR as adequate and complete (SCH 2015021032)
- Adopting the recommended Findings of Fact
- Adopting the recommended Mitigation Monitoring and Reporting Program
- Approving the project with the recommended findings and conditions as described in the staff report with amendments to conditions no. 14, 57, 71, 90, 91 and 92
WHEREAS, a duly noticed Board of Supervisors public hearing for the project and Final EIR was scheduled on the 27th day of June 2017; and

WHEREAS, the Board of Supervisors did hold a public hearing on the noticed date and considered the Fish Camp Town Planning Advisory Council’s recommendation, the Planning Commission’s recommendation, all of the information in the public record, including the Staff Report, Final EIR, Mitigation and Monitoring and Reporting Program, CEQA Findings of Fact, project findings, mitigation measures, conditions of approval, public comments, testimony presented by the public concerning the application, and the comments of the applicant.

NOW THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors of the County of Mariposa does hereby approve the Tenaya Cabins Project, including General Plan/Specific Plan/Zoning Amendment (GP/SPZA) No. 2014-163 as shown in Exhibit 6, Land Division Application (LDA) No. 2014-165 as shown in Exhibit 8, and Conditional Use Permit (CUP) No. 2014-164 as shown in Exhibit 7 by:

- Certifying the EIR as adequate and complete (SCH 2015021032)
- Adopting the recommended CEQA Findings of Fact
- Adopting the recommended CEQA Mitigation Monitoring and Reporting Program
- Approving the project applications with the recommended findings, conditions and mitigation measures as described in the EIR and staff report

BE IT THEREFORE FINALLY RESOLVED THAT this action is recommended based upon the Tenaya Cabins Project:

- CEQA Findings of Fact and Mitigation Monitoring and Reporting Program, included as Exhibit 1
- GP/SPZA No. 2014-163 findings, included as Exhibit 2
- LDA No. 2014-165 findings, included as Exhibit 3
- CUP No. 2014-164 findings, included as Exhibit 4
- Conditions and mitigation measures, included as Exhibit 5
- GP/SPZA No. 2014-163 Land Use Map, included as Exhibit 6
- Plans as shown in the EIR and Staff Report, included as Exhibit 7
- Tentative Map as shown in the EIR and Staff Report, included as Exhibit 8
ON MOTION BY Supervisor Menetrey, seconded by Supervisor Smallcombe, this resolution is duly passed and adopted this 27th day of June 2017 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY

NOES: NONE

EXCUSED: NONE

ABSTAIN: NONE

[Signature]
Marshall Long, Chairman
Mariposa County Board of Supervisors

Attest:

[Signature]
René LaRoche, Secretary to the Board of Supervisors

Approved as to Form:

[Signature]
Steven W. Dahlem
County Counsel
EXHIBIT 1

FINDINGS OF FACT & MITIGATION MONITORING AND REPORTING PROGRAM
CEQA Findings of Fact for the Tenaya Cabins Project

SCH#2015021032

RECEIVED
APR. 24 2017
Mariposa County Planning Dept.

April 17, 2017
INTRODUCTION

These findings have been prepared by Mariposa County (the lead agency) for the proposed Tenaya Cabins Project (Project), for which an environmental impact report (EIR) was prepared pursuant to California Environmental Quality Act (CEQA, California Public Resources Code, Section 21000, et seq.). The EIR is a project level document, the components of which are described in the “Project Description” section.

Approval of a project with significant impacts requires that findings be made by the lead agency pursuant to the California Environmental Quality Act (CEQA, California Public Resources Code, Section 21000, et seq.), and State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3) Sections 15043, 15091, and 15093. CEQA Guidelines Section 15092(b) requires the findings associated with the significant impacts of a project that are either: (1) mitigated to a less-than-significant level pursuant to the mitigation measures identified in the EIR; or (2) mitigation measures notwithstanding, have a residual significant impact that requires a Statement of Overriding Consideration be supported by substantial evidence in the administrative record, which includes the documents, materials, and other evidence. The Tenaya Cabins Project Final EIR, which includes the Draft EIR and responses to comments on the Draft EIR, and as supported by the administrative record, concluded that all project impacts would be mitigable to less than significant; the project would not result in significant and unavoidable impacts.

These findings are organized as follows.

Section 1 - Findings for Less-Than-Significant Impacts (or No Impacts): This section provides the County’s findings associated with impacts identified as “no impact” or “less than significant” in the Final EIR.

Section 2 - Findings for Significant, Potentially Significant, and Cumulatively Significant Impacts Reduced to Less Than Significant through Mitigation Measures: This section provides the County’s findings with respect to impacts identified as significant that are reduced to less than significant through the adoption of feasible mitigation measures identified in the Final EIR. These findings are made pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091.

Section 3 - Findings Associated with Project Alternatives: This section sets forth the County’s findings with respect to alternatives to the Project that were evaluated in the Final EIR. These findings are made pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091.

Section 4 - Mitigation Monitoring and Reporting Program: This section adopts and incorporates the Mitigation Monitoring and Reporting Program (MMRP) for mitigation measures that have been proposed for adoption. In adopting these findings, the County hereby commits to implement the MMRP pursuant to CEQA Guidelines Section 15097. The MMRP is included in Attachment A.

Public Resources Code Section 21081 and CEQA Guidelines Section 15091 state that no public agency shall approve or carry out a project for which a certified EIR identifies one or more significant environmental effects of the project, unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each
finding. The possible findings, which must be supported by substantial evidence in the record, include:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

When making the findings required in subdivision (1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

The mitigation measures required of the Tenaya Cabins Project are listed in the MMRP (Attachment A). The MMRP is adopted concurrently with these findings, as required by CEQA Section 21081.6(a)(1), and will be implemented throughout all phases of the project, including design, construction, and operation. Mariposa County will use the MMRP to track compliance with all mitigation measures. The County binds itself to implementation of these measures.

The “changes or alterations” referred to in (1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in CEQA Guidelines Section 15370, including:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments.

These findings constitute Mariposa County’s evidentiary and policy basis for its decision to approve the proposed Tenaya Cabins Project in a manner consistent with CEQA. These findings are not merely informational, but constitute a binding set of obligations that will come into effect when Mariposa County approves the Tenaya Cabins Project (Public Resources Code Section 21081.6(b)). The mitigation measures identified as feasible and within the County’s authority to implement for the approved Project become part of the MMRP which is adopted concurrently with these findings. The mitigation measures are also conditions of approval of the proposed Project and will bind the property owner/applicant to implement upon project approval. The County will enforce implementation of the conditions of approval and mitigation measures. Mariposa County, upon
review of the Final EIR (which includes the Draft EIR) and based on all the information and evidence in the administrative record, hereby makes the findings set forth herein.

DEFINITIONS

The following definitions apply where the subject words or abbreviations are used in these findings:

“Board” means the Mariposa County Board of Supervisors.

“CDFW” means the California Department of Fish and Wildlife.

“CEQA” means the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).

“Condition” means a Condition of Approval adopted by the County in connection with approval of the proposed Project.

“County” means Mariposa County.

“Draft EIR” means the Draft Environmental Impact Report for the proposed Tenaya Cabins Project.

“EIR” means environmental impact report.

“Final EIR” means the Final Environmental Impact Report for the proposed Tenaya Cabins Project, including the Draft EIR.

“General Plan” means the Mariposa County General Plan, as adopted in 2006 with subsequent amendments.

“MMRP” means the Mitigation Monitoring and Reporting Program for the proposed Project, provided in Attachment A.

“NOP” means Notice of Preparation of an EIR.

“Planning Commission” means the Mariposa County Planning Commission.

“Planning Department” means the Mariposa County Planning Department.

“Proposed Project” means the proposed Tenaya Cabins Project.

“RWQCB” means the Central Valley Regional Water Quality Control Board.

“USFWS” means the US Fish and Wildlife Service.

“USACE” means the United States Army Corps of Engineers.
“Zoning Ordinance” means the Mariposa County Code, Title 17, including all amendments thereto.

PROJECT DESCRIPTION

Delaware North (DN), the owner and operator of the Tenaya Lodge, is proposing to divide assessor’s parcel number (APN) 010-350-008, located immediately north of the Tenaya Lodge in Fish Camp, Mariposa County, into two parcels. The first parcel would be rezoned from Single Family Residential 1-acre to Resort Commercial for the construction of 54 pre-fabricated cabins and a clubhouse. The second parcel would be rezoned from Single Family Residential 1-acre to Single Family Residential ½-acre for a future single family residence. The project site is primarily undeveloped forested land that includes a one-acre pond (Rainbow Lake) at the northern end, Big Creek on the eastern side, and meadow and wetlands on the southern portion of the site. The total project site acreage assessed in the EIR includes Highway 41 and the utility connections to the Tenaya Lodge, which represents 30.03 acres. Assessor’s parcel number 010-350-008 represents 26.89 acres of this total.

The Tenaya Cabins Project would include up to 54 pre-fabricated cabins set on concrete pier footings or concrete slab-on-grade foundations. Each cabin would have an area of approximately 675 square feet of room space (plus approximately 75 square feet of deck) and would be served by sanitary sewer, potable water, electricity, telephone, data, and cable television services. The proposed site plan is designed to accommodate the existing topography of the site; minimize the impacts to existing natural features such as rock formations, trees, the Big Creek riparian corridor, Rainbow Lake, and wetlands; and maximize the buffer between the cabins and Highway 41.

The proposed multi-use clubhouse would be approximately 2,700 square feet [sf], located adjacent to Big Creek on the eastern boundary of the site and would include a large outdoor deck, fire pit, barbeque, hot tub and swimming pool. The clubhouse would be used for guest registration, administrative offices, events, laundry facilities, a small grocery, a residential-style kitchen, and recreational activities. The clubhouse would be designed to accommodate seating for 60 people on the deck and provide indoor facilities capable of holding smaller parties. Amplified sound for events at the clubhouse would conclude at 10:00 p.m.; however, events could continue past that time.

Vehicular access to the Tenaya Cabins is proposed from Highway 41 at the same location as an existing dirt-road entrance to the site. The entrance would be configured to meet Caltrans requirements for acceleration and deceleration distances and turning lane requirements. Onsite roads would follow existing dirt roads where possible and would be routed around existing trees, vegetation, and rock formations whenever possible to maximize visual screening. The project roads would be paved with asphalt and designed in compliance with Mariposa County standards for slope, width, turning radius and fire and emergency access.

The proposed site plan provides 1.5 parking stalls for each cabin plus seven additional stalls to account for retail, office and associate parking in accordance with the Fish Camp Town Planning Area Specific Plan, which results in 88 parking stalls. Per the California Accessible Code (2013 California Building Code Chapter 11B), seven cabins would be designed to conform to the requirements of the Americans with Disabilities Act (ADA) Standards for Accessible Design. Therefore, these seven cabins would have an ADA-compliant parking space. There would also be an ADA-compliant parking stall at the clubhouse for registration. Parking would be clustered to maintain visual separation between parked vehicles and the cabins.
Utilities would be installed underground within the limits of the paved access roads where feasible, and would comply with separation standards set by the State of California and the Mariposa County Health Department. Wastewater would be collected with a below-grade piping system and gravity fed to a lift station located near the low point of the property. From the lift station, wastewater would be pumped to the new Tenaya Lodge Wastewater Treatment Plant (WWTP) (operational as of January 2016) located south of the project site on the southwestern side of the Tenaya Lodge property, south of the cottages. In addition, an existing Tenaya Lodge leach field, located between the lodge and the project site, would be expanded to accommodate the project-related increase in tertiary-treated effluent discharge from the WWTP. An additional 637 linear feet of leach lines would be constructed to provide disposal capacity for the proposed Tenaya Cabins at full occupancy.

Water for domestic and firefighting purposes would be provided by the existing Tenaya Lodge water system. Fire hydrants would be located adjacent to the paved access road per the requirements of Mariposa County Fire Department. Fire water storage is estimated to be between 120,000 and 150,000 gallons, per Mariposa County requirements.

Electricity would be extended from existing PG&E facilities. Telephone, data and cable television service would be extended from Tenaya Lodge, so the services are integrated with the main lodge.

The proposed project includes a land division to create a ½-acre parcel for residential use. This parcel would require an amendment from Single Family Residential 1-acre residential to Single Family Residential ½ -acre land use classification per Fish Camp Town Planning Area Specific Plan and Mariposa County requirements. Although no development is currently proposed for this parcel, it is assumed that a residence would be built on the site in the future. Therefore, the Tenaya Cabins Project would provide vehicular access and utilities (water, wastewater, electricity) to the residential parcel. Per County requirements, all main access road grading and improvements would occur within a 40 to 60-foot easement.

The following actions are proposed and referred to collectively as the project approvals. The project approvals constitute the proposed Project for purposes of CEQA Guidelines Section 15378.

**Mariposa County Discretionary Approvals**

Certification of the Final EIR

Adoption of these findings and the MMRP

Land Division (APN 010-350-008 into two parcels)

Rezone APN 010-350-008 from 1-acre Residential to Resort Commercial to Resort Commercial Planned Unit Development (PUD) (Parcel 1)

Rezone new parcel from 1-acre Residential to ½-acre Residential (Parcel 2)

Amend the Mariposa County General Plan and Fish Camp Town Planning Area Specific Plan

Approve 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, barbeque 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 Ministerial Approvals
Design/site review approval for all proposed structures
Improvement plan approval
Building permit approval

Responsible and Trustee Agencies
The following State and local agencies are acting as responsible and trustee agencies pursuant to CEQA, in relation to the noted permits or authorizations. Additionally, two federal agencies are expected to use information in the Final EIR when considering the potential federal permits listed below.

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### Expected Permits and Authorizations

<table>
<thead>
<tr>
<th>Agency</th>
<th>Permit/Authorization</th>
<th>Action Requiring Permit Approval or Review</th>
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<tbody>
<tr>
<td><strong>Federal</strong></td>
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<tr>
<td>U.S. Fish and Wildlife Service</td>
<td>Section 7 Consultation (through the U.S. Forest Service review process)</td>
<td>Potential impacts to federally listed species or their habitat (fisher or Yosemite toad)</td>
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<tr>
<td>U.S. Army Corps of Engineers</td>
<td>Section 404 Permit</td>
<td>Potential impacts to jurisdictional wetlands or waters</td>
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<tr>
<td><strong>State</strong></td>
<td></td>
<td></td>
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<tr>
<td>California Department of Fish and Wildlife</td>
<td>Section 1602 Streambed Alteration Agreement</td>
<td>Potential disturbance to the bed or bank of jurisdictional waters</td>
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<td></td>
<td>Section 2081 Incidental Take Permit</td>
<td>Potential impacts to a state-listed species</td>
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<tr>
<td>California Department of Forestry</td>
<td>Timber Harvest Plan</td>
<td>Harvesting of timber on private lands</td>
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<td></td>
<td>Timber Conversion Permit</td>
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<tr>
<td>Central Valley Regional Water Quality Control Board (5F)</td>
<td>Section 401 Water Quality Certification</td>
<td>Potential impacts to state water quality; required when a federal permit is issued</td>
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<tr>
<td></td>
<td>Board Order No. R6T-2007-0008 - Waiver of Waste Discharge Requirements Related to Timber Harvest and Vegetation Management Activities</td>
<td>Potential impacts to state water quality resulting from tree and vegetation removal activities</td>
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<tr>
<td></td>
<td>Statewide Construction General Permit No. CAS000002 - Board Order No. WQO 2009-0009-DWQ</td>
<td>Discharges of stormwater runoff associated with construction activity involving land disturbance of 1 or more acres Stormwater pollution prevention plan</td>
</tr>
<tr>
<td>California Department of Transportation, District 6</td>
<td>Encroachment Permit</td>
<td>Construction, operation, and maintenance within, under, or over state highway rights-of-way</td>
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<tr>
<td><strong>Local</strong></td>
<td></td>
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<tr>
<td>Mariposa County Air Pollution Control District</td>
<td>Dust Control Authority to Construct</td>
<td>Disturbance of more than 1 acre of topsoil Stationary sources (emergency diesel generator)</td>
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</tbody>
</table>

Source: Compiled by Ascent Environmental 2015.
Project Objectives
The objectives of the proposed Tenaya Cabins Project are (1) to provide a more rustic lodging option for guests with the conveniences of a resort while allowing them to experience the natural beauty of the Sierra National Forest area in a minimally-developed setting and (2) to subdivide the project site to allow for a potential future residence for the property owner.

PROCEDURAL HISTORY

An application was filed by Delaware North in December 2014.

Mariposa County prepared and filed a Notice of Preparation (NOP) for an EIR 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 Native American tribal representative 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, tribal representatives, and members of the public on the scope of issues that should be addressed in the EIR.

The County completed and distributed a Draft EIR for the proposed Project; it was released on August 26, 2016 for public review and comment for a 45-day period, which concluded on October 11, 2016. The Draft EIR was posted at the State Clearinghouse and the Notice of Availability (NOA) of the EIR was mailed to relevant public agencies, responsible agencies, and all interested parties. Copies of the Draft EIR, as well as documents and reports referenced in the Draft EIR, were available for public review at Mariposa County’s Planning Department at 5100 Bullion Street, Second Floor, Mariposa, CA 95338; and on the County’s website (http://www.mariposacounty.org/index.aspx?nid=1460). The Draft EIR was also available for public review at the Mariposa Library (4978 10th Street, Mariposa, CA 95338) and the Wawona Library (7971 Chilnualna Road, Wawona, CA 95389).

The County held a public hearing on September 23, 2016 at 9:00 a.m. 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 to consider the Draft EIR. Public comments on the Draft EIR were taken at this hearing.
A public meeting was held at 9:30 a.m. on September 24, 2016 with the Fish Camp Planning Advisory Council at the Cottages at Tenaya Lodge, 1110 Highway 41, Fish Camp, CA 93623, to consider the Draft EIR. Public comments on the Draft EIR were taken at this meeting.

The County received written comments on the Draft EIR from the agencies, groups, and individuals listed in Table 1-1 of the Final EIR during the comment period. The Final EIR contains responses to these comments, including a summary of each comment and the complete comment letter. Based on the comments received, edits were made to the Draft EIR as set forth in Chapter 2 of the Final EIR, which was made available for public review starting on January 13, 2017.

In February 2017, prior to certification of the EIR, Mariposa County received the Report of Waste Discharge - Amendment No. 2 for Tenaya Lodge Wastewater Treatment Facility (Amended ROWD), which indicated that additional storage or additional leach field lines would be required to handle peak effluent flows. Therefore, revisions were made to the necessary Draft EIR sections to disclose the new information and consider if the information altered the potential environmental impacts of the Tenaya Cabins Project. Mariposa County determined that the Draft EIR was complete and fully compliant with CEQA, and that recirculation was not required because (a) the wastewater disposal capacity information merely clarified or amplified information in the Draft EIR (Impact 4.12-2) and (b) because the revisions made insignificant modifications to an adequate EIR in the form of a feasible mitigation measure (Mitigation Measure 4.12-2) that the project proponent agreed to adopt. (CEQA Guidelines, § 15088.5, subd. (b).)

The Fish Camp Advisory Council held a duly noticed public meeting on May 13, 2017 at the Tenaya Lodge, 1122 Highway 41, Fish Camp, CA 93623 to consider the proposed Project and the Final EIR and to make recommendations on the same to the Mariposa County Planning Commission.

The Mariposa County Planning Commission held a duly noticed public hearing in June, 2017 at the at the Government Center Board Chambers Mariposa County Government Center on 5100 Bullion Street, Second Floor, Mariposa, CA 95338 to consider the proposed Project and the Final EIR and to make recommendations on the same to the Board of Supervisors.

The Board of Supervisors held a duly noticed public hearing in June 2017 at the at the Government Center Board Chambers Mariposa County Government Center on 5100 Bullion Street, Second Floor, Mariposa, CA 95338 to consider the proposed Project and certification of the Final EIR.

**RECORD OF PROCEEDINGS**

In accordance with CEQA Section 21167.6(e), the record of proceedings for the County’s decision on the proposed Tenaya Cabins Project includes, without limitation, the following documents:

The first and second NOPs and all other public notices issued by the County in conjunction with the scoping period for the proposed Project (provided in Appendix B of the Draft EIR in CD format);

All comments submitted by agencies or members of the public during the scoping comment period on the NOP (provided in Appendix B of the Draft EIR in CD format);

The Draft EIR (August 2016) for the proposed Project;
All comments submitted by agencies or members of the public during the comment period on the Draft EIR (provided in Chapter 3 of the Final EIR);

All comments and correspondence submitted to the County with respect to the proposed Project, in addition to timely comments on the Draft EIR;

The Final EIR (January 2017) for the proposed Project, including comments received on the Draft EIR and responses to those comments as well as revisions to the Draft EIR;

The Consideration of New Project Information Received Prior to Certification of the Environmental Impact Report (April 2017);

Documents cited or referenced in the Draft and Final EIRs;

The Mitigation Monitoring and Reporting Program (MMRP) for the proposed Project (Attachment A);

All findings and resolutions adopted by the County in connection with the proposed Project and all documents cited or referred to therein;

All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the proposed Project prepared by the County, consultants to the County, the applicant, or responsible or trustee agencies with respect to the County’s compliance with the requirements of CEQA and with respect to the County’s action on the proposed Project;

All documents submitted to the County (including the Planning Commission) by other public agencies or members of the public in connection with the proposed Project up through the close of the final public hearing on the proposed Project;

All minutes and/or verbatim transcripts, as available, of all information sessions, public meetings, and public hearings held by the County in connection with the proposed Project;

Any documentary or other evidence submitted to the County at such information sessions, public meetings, and public hearings;

Relevant portions of the Mariposa County Zoning Ordinance (Mariposa County Code, Title 17) and Fish Camp Town Planning Area Specific Plan, and all other County policies, procedures, or standards cited in materials prepared by or submitted to the County;

Any other materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

The official custodian of the documents comprising the record of proceedings is the Mariposa County Planning Department, whose office is located at 5100 Bullion Street, Mariposa, CA 95338.
FINDINGS REQUIRED UNDER CEQA

Sections 1 through 4 below contain the County’s findings with respect to the proposed Project’s environmental impacts pursuant to the requirements of Public Resources Code 21081 and CEQA Guidelines Sections 15091 and 15097.

The Final EIR, consisting of the Draft EIR and responses to comments on the Draft EIR, are hereby incorporated by reference into these findings without limitation. This incorporation is intended to address the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the proposed Project in spite of the potential for associated significant but mitigable impacts.

Section 1. Less-Than-Significant Impacts (or No Impacts) Identified in the Final EIR

The Board agrees with the characterization in the Final EIR with respect to all impacts identified as “no impact” or “less than significant” and finds that those impacts have been described accurately and are less than significant as so described in the Final EIR.

This finding applies to the following impacts evaluated in the Final EIR and determined to result in “no impact” or determined to be “less than significant.”

Agricultural Resources (Draft EIR Section 4.1)
Convert farmland (no impact)
Conflict with zoning for agricultural use or a Williamson Act contract (no impact)

Population and Housing (Draft EIR Section 4.1)
Displace Substantial Numbers of Existing Housing or People (no impact)
Induce Substantial Population Growth (less than significant)

Public Services (Draft EIR Section 4.1)
Require new or expanded school facilities (no impact)
Require new or expanded parks or recreation facilities (less than significant)

Land Use and Forest Resources (Draft EIR Section 4.3)
Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan (no impact)
Land use compatibility and potential to divide an established community (less than significant)
Conflict with relevant plans, policies, and zoning adopted for the purpose of avoiding or mitigating an environmental effect (less than significant)
Result in the loss of forest land or the conversion of forest land to non-forest use (less than significant)

**Biological Resources (Draft EIR Section 4.4)**
Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan (no impact)

Impacts to common migratory birds (less than significant)

Conflict with Mariposa County General Plan policy on noxious weeds (less than significant)

Loss of forest habitat and movement corridors (less than significant)

Impacts to special-status plant species (less than significant)

**Cultural Resources (Draft EIR Section 4.5)**
Impacts to historic architectural resources/structures (no impact)

Disturb a unique paleontological resource (less than significant)

Change in the significance of a tribal cultural resource (less than significant)

Although this impact was deemed less than significant, the County has recommended, and the applicant has agreed, to implement the following measure to memorialize the cultural values of the project site through public education:

**Mitigation Measure 4.5-4: Memorialize the cultural values of the project site through public education**
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.

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.

**Transportation and Circulation (Draft EIR Section 4.6)**
Impacts to parking (less than significant)

Impacts to air traffic (no impact)

Impacts to transit services (no impact)

Impacts to pedestrian and bicycle facilities (no impact)

Construction-related traffic impacts (less than significant)

Operational impacts to intersections (less than significant)

Operational impacts to roadway segments (less than significant)

Safety-related impacts (less than significant)

Emergency access (less than significant)

**Air Quality (Draft EIR Section 4.7)**
Violate any air quality standard or contribute substantially to an existing or projected air quality violation (less than significant)

Expose sensitive receptors to substantial pollutant concentrations (less than significant)

Exposure of sensitive receptors to emissions of odors (less than significant)

**Greenhouse Gas Emissions and Climate Change (Draft EIR Section 4.8)**
Generation of direct and indirect emissions of GHGs that would result in a significant impact on the environment (less than significant)

Impacts of climate change on the project (less than significant)

**Noise (Draft EIR Section 4.9)**
Noise effects related to airports (no impact)

Project traffic noise impacts on existing noise-sensitive land uses outside of project site (less than significant)

Transportation noise impacts to onsite proposed noise-sensitive uses (less than significant)

Vibration-related impacts (less than significant)
Geology and Soils (Draft EIR Section 4.10)
Mineral resources (no impact)
Alquist-Priolo Earthquake Fault Zone (no impact)
Expansive soils (no impact)
Septic tanks (no impact)
Avalanche hazard (no impact)
Exposure of people or structures to the risk of loss, injury, or death resulting from seismically-related ground shaking or seismically-induced hazards (less than significant)

Hydrology and Water Quality (Draft EIR Section 4.11)
Floodplain/flood hazard impacts (no impact)
Tsunami/seiche/mudflow impacts (no impact)
Impact of groundwater drawdown on surface water (less than significant)
Interfere with groundwater recharge (less than significant)

Utilities and Public Services (Draft EIR Section 4.12)
Telecommunications and gas (less than significant)
Snow removal (less than significant)
Increase demand for water supply (less than significant)
Exceed landfill capacity (less than significant)
Increased demand for law enforcement services (less than significant)
Result in inefficient and wasteful consumption of energy (less than significant)

Hazardous Materials and Hazards (Draft EIR Section 4.13)
Sites of known or potential contamination (no impact)
Private airstrip hazards (no impact)
Expose people or the environment, including schools within 0.25 mile of the project site, to hazards because of the routine use, storage, or transport of hazardous materials or from accidental release or upset (less than significant)
Impair implementation of our physically interfere with an adopted emergency response plan or emergency evacuation plan (less than significant)
Visual Resources (Draft EIR Section 4.14)
Adverse effect on a scenic vista (no impact)

Degradate the existing visual character or quality of the site and its surroundings, including scenic resources within a state scenic highway (less than significant)

Although this impact was deemed less than significant, comments on the Draft EIR raised concerns regarding regional tree die-off and potential loss of visual screening of project structures. Because this is a speculative effect, the impact conclusion remains less than significant. However, the County has recommended, and the applicant has agreed, to implement the following measure:

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.

Create new sources of light and glare (less than significant)

Cumulative Impacts (Draft EIR Chapter 5)
Cumulative land use impacts (less than significant)

Cumulative impacts to forest resources (less than significant)

Cumulative loss of forest habitat and movement corridors (less than significant)

Cumulative impacts to special-status plant species (less than significant)

Cumulative change in the significance of a tribal cultural resource (less than significant; however, the County has recommended, and the applicant has agreed, to implement the Mitigation Measure 4.5-4, described above)

Cumulative operational impacts to intersections (less than significant)

Cumulative operational impacts to roadway segments (less than significant)

Cumulative safety impacts (less than significant)

Short-term construction-related air quality impacts (less than significant)

Long-term operational-related air quality impacts (less than significant)

Cumulative long-term exposure of people or property to strong seismic shaking (less than significant)
Cumulative long-term exposure of people or property to seismically-induced hazards (less than significant)

Cumulative demand for water (less than significant)

Cumulative demand for wastewater treatment (less than significant)

Cumulative demand for solid waste disposal (less than significant)

Cumulative hazardous materials effects (less than significant)

Cumulative impacts to emergency access (less than significant)

Cumulative impacts to visual resources (less than significant; however, the County has recommended, and the applicant has agreed, to implement the Mitigation Measure 4.14-1, described above)

Section 2. Findings for Significant, Potentially Significant, and Cumulatively Significant Impacts Reduced to Less Than Significant Through Mitigation Measures

The Board agrees with the characterization in the Final EIR with respect to all impacts identified as “significant” or “potentially significant” that will be reduced to less-than-significant levels with implementation of the mitigation measures identified in the Final EIR and MMRP. In accordance with CEQA Guidelines Section 15091(a), a specific finding is made for each impact and its associated mitigation measures in the discussions below.

Biological Resources (Draft EIR Section 4.4)

Impact 4.4-3: Impacts to special-status bird species

Mitigation Measures

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.

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.

**Finding:** Implementation of Mitigation Measure 4.4-3, which has been required, will reduce the potential loss of special-status bird species to a less-than-significant level. Specifically, this mitigation measure requires completing ground disturbing activities associated with construction during the non-breeding season. If construction is necessary during the nesting season, preconstruction surveys are required, and if active nests are found, buffers shall be established and monitored in consultation with CDFW to avoid impacts to active nests. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR pages 4.4-28 and 4.4-29)

**Impact 4.4-4: Impacts to fisher**

**Mitigation Measures**

**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.

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.

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.

**Finding:** Implementation of Mitigation Measure 4.4-4, which has been required, will reduce the potential impacts to fisher to a less-than-significant level. Specifically, this mitigation measure requires preconstruction surveys, avoidance of active nest sites, and seasonal restrictions within buffer areas established in coordination with CDFW and USFWS until it has been determined that there would be no potential for mortality to fisher. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. Additionally, the County finds that USFWS may issue a conference opinion regarding project related impacts to fisher. (Draft EIR pages 4.4-29 and 4.4-30)

**Impact 4.4-5: Impacts to special-status bats**

**Mitigation Measures**

**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.

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.

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.

**Finding:** Implementation of Mitigation Measure 4.4-5, which has been required, will reduce the potential loss to special-status bats to a less-than-significant level. Specifically, this mitigation measure requires preconstruction surveys, buffer zones for any roost sites, seasonal construction restrictions for removal of trees with active roosts, and passive
eviction in consultation with CDFW. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR pages 4.4-30 and 4.4-31)

Impact 4.4-6: Impacts to Yosemite toad

Mitigation Measures

Mitigation Measure 4.4-6: Avoid and mitigate for impacts to Yosemite toad

Construction limits in suitable habitat for Yosemite toad (e.g., wet meadow) shall be clearly demarcated with high visibility construction fencing to minimize the disturbance area. No construction activities, including staging or stockpiling materials, shall occur outside of the construction limits.

Before any construction activities begin, a qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training session shall include a description of Yosemite toad and its habitat, natural history, legal status, general measures that are being implemented to conserve Yosemite toad as they relate to the project, and the boundaries within which the project may be accomplished. Instructions on actions to take if a toad is encountered on the project site shall be provided, including name and phone number of biological monitor and USFWS contact information.

A qualified biologist shall survey the work site two weeks before the onset of activities in areas of suitable habitat for Yosemite toad (e.g., wet meadow). The pre-construction surveys shall focus on areas that toads may occupy, such as mammal burrows and cover areas under rocks, and shall identify eggs, tadpoles, juvenile, and adult lifestages.

If a Yosemite toad is found on the project site, all construction activities in areas of potential habitat shall halt and USFWS shall be contacted. The project shall comply with requirements of the Endangered Species Act to exempt take of Yosemite toad, which may require additional conservation measures such as:

- Delaying construction within wet meadow habitat until the meadow is dry to allow juvenile toads to disperse.
- Excluding toads from the work site, by installing a fabric silt fence that is monitored and maintained for the duration of construction activities between the work area and the adjacent habitat.
- Having a biological monitor on-site during construction to monitor the work areas for Yosemite toads.

Finding: Implementation of Mitigation Measure 4.4-6, which has been required, will reduce the potential loss of Yosemite toad to a less-than-significant level. Specifically, this mitigation measure requires fencing the construction limits, training all construction personnel, completing preconstruction surveys, avoiding work in wet meadow habitat, and implementing seasonal work restrictions in coordination with USFWS. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or
substantially lessen the significant environmental impact identified in the Final EIR. Additionally, the County finds that if Yosemite toad is found on the project site USFWS may issue a permit consistent with the Endangered Species Act to exempt take of Yosemite toad. (Draft EIR pages 4.4-31 and 4.4-32)

Impact 4.4-7: Impacts to sensitive habitats, wetlands, and waters

Mitigation Measures

Mitigation Measure 4.4-7: Avoid and mitigate for impacts to sensitive habitats, wetlands, and waters

As a first priority, the project applicant shall seek to avoid impacts to sensitive habitats through project design, setbacks, and other avoidance measures.

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 berm 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 construction setback shall be observed, where feasible, from the outer edge of all wet meadow and forested/shrub wetland/riparian communities, as shown in 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 acre 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.

Finding: Implementation of Mitigation Measure 4.4-7, which has been required, will reduce impacts to sensitive habitats, wetlands, and waters to a less-than-significant level. Specifically, this mitigation measure requires avoidance of sensitive habitats such as the wet meadow, Big Creek, and jurisdictional areas, fencing or flagging construction setbacks; preparation and verification of a delineation of wetlands and waters; and, for jurisdictional wetlands that cannot be avoided, compensation of wetland habitat acreage in consultation with USACE and the Central Valley RWQCB. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. The County finds that USACE may issue a permit pursuant to Section 404 of the Clean Water Act. Further, the County finds that project changes or alterations are within the responsibility and jurisdiction Central Valley RWQCB related to Section 401 of the Clean Water Act. The County expects the Central Valley RWQCB to adopt project changes or alterations that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR pages 4.4-33 through 4.4-34)

Cultural Resources (Draft EIR Section 4.5)

Impact 4.5-1: Disturb unique archaeological resources

Mitigation Measures

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. The consulting 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.

**Finding:** Implementation of Mitigation Measures 4.5-1a and 4.5-1b, which have been required, will reduce impacts to archaeological resources to a less-than-significant level. Specifically, this mitigation measure requires archaeological monitoring and, if significant cultural resources are discovered, to avoid, move, record, or otherwise treat the resource appropriately, in accordance with pertinent laws and regulations. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR pages 4.5-15 and 4.5-16)

**Impact 4.5-2: Accidental discovery of human remains**

**Mitigation Measures**

**Mitigation Measure 4.5-2: Stop work if human remains are discovered**

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.

**Finding:** Implementation of Mitigation Measure 4.5-2, which has been required, will reduce impacts to undiscovered human remains to a less-than-significant level. Specifically, this mitigation measure requires halting ground-disturbing activities if human remains are discovered, notifying the coroner and NAHC, and following their findings to determine the
ultimate treatment and disposition of the remains as well as to ensure that additional human interments are not disturbed. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR pages 4.5-16 and 4.5-17)

Greenhouse Gases and Climate Change (Draft EIR Section 4.8)

Impact 4.8-2: Conflict with applicable plan, policy, or regulation of an agency adopted to reduce the emissions of greenhouse gases

Mitigation Measures

Mitigation Measure 4.8-2: 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.

Finding: Implementation of Mitigation Measure 4.8-2, which has been required, will achieve project consistency with the Scoping Plan and reduce this impact to a less-than-significant level. Specifically, this mitigation measure requires that the proposed Project install at least two onsite electric charging stations for plug-in electric and hybrid vehicles to support goals to reduce greenhouse gas emissions. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR page 4.8-13)

Noise (Draft EIR Section 4.9)

Impact 4.9-2: Noise impacts from onsite noise sources

Mitigation Measures

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.

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.

Finding: Implementation of Mitigation Measure 4.9-2, which has been required, will reduce stationary-source noise impacts to a less-than-significant level. Specifically, this mitigation measure requires a site specific noise study, noise controls on equipment, calibration and monitoring of the speaker system at the clubhouse, and limitations on hours of use of the speaker system. This mitigation measure requires demonstration that the County noise standards for non-transportation noise sources are not exceeded at any nearby sensitive land uses. The County, therefore, finds that changes or alterations have been required in, or
incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR page 4.9-18 and Final EIR pages 2-7 and 2-8)

Impact 4.9-4: Short-term construction-related noise

Mitigation Measures

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.

Finding: Implementation of Mitigation Measure 4.9-4, which has been required, will reduce construction-generated noise impacts to a less-than-significant level. Specifically, this mitigation measure requires construction noise controls on equipment and limitation on the hours of construction activities so that construction-related noise will be reduced to levels that comply with the County noise standards. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR page 4.9-20)

Geology and Soils (Draft EIR Section 4.10)

Impact 4.10-2: Potential for substantial soil erosion or loss of topsoil

Mitigation Measures

Mitigation Measure 4.10-2: Prepare and implement a stormwater pollution prevention plan
Implement Mitigation Measure 4.11-1. (See analysis below regarding this mitigation measure.)

Finding: Implementation of Mitigation Measure 4.11-1, which has been required, will reduce potential construction-related surface water and groundwater water quality impacts to a less-than-significant level. Specifically, the project would require coverage by the statewide General Construction Permit, which requires implementation of best management practices (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. The water quality controls (BMPs) to be implemented consistent with applicable
County and Central Valley RWQCB requirements are effective in protecting water quality. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. Further, the County finds that project changes or alterations are within the responsibility and jurisdiction of the Central Valley RWQCB related to the Construction General Permit. The County expects the Central Valley RWQCB to adopt project changes or alterations that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR page 4.10-12 and pages 4.11-23 and 4.11-24)

Hydrology and Water Quality (Draft EIR Section 4.11)

Impact 4.11-1: Violate any water quality standard or water discharge requirement, or otherwise substantially degrade water quality: construction impacts

Mitigation Measures

Mitigation Measure 4.11-1: Prepare and implement a stormwater pollution prevention plan
As described in Section 4.11.1, 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 4.4-1). Setbacks shall be
fenced or 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.

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.

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.

Temporary BMPs for the containment or removal of drilling spoils generated from
construction of bridge foundations and abutments.

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.

Tree removal activities, including the dropping of trees, would be confined to the construction
limit boundaries.

Construction boundary fencing to limit disturbance and prevent access to areas not under
active construction.

**Finding:** Implementation of Mitigation Measure 4.11-1, which has been required, will reduce
potential construction-related surface water and groundwater water quality impacts to a less-
than-significant level. Specifically, the project would require coverage by the statewide
General Construction Permit, which 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. The water quality controls
(BMPs) to be implemented consistent with applicable County and Central Valley RWQCB
requirements are effective in protecting water quality. The County, therefore, finds that
changes or alterations have been required in, or incorporated into, the project that avoid or
substantially lessen the significant environmental impact identified in the Final EIR. Further,
the County finds that project changes or alterations are within the responsibility and
jurisdiction of the Central Valley RWQCB related to the National Pollutant Discharge
Elimination System (NPDES) Construction General Permit. The County expects the Central
Valley RWQCB to adopt project changes or alterations that avoid or substantially lessen
the significant environmental impact identified in the Final EIR. (Draft EIR pages 4.11-23 and
4.11-24)
Impact 4.11-2: Violate any water quality standard or water discharge requirement, or otherwise substantially degrade water quality: operational impacts

Mitigation Measures

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.

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.

Finding: Implementation of Mitigation Measure 4.11-2, which has been required, will reduce potential operational surface water and groundwater water quality impacts to a less-than-significant level. Specifically, the project would require installation and maintenance of permanent water quality treatment facilities/BMPs/low impact development (LID) measures, which are effective in protecting water quality during Project operations. In addition, no
stormwater controls or BMPs will be permitted within any identified wetlands, floodplain, or right-of-way, except as authorized by project approvals. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. Further, the County finds that project changes or alterations are within the responsibility and jurisdiction of the Central Valley RWQCB related to the NPDES Construction General Permit. The County expects the Central Valley RWQCB to adopt project changes or alterations that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR pages 4.11-24 and 4.11-25)

**Impact 4.11-3: Substantially alter drainage patterns or increase surface runoff in a manner that would exceed the capacity of existing or planned stormwater drainage systems or result in onsite or offsite flooding**

**Mitigation Measures**

**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.

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.

**Finding:** Implementation of Mitigation Measure 4.11-3, which has been required, will reduce potential increases in stormwater runoff to a less-than-significant level. Specifically, this mitigation measure requires that the proposed Project provide a Final Drainage Report that demonstrates no that there will be no net increase in stormwater runoff over pre-project conditions. In addition, no project retention/detention facility construction will be permitted within any identified wetlands, floodplain, or right-of-way, except as authorized by project approvals. The County, therefore, finds that changes or alterations have been required in, or
incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR page 4.11-26)

**Impact 4.11-4: Substantially deplete groundwater supplies**

**Mitigation Measures**

**Mitigation Measure 4.11-4: Prepare and implement well monitoring program**

The County shall require documentation of an agreement between DN and FCMWC that describes and identifies the specific responsibilities of both parties for implementation of a monitoring program for FCMWC Well 1. The monitoring program shall, at a minimum, include short duration pumping tests to assess production capacity and pumping water levels. The agreement between DN and FCMWC shall document that tests will 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.

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.

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.

Production volume and rate measurements shall be collected from the discharge of FCMWC Well 1 at least every ten (10) minutes throughout the test.

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.

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.

The production rate and pumping depth to water measurements from FCMWC Well 1 shall be compared to previous test results.
This evaluation will 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.

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.

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.

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.

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.

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.
If no agreement is reached between DN and FCMWC, then the mitigation measure requirements established for this monitoring program shall be followed as much as is determined to be possible pursuant to existing easement agreements recorded as Documents No. 932101, No. 932100, and No. 2057098, Mariposa County Records.

**Finding:** Implementation of Mitigation Measure 4.11-4, which has been required, will reduce potential for depletion of groundwater supplies to a less-than-significant level. Specifically, this mitigation measure requires monitoring to identify potential drawdown of the FCMWC Well 1, and if necessary, implementation of water demand management measures at the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages to allow for recovery of the production capacity of FCMWC Well 1. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. The County further finds that such changes or alterations are within the responsibility and jurisdiction of another public agency (FCMWC); therefore, the County has required documentation that DN and FCMWC shall be responsible for implementation of Mitigation Measure 4.11-4. The County therefore finds that these changes can and should be adopted by FCMWC. (Draft EIR pages 4.11-33)

**Utilities and Public Services (Draft EIR Section 4.12)**

**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**

**Mitigation Measures**

**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).

**Finding:** Implementation of Mitigation Measure 4.12-2, which has been required, will 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. Specifically, this measure requires that a total of 908 linear feet of additional leach line be installed at the Tenaya Lodge central leach field (637 linear feet with the project and an additional 271 per the Report of Waste Discharge – Amendment No. 2 for Tenaya Lodge Wastewater Treatment Facility [February 2017]) prior to the building permit final for the Tenaya Cabins Project. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Final EIR page 5 of Consideration of New Project Information)
Hazards and Hazardous Materials (Draft EIR Section 4.13)

Impact 4.13-3: Expose people or structures to wildland fire hazards or increase demand for fire protection and emergency medical services

Mitigation Measures

**Mitigation Measure 4.13-3: 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.

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.

**Finding:** Implementation of Mitigation Measure 4.13-3, which has been required, will reduce the potential exposure to wildland fires or increased demand for fire and emergency medical services to a less-than-significant level. Specifically, this mitigation measure requires supplementary fire protection staffing and equipment, as well as a mutually-agreed contribution to the Mariposa County Fire Department, which will ensure that emergency responders and equipment will be present in Fish Camp. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR page 4.13-15)
Cumulative impacts to special-status wildlife species (Draft EIR Chapter 5)

**Mitigation Measures**
Implementation of Mitigation Measures 4.4-3 through 4.4-7 (see analysis above regarding these mitigation measures).

**Finding:** Implementation of Mitigation Measures 4.4-3 through 4.4-6, which have been required, will reduce the project’s contribution to cumulative special-status wildlife resource impacts to a less-than-cumulatively-considerable level. Specifically, implementation of the Mitigation Measures 4.4-3 through 4.4-6, included in Draft EIR, will assist in reducing the proposed Project’s contribution by avoiding, minimizing, and compensating for impacts to special-status species and their habitat. As a result, the project would result in a less-than-significant contribution to cumulative impacts related to distribution, breeding productivity, population viability, or the regional population of any special-status species; or change in species diversity locally or regionally. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR page 5-5)

Cumulative impacts to sensitive habitats, wetlands, and waters

**Mitigation Measures**
Implementation of Mitigation Measure 4.4-7 (see analysis above regarding this mitigation measure).

**Finding:** Implementation of Mitigation Measure 4.4-7, which has been required, will reduce the project’s contribution to cumulative impacts to sensitive habitats, wetlands, and waters to a less-than-cumulatively-considerable level. Specifically, implementation of Mitigation Measure 4.4-7, included in the Draft EIR, will reduce the proposed Project’s contribution to a less-than-cumulatively-considerable level by avoiding, reducing, and compensating for impacts to potentially jurisdictional wetlands and waters. As a result the project would result in a less-than-significant contribution to cumulative impacts to sensitive habitats, wetlands and waters. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. The County finds that USACE may issue a permit pursuant to Section 404 of the Clean Water Act. Further, the County finds that project changes or alterations are within the responsibility and jurisdiction Central Valley RWQCB related to Section 401 of the Clean Water Act. The County expects the Central Valley RWQCB to adopt project changes or alterations that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR pages 5-5 and 5-6)

Cumulative impacts on unique archaeological resources

**Mitigation Measures**
Implement Mitigation Measures 4.5-1a and b (see analysis above regarding these mitigation measures).

**Finding:** Implementation of Mitigation Measures 4.5-1a and 4.5-1b, which have been required, will reduce the project’s contribution to cumulative archaeological resource impacts.
to a less-than-cumulatively-considerable level. Specifically, these mitigation measures would be developed in coordination with the appropriate federal, state, and/or local agency(ies) to avoid, move, record, or otherwise treat the resource appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid disturbance, disruption, or destruction of archaeological resources, implementation of the project would result in a less-than-significant contribution to the cumulative impact. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR page 5-6)

Cumulative impacts on human remains

Mitigation Measures
Implement Mitigation Measure 4.5-2 (see analysis above regarding these mitigation measures).

Finding: Implementation of Mitigation Measure 4.5-2, which has been required, will reduce the project’s contribution to cumulative loss of undiscovered or unknown human remains to a less-than-cumulatively-considerable level. Specifically, this mitigation measure would offset the proposed Project’s contribution through avoidance and protection of undiscovered or unknown human remains. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR page 5-7)

Cumulative greenhouse gas emissions and climate change

Mitigation Measures
Implement Mitigation Measure 4.8-2 (see analysis above regarding this mitigation measure).

Finding: GHG emissions resulting from the project would not exceed the threshold of 1,100 metric tons (MT) of carbon dioxide-equivalent emissions per year (CO2e/year). Thus, the project would not result in a considerable contribution to a significant cumulative GHG impact. Furthermore, implementation of Mitigation Measure 4.8-2, which has been required, will ensure that the project implements measures to support the statewide GHG reduction goals. Therefore, the project’s contribution to the cumulative climate change impact will be less than significant. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR page 5-9)

Cumulative short-term construction-generated noise

Mitigation Measures
Implement Mitigation Measure 4.9-4 (see analysis above regarding this mitigation measure).

Finding: Implementation of Mitigation Measure 4.9-4, which has been required, will reduce the project’s contribution to cumulative construction noise impacts to a less than cumulatively considerable level. Specifically, Mitigation Measure 4.9-4 requires construction noise controls on equipment and limitation on the hours of construction activities so that
construction-related noise will be reduced to levels that comply with the County noise standards. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR pages 5-9 and 5-10).

Cumulative long-term ambient noise levels

Mitigation Measures
Implement Mitigation Measures 4.9-2 (see analysis above regarding this mitigation measure).

Finding: Implementation of Mitigation Measure 4.9-2, which has been required, will reduce the project’s contribution to cumulative long-term ambient noise impacts to a less than cumulatively considerable level. Specifically, Mitigation Measure 4.9-2 requires a site specific noise study, noise controls on equipment, calibration and monitoring of the speaker system at the clubhouse, and limitations on hours of use of the speaker system. This mitigation measure requires demonstration that the County noise standards for non-transportation noise sources are not exceeded at any nearby sensitive land uses. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR page 5-10).

Cumulative impacts of erosion or loss of topsoil

Mitigation Measures
Implement Mitigation Measure 4.11-2 (see analysis above regarding this mitigation measure).

Finding: Implementation of Mitigation Measure 4.11-2, which has been required, will reduce the project’s contribution to cumulative erosion impacts to a less than cumulatively considerable level. Specifically, the project would require coverage by the statewide General Construction Permit, which 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. The water quality controls (BMPs) to be implemented consistent with applicable County and Central Valley RWQCB requirements are effective in protecting water quality. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. Further, the County finds that project changes or alterations are within the responsibility and jurisdiction of the Central Valley RWQCB related to the NPDES Construction General Permit. The County expects the Central Valley RWQCB to adopt project changes or alterations that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR pages 5-11 and 5-12)
Cumulative impacts of water quality degradation: construction and operation

Mitigation Measures
Implement Mitigation Measures 4.11-1 and 4.11-2 (see analysis above regarding these mitigation measures).

Finding: Implementation of Mitigation Measures 4.11-1 and 4.11-2, which have been required, will reduce the project’s contribution to cumulative construction and operational water quality impacts to a less than cumulatively considerable level. Specifically, these mitigation measures require the proposed project to offset its contributions to water quality through site-specific improvements during construction and operation that maintain pre-project hydrology and incorporate pollutant source controls, minimize pollutant exposure outdoors, and treat stormwater runoff through BMPs when source control or exposure protection are insufficient. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. Further, the County finds that project changes or alterations are within the responsibility and jurisdiction of the Central Valley RWQCB related to the NPDES Construction General Permit. The County expects the Central Valley RWQCB to adopt project changes or alterations that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR page 5-12)

Cumulative impacts of depletion of groundwater supplies or interference with groundwater recharge

Mitigation Measures
Implement Mitigation Measure 4.11-4 (see analysis above regarding these mitigation measures).

Finding: Implementation of Mitigation Measure 4.11-4, which has been required, will reduce the project’s contribution to cumulative groundwater depletion to a less than cumulatively considerable level. Specifically, this mitigation measure requires the Proposed Project to implement well monitoring and offset any reductions in water supply availability by existing well users, specifically FCMWC Well 1. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. The County further finds that such changes or alterations are within the responsibility and jurisdiction of another public agency (FCMWC); therefore, the County has required documentation that DN and FCMWC shall be responsible for implementation of Mitigation Measure 4.11-4. The County therefore finds that these changes can and should be adopted by FCMWC. (Draft EIR pages 5-12 to 5-13)

Cumulative impacts of increased surface water runoff and modification of drainage patterns

Mitigation Measures
Implement Mitigation Measure 4.11-3 (see analysis above regarding these mitigation measures).
Finding: Implementation of Mitigation Measure 4.11-3 which has been required, will reduce the project’s contribution to cumulative stormwater runoff to a less than cumulatively considerable level. Specifically, this mitigation measure requires the proposed project to maintain pre-project hydrology and incorporate pollutant source controls, minimize pollutant exposure outdoors, and treat stormwater runoff through post-construction BMPs when source control or exposure protection are insufficient for reducing pollutant loads. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR page 5-13)

Cumulative wastewater treatment

Mitigation Measures
Implement Mitigation Measure 4.12-2 (see analysis above regarding these mitigation measures).

Finding: Implementation of Measure 4.12-2, which has been required, will 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. Implementation of Mitigation Measure 4.12-2 will reduce the project’s contribution to cumulative wastewater treatment to a less than cumulatively considerable level. Specifically, this measure requires that a total of 908 linear feet of additional leach line be installed at the Tenaya Lodge central leach field (637 linear feet with the project and an additional 271 per the Report of Waste Discharge – Amendment No. 2 for Tenaya Lodge Wastewater Treatment Facility [February 2017]) prior to the building permit final for the Tenaya Cabins Project. 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 Tenaya Cabins Project would not require an expansion of existing septic systems such that residents or businesses in Fish Camp would be affected. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Final EIR, page 6 of Consideration of New Project Information)

Cumulative wildfire hazard

Mitigation Measures
Implement Mitigation Measure 4.13-3 (see analysis above regarding these mitigation measures).

Finding: Implementation of Measure 4.13-3, which has been required, will reduce the project’s contribution to cumulative wildfire hazard impacts to a less than cumulatively considerable level. Specifically, this mitigation measure requires additional fire protection staff and equipment in Fish Camp. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR page 5-5-15 and 5-16).
Section 3. Findings Associated with Project Alternatives

CEQA Guidelines require that an EIR “describe a range of reasonable alternatives to the Project, or to the location of the Project, which could feasibly obtain the basic objectives of the Project...” (CEQA Guidelines Section 15126.6[a]).

The lead agency has the discretion to determine how many alternatives constitute a reasonable range and that an EIR need not present alternatives that are incompatible with fundamental project objectives. Additionally, CEQA Guidelines Section 15126.6(a) provides that an EIR need not consider alternatives that are infeasible. CEQA Guidelines Section 15126.6(f)(1) provides that among the factors that may be taken into account when addressing the feasibility of alternatives are “site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.” CEQA Guidelines Section 15126.6(f) states that the range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR analysis considered a reasonable range of alternatives.

The EIR disclosed that there were two alternatives considered by the County, but rejected during the planning or scoping process (see also discussion in Draft EIR in Chapter 6, Alternatives Analysis). The applicant considered alternative vehicular access from the existing Tenaya Lodge, which would avoid an additional intersection with Highway 41. However, this was determined to be infeasible due to the steep topography between the existing Lodge and the project site. In addition, potentially jurisdictional 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 all project-related traffic and roadway safety impacts would be less than significant (no mitigation required). Therefore, vehicular access through the Tenaya Lodge was removed from consideration.

The applicant did not consider an alternative project site because the project objective is to provide Tenaya Lodge guests with a more rustic lodging option. The project would therefore need to be associated with the Tenaya Lodge and be owned by Delaware North. There are no other properties adjacent to the Tenaya Lodge and within the Fish Camp TPA that are owned by Delaware North or that would be available for purchase.

The following alternatives were analyzed in the Draft EIR to determine whether they could meet the Project’s objectives while avoiding or substantially lessening any of the Project’s significant impacts:

Alternative 1: No Project – No Development Alternative, which assumes no new development occurs on the project site.

Alternative 2: No Project – Fish Camp Town Planning Area Specific Plan Alternative, 1-acre Lots, which assumes 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.
Alternative 3: No Project – Fish Camp Town Planning Area Specific Plan Alternative, 1/2-acre Lots, which assumes an amendment to the General Plan and Fish Camp TPA Specific Plan to change the land use designation for the project site from single-family residential with one acre lots to single-family residential with half-acre lots. This alternative then assumes development of residential on the half-acre lots in accordance with the Fish Camp TPA Specific Plan. With consideration of environmental site constraints, this would include up to 40 single-family residential lots with up to 40 secondary units and associated infrastructure.

Alternative 4: Reduced Density Alternative (34 Units), which assumes the same project as proposed, with resort commercial on Parcel 1 and a half-acre residential parcel; however, this alternative would have a reduced number of cabins.

In compliance with CEQA, these Findings examine these four alternatives and the extent to which they lessen or avoid the Project’s significant environmental effects while meeting the project objectives.

In addressing the No Project Alternative, the County followed the direction of the State CEQA Guidelines which provide that the no project analysis shall discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services (CEQA Guidelines Section 15126[d][4]).

The Board finds that a good faith effort was made to evaluate all reasonable alternatives to the Project that could feasibly obtain the basic objectives of the Project, even when the alternatives might impede the attainment of the Project objectives or might be more costly. The Board also finds that all reasonable alternatives were reviewed, analyzed, and discussed in the review process of the Final EIR and the ultimate decision on the Project.

Alternative 1: No Project – No Development Alternative

Description: Under Alternative 1, the No Project – No Development Alternative, no actions would be taken and the project site would remain unchanged from current conditions, undeveloped forested land. Although the existing Fish Camp Town Planning Area Specific Plan allows for development of residential uses on the project site, this alternative assumes that no development would occur and the site would remain undeveloped forested land.

Summary of Impacts: Alternative 1, the No Project – No Development Alternative, would avoid the project’s significant mitigable impacts, and overall, the environmental impacts would be less than those that would occur with the project because no development would occur.

Finding: Under Alternative 1, the No Project – No Development alternative, the Tenaya Cabins Project would not be approved, and no development would occur. This would avoid the Project’s less-than-significant and mitigable to less-than-significant impacts, and lessen the environmental impacts overall. Accordingly, Alternative 1 is the environmentally superior alternative. (CEQA Guidelines, § 15126.6; see Draft EIR, p. 6-20.) However, the No Project – No Development Alternative would not meet the project objectives because no lodging would be constructed and the site would not be subdivided to allow for a potential future residence; rather the site would remain undeveloped forested land. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section
15091(a)(3), the Board finds that because Alternative 1 would not meet the project objectives, the Board rejects Alternative 1.

CEQA Guidelines Section 15126.6(e)(2) states that if the environmentally superior alternative is the “No Project” alternative, the EIR must also identify an environmentally superior alternative among the other alternatives; here, that would be Alternative 4: Reduced Density Alternative (34 Units), which is addressed later, below.

**Alternative 2: No Project – Fish Camp Town Planning Area Specific Plan Alternative, 1-acre Lots**

**Description:** Alternative 2 would involve development in accordance with the existing Fish Camp TPA Specific Plan land use designations for the project site. The site is zoned single family residential with one acre lots (SRF – 1 acre), which would allow for up to 26 units on Assessor’s parcel number 010-350-008. However, the development of residential units would be constrained by the identified environmental site constraints: Rainbow Lake, the Big Creek flood zone, and the wetlands at the southern end of the project site. Based on Table 4.4-1 and Exhibit 4.4-1 in Section 4.4, “Biological Resources of this Draft EIR, streams, wetlands, and other sensitive habitats account for 3.73 acres and the majority of the project site (22.52 acres) is currently undeveloped forest lands. Assuming that residential development would be focused on the undeveloped forested lands, it is assumed that approximately 20 one-acre residential lots would be possible, as shown on Draft EIR Exhibit 6-1. In addition, each of those residences could have a secondary unit, resulting in a maximum buildout of 40 units, although given typical development patterns, second units would be expected to be few. The remaining upland acreage would be required to develop associated infrastructure, including roads, utility connections and capacity, and public services. It is assumed that a single entry to/from Highway 41 would be constructed with a roadway looping through the site to provide access to the lots, as well as a secondary emergency access connection to Highway 41.

**Summary of Impacts:** Alternative 2, the No Project – Fish Camp Town Planning Area Specific Plan Alternative, 1-acre Lots, would reduce the project’s less-than-significant or significant mitigable impacts related to land use, transportation and circulation, air quality, greenhouse gas emissions and climate change, and noise because this alternative is estimated to result in a maximum of 40 residential units, which is less than the proposed project (54 cabins), and would not include a clubhouse or use of amplified sound. The reduced number units would reduce vehicle trips and associated air, GHG emissions, and noise. However, Alternative 2 would result in similar less-than-significant or significant mitigable impacts as the proposed project to land use, biological resources, cultural resources, geology/soils/seismicity, hazards and hazardous materials, and visual resources because development would occur on the same project site. Alternative 2 would result in greater impacts to forestry, hydrology and water quality, and utilities and public services because the units in Alternative 2 would need septic systems or a new wastewater treatment plant unless private agreements could be made with the Tenaya Lodge for sewer connections for treatment at the Tenaya Lodge WWTP. The potential for development of septic systems or new treatment facilities would result in greater impacts due to additional construction, ground disturbance, and possible effluent discharge water quality concerns, particularly with septic systems located adjacent to Big Creek as well as the fractured groundwater basin, which is the source of potable water for the region.

**Finding:** The Board finds that implementing Alternative 2, the No Project – Fish Camp Town Planning Area Specific Plan Alternative, 1-acre Lots, would result in the reduction of environmental impacts in five resource areas, but also the increase of environmental impacts in three resource areas, while
not meeting the project objective to provide a more rustic lodging option for guests with the
conveniences of a resort while allowing them to experience the natural beauty of the Sierra National
Forest area in a minimally-developed setting. This alternative would meet the objective to subdivide
the project site for potential future single family residential development. Pursuant to Public
Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), the Board finds
that Alternative 2 is rejected because it would not meet one of the two project objectives and would
not meet the overall intent of the project, would not avoid the significant mitigable impacts of the
proposed Project, would require implementation of the same mitigation measures, and would
increase impacts related to forestry, hydrology and water quality, and utilities and public services.

Alternative 3: No Project – Fish Camp Town Planning Area Specific Plan Alternative, 1/2-
acre Lots

Description: Alternative 3 would include an amendment to the General Plan and Fish Camp TPA
Specific Plan to change the land use designation for the project site from single-family residential
with one-acre lots to single-family residential with half-acre lots, which would allow for up to 52 units
on Assessor’s parcel number 010-350-008. However, the development of residential units would be
constrained by the identified environmental site constraints: Rainbow Lake, the Big Creek flood zone,
and the wetlands at the southern end of the project site. Based on Table 4.4-1 and Exhibit 4.4-1 in
Section 4.4, “Biological Resources of this Draft EIR, streams, wetlands, and other sensitive habitats
account for 3.73 acres and the majority of the project site (22.52 acres) is currently undeveloped
forest lands. Assuming that residential development would be focused on the undeveloped forested
lands, it is assumed that 37 half-acre residential lots would be possible, as shown on Draft EIR
Exhibit 6-2. In addition, each of those residences could have a secondary unit, resulting in a
maximum buildout of 74 units, although given typical development patterns, second units would be
expected to be few. The remaining upland acreage would be required to develop associated
infrastructure, including roads, utility connections and capacity, and public services. It is assumed
that a single entry to/from Highway 41 would be constructed with a roadway looping through the site
to provide access to the lots, as well as a secondary emergency access connection to Highway 41.

Summary of Impacts: Alternative 3: No Project - Fish Camp Town Planning Area Specific Plan
Alternative, 1/2-acre Lots, would reduce the project’s less-than-significant land use impact and
significant mitigable noise impact because this alternative would maintain the single-family
residential land use and does not include a clubhouse or use of amplified sound. However,
Alternative 3 would result in a maximum of 74 units, which would be greater than the proposed
Project (54 cabins), on the same project site. Alternative 3 would result in similar impacts as the
proposed project to biological resources, cultural resources, geology/soils/seismicity, hazards and
hazardous materials, and visual resources because development would occur on the same project
site. Alternative 3 would result in greater impacts to forestry, air quality, greenhouse gas emissions
and climate change, hydrology and water quality, and utilities and public services because of the
greater number of units, which would need septic systems or a new wastewater treatment plant
unless private agreements could be made with the Tenaya Lodge for sewer connections for
treatment at the Tenaya Lodge WWTP. The potential for development of septic systems or new
treatment facilities would result in greater impacts due to additional construction, ground
disturbance, and possible effluent discharge water quality concerns, particularly with septic systems
located adjacent to Big Creek as well as the fractured groundwater basin, which is the source of
potable water for the region. In addition, the greater number of units could result in a greater number
of vehicle trips and construction disturbance, which would result in greater air and GHG emissions.
Finding: The Board finds that implementing Alternative 3: No Project - Fish Camp Town Planning Area Specific Plan Alternative, 1/2-acre Lots, would result in the reduction of two environmental impacts, but would increase five other environmental impacts, while not meeting the project objective to provide a more rustic lodging option for guests with the conveniences of a resort while allowing them to experience the natural beauty of the Sierra National Forest area in a minimally-developed setting. However, this alternative would meet the objective to subdivide the project site for potential future single family residential development. Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), the Board finds that Alternative 3 is rejected because it would not meet one of the two project objectives and would not meet the overall intent of the project, would not avoid the significant mitigable impacts of the proposed Project, would require implementation of the same mitigation measures, and would increase impacts related to forestry, air quality, greenhouse gas emissions and climate change, hydrology and water quality, and utilities and public services.

Alternative 4: Reduced Density Alternative (34 Units)

Description: The original Tenaya Cabins Project application proposed the same land division of APN 010-350-008 into “Parcel 1” for the Tenaya Cabins, and “Parcel 2” for a single-family residential home. Parcel 1 would be rezoned from Single Family Residential 1-acre to Resort Commercial. Parcel 2 would be rezoned from Single Family Residential 1-acre to Single Family Residential ½ -acre per Fish Camp TPA Specific Plan and Mariposa County requirements. As shown on the conceptual site plan in Draft EIR Exhibit 6-3, the project entry, roadways, and utility connections would be very similar to the current project proposal (as described in Chapter 3 of this Draft EIR) but proposed a total of 34 cabins, rather than 54.

Summary of Impacts: Although the disturbance footprint would be slightly smaller, the vehicular trips to and from the site would be reduced, and the utility demands would be reduced, the overall environmental impacts of 34 cabins would be similar to the impacts of the 54 cabin proposal. Alternative 4, the Reduced Density Alternative would not avoid the significant mitigable impacts of the project as proposed. However, it would further reduce impacts when compared to the proposed project.

Finding: Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), the Board finds that Alternative 4, the Reduced Density 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. Per CEQA Guidelines Section 15126.6(e)(2), which states that if the environmentally superior alternative is the “No Project” alternative, the EIR must also identify an environmentally superior alternative among the other alternatives; here, that would be Alternative 4. Nonetheless, the Board finds that Alternative 4 is rejected because it would not avoid the significant mitigable impacts of the proposed project and would require implementation of the same mitigation measures.

Section 4. Mitigation Monitoring and Reporting Program

The County has prepared a Mitigation Monitoring and Reporting Program (MMRP) for the Project. The County, in adopting these findings, also approves the MMRP. The County will use the MMRP to track compliance with Project mitigation measures, including voluntary measures for less than significant
effects that the applicant has agreed to implement with respect to Tribal Cultural Resources and Visual Resources. The MMRP will remain available for public review during the compliance period. The MMRP is attached to and incorporated into the Proposed Project and is approved in conjunction with certification of the EIR and adoption of these Findings of Fact. In the event of any conflict between these findings and the MMRP with respect to the requirements of an adopted mitigation measure, the more stringent measure shall control, and shall be incorporated automatically into both the findings.

Attachment A

Mitigation Monitoring and Reporting Program
MITIGATION MONITORING AND REPORTING PROGRAM

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 in June 2017, by the Board of Supervisors. Mariposa County filed a Notice of Determination with the State Clearinghouse in June 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
### 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>
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<tr>
<td><strong>4.4 Biological Resources</strong></td>
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<td><strong>Mitigation Measure 4.4.3: Avoid and minimize impacts to special-status bird species.</strong> 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.</td>
<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>
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<tr>
<td>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.</td>
<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>
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<td>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.</td>
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<td>And, if active nests are found: Prior to initiation of construction activities: establish buffer zones Construction: monitoring</td>
<td>Until nest is no longer active</td>
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<td><strong>Mitigation Measure 4.4.4: Avoid and minimize impacts to fisher.</strong> 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</td>
<td>Mariposa County Planning Department USFWS 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>
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<td>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.</td>
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<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>
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<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>
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<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>
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<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>
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**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.

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<tr>
<td>Mariposa County Planning Department CDFW</td>
<td>Prior to initiation of construction activities, between mid-April and mid-October: preconstruction surveys</td>
<td>And, if special-status bats are found: Prior to initiation of construction activities: establish buffer zones</td>
<td>Completion prior to the start of construction activities</td>
<td>During construction until roost is no longer in use</td>
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### Tenaya Cabins Mitigation Monitoring and Reporting Program

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<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>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>
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<tr>
<td><strong>Mitigation Measure 4.4.6: Avoid and mitigate for impacts to Yosemite toad.</strong> Construction limits in suitable habitat for Yosemite toad (e.g., wet meadow) shall be clearly demarcated with high visibility construction fencing to minimize the disturbance area. No construction activities, including staging or stockpiling materials, shall occur outside of the construction limits. Before any construction activities begin, a qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training session shall include a description of Yosemite toad and its habitat, natural history, legal status, general measures that are being implemented to conserve Yosemite toad as they relate to the project, and the boundaries within which the project may be accomplished. Instructions on actions to take if a toad is encountered on the project site shall be provided, including name and phone number of biological monitor and USFWS contact information.</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>
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<td>A qualified biologist shall survey the work site two weeks before the onset of activities in areas of suitable habitat for Yosemite toad (e.g., wet meadow). The pre-construction surveys shall focus on areas that toads may occupy, such as mammal burrows and cover areas under rocks, and shall identify eggs, tadpoles, juvenile, and adult lifestages. If a Yosemite toad is found on the project site, all construction activities in areas of potential habitat shall halt and USFWS shall be contacted. The project shall comply with requirements of the Endangered Species Act to exempt take of Yosemite toad, which may require additional conservation measures such as: Delaying construction within wet meadow habitat until the meadow is dry to allow juvenile toads to disperse.</td>
<td>Two weeks before the onset of activities in areas of suitable habitat: preconstruction survey</td>
<td>If necessary during construction: implement ESA permit measures</td>
<td>Ongoing during construction</td>
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### Tenaya Cabins Mitigation Monitoring and Reporting Program

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<tr>
<td>Excluding toads from the work site, by installing a fabric silt fence that is monitored and maintained for the duration of construction activities between the work area and the adjacent habitat. Having a biological monitor on-site during construction to monitor the work areas for Yosemite toads.</td>
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<td><strong>Mitigation Measure 4.4-7: Avoid and mitigate for impacts to sensitive habitats, wetlands, and waters.</strong> As a first priority, the project applicant shall seek to avoid impacts to sensitive habitats through project design, setbacks, and other avoidance measures. 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 bermmed 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 construction setback shall be observed, where feasible, from the outer edge of all wet meadow and forested/shrub wetland/riparian communities, as shown in 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.</td>
<td>Mariposa County Planning Department USACE</td>
<td>Project design: impact avoidance</td>
<td>Application review</td>
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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 acre permanent impact identified, the project may qualify for use of a Nationwide
### Tenaya Cabins Mitigation Monitoring and Reporting Program

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<td>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></td>
<td>(buffers/monitoring)</td>
<td>construction</td>
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### 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. The consulting 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.

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<td></td>
<td>Mariposa County Planning Department</td>
<td>Construction: during earth-disturbing activities</td>
<td>Continuously during construction-related earth-moving activities</td>
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<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>Mariposa County Planning Department NAHC</td>
<td>Construction: during earth-disturbing activities</td>
<td>Continuously during construction-related earth-moving activities</td>
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| **Mitigation Measure 4.5.4: Memorialize the cultural values of the project site through public education.** Delaware North, the project applicant, shall further consult with the P`iyayne 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.  
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 | Mariposa County Planning Department Department of Museums | Prior to the issuance of a grading or building permit: program approval | Verification of installation of interpretive display(s) and brochure(s) prior to the certificate of occupancy of project clubhouse or cabins | |
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<td>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 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>
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## 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.

| 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 dBA Eq during daytime hours and 45 dBA 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 | Mariposa County Planning Department | Prior to issuance of any grading or building permits: complete study | Prior to issuance of any grading or building permits for the project | Verification of installation prior to the certificate of occupancy of project clubhouse or cabins | Verification of installation prior to the certificate of occupancy of project clubhouse or cabins |
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<td>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. 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 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. 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</td>
<td>Mariposa County Planning Department</td>
<td>Construction phase</td>
<td>Continuously during project construction</td>
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<td>exhaust mufflers and engine shrouds, in accordance with manufacturer recommendations. Equipment engine shrouds shall be closed during equipment operation.</td>
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#### 4.10 Geology and Soils

**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.

| Mariposa County Planning Department RWQCB | Prior to any construction or grading: SWPPP | Prior to construction |
| Construction: BMP implementation | Continuously during project construction |

#### 4.11 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
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<td>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 4.4-1). Setbacks shall be fenced or 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. 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. 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. Temporary BMPs for the containment or removal of drilling spoils generated from construction of bridge foundations and abutments. 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. Tree removal activities, including the dropping of trees, would be confined to the construction limit boundaries. Construction boundary fencing to limit disturbance and prevent access to areas not under active construction. 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</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>
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<td>(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.</td>
<td>Operations: maintain stormwater controls/BMPs</td>
<td>Ongoing during operations: proof of maintenance to be provided to Mariposa County upon request</td>
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<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>
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<td><strong>Mitigation Measure 4.11.3: Prepare and implement a final drainage report that reduces runoff to pre-project conditions.</strong> 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. The final Drainage Report shall provide details showing that stormwater run-off shall be reduced to pre-project</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>
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<td>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.</td>
<td>Mariposa County Planning Department FCMWC</td>
<td>Initiated in advance of project construction/completion and during operations: Monthly during August, September, and October</td>
<td>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 second five (5) year period, not to exceed a total of ten (10) years.</td>
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<td>Mitigation Measure 4.11.4: Prepare and implement well monitoring program. The County shall require documentation of an agreement between DN and FCMWC that describes and identifies the specific responsibilities of both parties for implementation of a monitoring program for FCMWC Well 1. The monitoring program shall, at a minimum, include short duration pumping tests to assess production capacity and pumping water levels. The agreement between DN and FCMWC shall document that tests will 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 preceded 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. 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. 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. Production volume and rate measurements shall be collected from the discharge of FCMWC Well 1 at least every ten (10) minutes throughout the test. 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. 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>Mariposa County Planning Department FCMWC</td>
<td>Initiated in advance of project construction/completion and during operations: Monthly during August, September, and October</td>
<td>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 second five (5) year period, not to exceed a total of ten (10) years.</td>
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The production rate and pumping depth to water measurements from FCMWC Well 1 shall be compared to previous test results.

This evaluation will 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.

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.

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.

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.

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.

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...
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<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>
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<tr>
<td>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. If no agreement is reached between DN and FCMWC, then the mitigation measure requirements established for this monitoring program shall be followed as much as is determined to be possible pursuant to existing easement agreements recorded as Documents No. 932101, No. 932100, and No. 2057098, Mariposa County Records.</td>
<td>Mariposa County Planning Department Central Valley RWQCB</td>
<td>Leach line installation: Prior to building permit final Operations: comply with waste discharge requirements</td>
<td>Leach line installation: Prior to building permit final Ongoing during operations: comply with waste discharge requirements</td>
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#### 4.12 Utilities and Public Services

**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).

| Mariposa County Planning Department Central Valley RWQCB | Leach line installation: Prior to building permit final Operations: comply with waste discharge requirements |

#### 4.13 Hazards and Hazardous Materials

**Mitigation Measure 4.13-3: 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

| Mariposa County Fire Department | Prior to issuance of grading or building permit: agreement |

Agreement prior to issuance of grading or building permit

Prior to the certificate of Verification of staff
**Tenaya Cabins Mitigation Monitoring and Reporting Program**

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<tr>
<th>Mitigation Measure</th>
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<td>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.</td>
<td>occupancy of project clubhouse or cabins; staff and equipment available</td>
<td>and equipment prior to the certificate of occupancy of project clubhouse or cabins</td>
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<td>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. 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>
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<th>4.14 Visual Resources</th>
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**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 Country Planning Department | If built structures visibility becomes prominent, as determined by the County. | 5-year monitoring for tree establishment |
**EXHIBIT 2**

**GENERAL PLAN/SPECIFIC PLAN/ZONING AMENDMENT NO. 2014-163 FINDINGS**

General Plan/Specific Plan/Zoning Amendment No. 2014-163

The amendment to the Specific Plan regarding rezoning the property as proposed is subject to the following general policies as stated in Section VIII.B.1 of the Fish Camp Specific Plan:

**Policy 1:**
Any amendment to this Plan, whether initiated by the County of Mariposa or resident of Fish Camp, shall be evaluated in light of the overall goals and objectives of the Fish Camp Specific Plan and the Mariposa County General Plan.

**Project Consistency:** The specific plan amendment is consistent with the overall goals and objectives of the Fish Camp Specific Plan and the goals, policies, and implementation measures of the Mariposa County General Plan. Consistency with these goals, policies and implementation measures are addressed in the project’s recommended findings.

**Policy 2:**
Any amendment must be evaluated in light of the environmental impact it may create particularly as that impact is identified and mitigated in this Plan.

**Project Consistency:** An Environmental Impact Report (EIR) was prepared for the proposed Tenaya Cabins project, general plan/specific plan amendment, conditional use permit and land division in accordance with the California Environmental Quality Act (CEQA). The EIR found that with mitigation proposed, any potentially significant impacts are reduced to less than significant levels.

The environmental impact report certified for the Fish Camp Specific Plan found that proper performance of sewage disposal systems is of critical importance to the Fish Camp community considering the proximities of Big Creek and other tributaries. The Tenaya Cabins project proposes the use of the Tenaya Lodge Waste Water Treatment Facility to treat the wastewater generated by the project including both resort commercial uses and residential uses. Mitigation measures established by the Tenaya Cabins EIR require additional leach field of 908 linear feet. Both the resort commercial and residential uses must connect to the Tenaya Waste Water Treatment Plant. Operation of the Tenaya Lodge’s state-of-the-art wastewater treatment facility will have no impact on the Fish Camp community; connection to this existing system, which is operated under a state permit, will ensure that wastewater generated from the project is adequately treated and properly disposed.

The following specific findings are required to be made, in accordance with Section VIII.B.2 of the Fish Camp Specific Plan. In order to amend the Specific Plan it must be found that:
Amendment Finding 1:
The amendment will further the goals and objectives of the Fish Camp Specific Plan and the Mariposa County General Plan.

Evidence: The overall goal for the development of the community of Fish Camp as stated in Section IV – Principles of Plan Administration of the Fish Camp Specific Plan, is the following:

“To provide for the greatest obtainable convenience, prosperity, health, safety, comfort, peace, morals and general welfare of the present and future residents and visitors to the County.”

The objectives of the Fish Camp Specific Plan as stated in Section V. – Objectives of the Plan are as follows:

1. To provide for an orderly expansion of the community of Fish Camp.
2. To provide for, and promote, planned commercial and residential development within the Fish Camp Town Planning Area.
3. To promote the recreation and tourist industry of the community.
4. To preserve and protect the historical sites and structures of the community for the benefit of future generations.
5. To promote and provide an effective and safe circulation system within the community.
6. To preserve and protect the fragile ecology of the community specifically with respect to the hillsides of the Town Planning Area and Big Creek.
7. To promote and provide adequate and cost effective public services such as fire protection, public roads, water and sewer services, and snow removal.
8. To develop an adequate program for the evaluation of public buildings and facility needs.
9. To ensure a safe and healthful environment for residents and visitors alike.
10. To promote a diversity of housing types to meet the lifestyle of present and future residents.

The Tenaya Cabins Project, including 54 cabin units, a club house, parking and necessary infrastructure provides for and promotes an orderly addition to the adjacent existing resort commercial developments (Tenaya Lodge and Tenaya Cottages) in the community. The project is specifically designed for resort commercial development promoting the recreation and tourist industry of the community consistent with Objective 3. The project EIR was processed in accordance with the California Environmental Quality Act. The EIR evaluated impacts to cultural and historic resources and potentially significant impacts relating to biological resources at the site. The project was designed to preserve resources such as Rainbow Lake, wetland meadows and Big Creek. Mitigation is proposed to reduce potentially significant impacts to a less than significant level, thus meeting Objective 4. The EIR evaluated traffic impacts and found project would not have a significant impact on the community’s circulation system and therefore would be consistent with Objective 5.
The project design minimizes grading by use of pier foundations where feasible, and parking adjacent to roadways. Setbacks from Rainbow Lake, wetlands and Big Creek are proposed. EIR mitigation and conditions of approval include requirements for erosion control and storm water pollution prevention, wastewater treatment, protection of biological resources that reduces any potentially significant impact to less than significant levels in order to protect the ecology, consistent with Objective 6. The protection of the fragile ecology of the community was addressed through project design, EIR mitigation and conditions of project approval. The EIR found that with the application of the required mitigation, that the project would have no impact on the area’s hydrology or water quality.

The project is consistent with Objective 7 in that Highway 41 access improvements, water, waste water, snow removal and project roads are all provided for and maintained by the project proponent and are adequate to serve the project. Additionally, the project provides fire protection water storage, equipment, gear and staffing to serve the project. A fair share contribution to fire protection through conditions and mitigation is required. The project will provide for adequate and cost effective provision of public services and is therefore consistent with Objective 8.

The project is required to meet all construction standards for access (roadways), encroachments, buildings and connection to the existing Tenaya Lodge community water system. The project is required to connect to the Tenaya Wastewater Treatment Facility. The applicant is required to maintain all on-site infrastructure improvements in accordance with applicable health and safety code requirements. Therefore, the project will be consistent with Objective 9.

General Plan Issues:
The project is consistent with the Guiding Principles of the Mariposa County General Plan, including Principle 3.2.13 which states that “Supporting Mariposa’s economy, character, and housing, the County must take responsibility to determine the appropriate levels of service, the areas where infrastructure is to be provided, when service levels will be achieved, and how they will be funded. The General Plan requires that potable water, sewage disposal, and fire safe road access be available to the property consistent with State and County regulations.”

Section 5.3.01 of the Mariposa County General Plan states that Town Planning Areas represent the rural scale “urban” development centers in the county. In describing Town Planning Areas, Section 5.3.01.B(1) states that all residential, commercial, industrial, job-center, recreation, and public uses, as defined in the General Plan, are consistent with the purpose of a Town Planning Area. Section 5.3.01.E(1) states that Fish Camp has an adopted Town Planning Area Specific Plan. The Fish Camp Plan is described as a Town Planning Area Specific Plan to allow a comprehensive mix of zoning and land uses associated with its rural scale “urban” character.” The proposed resort commercial development is a tourist oriented commercial use that incorporates a density that preserves opens pace and utilizes a resort cabin architectural design that fits within a comprehensive mix of zoning and land uses with a rural scale.
Under Goal 5-4 of the General Plan, which states “Designate land areas and establish siting criteria to enhance economic opportunities”, Implementation Measure 5-4c(1) states, “Accommodate appropriate siting and development standards for recreation and resort uses within the County.” Implementation Measure 5-4c(2) states, “Standards shall be included that protect visual character related to: viewsheds; structural design, landscaping and scenic environments; landform grading; site development; and lighting.” The project proposes a resort cabin architectural design aesthetic, utilizes native vegetation for visual screening and preserves features through no build areas or setbacks from water features such as Big Creek. Conditions of approval and EIR mitigation measures require that the community’s visual character be preserved through the application of the County’s Scenic Highway Overlay zone standards, tree removal and replacement, native species landscape plans and dead and dying tree replacement plan thereby meeting the General Plan goals.

Section 6.1.05.A of the General Plan states that “General Plan land use policies and the Economic Development Strategic Plan will encourage the development of destination resorts and hotel facilities in appropriate locations in Mariposa County.” The project site is located adjacent to Tenaya Lodge and Tenaya Cottages and provides for an alternative type of lodging unit. The Tenaya Cabins are designed to contribute to the overall destination resort, thereby meeting this General Plan goal.

Section 9.1.05 of the General Plan (Water and Wastewater) states that “most of Mariposa County is not within the service area of public water and wastewater treatment providers. Therefore, most development in the County must provide for its own water and wastewater treatment through on-site means or small, private communal systems.” This section of the General Plan goes on to state that “other portions of the County are served by small public systems. Three public water systems provide domestic water to portions of the Fish Camp area through surface springs and groundwater wells. Sewage disposal in the Fish Camp area relies on individual septic tanks and underground leach field systems.” The project is served by an existing, permitted and state-regulated water system and wastewater treatment plant.

Goal 9-5 of the General Plan states that “Adequate water and wastewater services shall be provided to properties in the County.” Implementation Measure 9-5a(1) states that “No project shall be approved unless it is shown to have access to an approved source for wastewater treatment and disposal and a potable water supply meeting Health Department requirements.” The RWQCB, County Health Department and project EIR evaluated in detail the existing wastewater treatment system and disposal capacity proposed to serve the project and found it was adequate through the application of mitigation that requires additional leach field and ongoing compliance with the Tenaya Lodge Wastewater Treatment Facility Waste Discharge requirements and permit.

Section 13.3.01 of the General Plan states that, “The Land Use Element contains policies for development of resort and commercial recreation uses within sub-classifications of the Rural Commercial land use classification. These types of uses support the goals of the Regional Tourism Element by providing additional tourism destinations, including destination resorts and hotels in appropriate locations, and a wider range of recreational opportunities
"in the County." This project provides an additional tourism destination, adjacent to an existing tourism facility, in an appropriate location in the county.

Goal 13-5 of the General Plan states, "Provide job growth and sustain County revenues by enhancing and expanding the visitor-serving sectors of the economy." Plans to construct 54 resort commercial cabin units through the Tenaya Cabins project would supply the tourist population with an additional option for lodging to enhance the visitor experience. The cabins will provide additional transient occupancy tax revenues to the county.

The Tenaya Cabin project is consistent with these goals, policies, and implementation measures contained in the Mariposa County General Plan.

**Amendment Finding 2:**
All environmental impacts of the amendment can be satisfactorily mitigated.

**Evidence:** The EIR prepared for the Tenaya Cabins Project evaluated agricultural resources, population and housing, public services, land use and forest resources, biological resources, cultural resources, transportation and circulation, air quality, greenhouse gas emissions and climate change, noise, geology and soils, hydrology and water quality, utilities and public services, hazardous materials and hazards, visual resources, cumulative impacts, and found either no impact, less than significant impact or less than significant with mitigation. All impacts of the project can be satisfactorily mitigated.

**Amendment Finding 3:**
The amendment will not result in the degradation of the community as a residential and commercial center.

**Evidence:** The EIR for the project found that would have no significant impacts on the residential component of the community with the application of mitigation. The amendment will enhance the community's resort commercial improvements and opportunities.

**Amendment Finding 4:**
The proposed amendment is needed to promote orderly growth within the Fish Camp community.

**Evidence:** The specific plan amendment will allow for the dividing of assessor's parcel number (APN) 010-350-008, located immediately north of the Tenaya Lodge. The first parcel would be rezoned from Single Family Residential 1-acre to Resort Commercial for the construction of 54 pre-fabricated cabins and a clubhouse. The second parcel would be rezoned from Single Family Residential 1-acre to Single Family Residential ½-acre for a future single family residence. In order to develop the property, a number of conditions are required. Compliance with these conditions will ensure orderly growth in conformance to the Fish Camp Plan and General Plan, that establish the policies for orderly growth in the County and Fish Camp.
Amendment Finding 5:
The area proposed for amendment is uniquely suited to the proposed use or density and other areas are not presently available or usable for such use or density.

Evidence: The project site is one of a few parcels in the Fish Camp Town Planning Area that has sufficient size (26.89 acres) to accommodate for resort commercial uses. The project site is adjacent to existing resort commercial uses and also has Highway 41 frontage and access. The site has relatively level topographic characteristics. The proposed development site is an area available for such a development and will complement the adjacent land uses and operations of the Tenaya Lodge and Tenaya Cottages. The Tenaya Cabins project is in compliance with the open space provisions for Resort Commercial development as described in the Fish Camp Specific Plan. Sub-section 3.f. in Section VI (Land Use Policies and Standards) of the Specific Plan requires that 15% of the net lot area may be utilized for lodging development. An additional 25% of the net lot area may be utilized for additional development. The remaining 60% of the net lot area is required to remain in open space. The proposed Tenaya Cabins lodging development component (cabins and clubhouse) is estimated at less than 45,000 square feet representing less than 5% of the net lot area, thereby being far below the allowance per the Specific Plan. The total area together with access, parking and roads which are estimated at 100,300 sf (9% of the net lot area) meets the 60% open space requirement at less than 15% total of both structures and paved/roadway area. The proposed density of 54 units is far less than the Fish Camp Specific Plan Resort Commercial Development Standards VI., A. 3., f. 1. a. one lodging unit (LU) shall be permitted for each 5,000 square feet of net lot area, which is over 200 units for the project parcel at net 24 acres.

Amendment Finding 6:
The amendment will not result in damage or have an adverse effect on the value of adjacent properties.

Evidence: The EIR prepared for the project mitigates any potentially significant impacts on adjacent property owners including potential noise impacts. The mitigation ameliorates potential adverse effects on the neighboring properties and thereby results in no damage or adverse effects on the value of the adjacent property. The improvements to the project's access road also improves access to an offsite parcel. Adequate buffer between the project and neighboring property owners is provided. All work is done through permits and inspections. On-going operation of the water and wastewater facilities are monitored by a permit and state agency.

Amendment Finding 7:
The amendment will not result in an overtaxing of the existing community circulation system or create a traffic hazard.

Evidence: The EIR for the project found that the traffic demand generated by the project with the required Highway 41 encroachment and on-site roadway and circulation system improvements, will not substantially affect the performance of, or overtax, the circulation system. Application of CALTRANS highway improvement design standards, encroachment
requirements and County roadway design improvement standards result in operations such that a hazard is not created. The circulation system will not be overtaxed and will accommodate for the project traffic demand.

When zoning on property is amended in Mariposa County, the following findings are required to be made, in accordance with Section 17.128.050.C. of Title 17, Mariposa County Zoning Code. It must be found:

**Amendment Finding 8:**
That such an amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

**Evidence:** The project is in the general public interest in that it serves to implement the Mariposa County General Plan and the Fish Camp Specific Plan as stated in FINDING 1 above, and will promote the orderly growth of the community of Fish Camp as stated in FINDING 4 above. The project will not have a significant adverse effect on the general public health, safety, peace, based on the discussion in the Evidence sections for FINDINGS 2, 3, 6, and 7 above. The text of those sections is incorporated into this section by reference.

**Amendment Finding 9:**
That such an amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for county development and a short term basis for day-to-day decision making.

**Evidence:** As noted in FINDING 1 above, the project is consistent with land use descriptions, and applicable goals, policies and implementation measures of the Mariposa County General Plan. The general plan is a long term guide for county development and project consistency with the general plan confirms that it will implement the general plan. Specific plans are designed to implement the general plan and provide more area specific land use standards. The project is consistent with the Fish Camp Specific Plan, which specifically directs development within the community and, therefore, provides a short term basis for day-to-day decision making.

**Amendment Finding 10:**
That such an amendment conforms to the requirements of state law and county policy.

**Evidence:** State law and the Mariposa County General Plan allow for the amendment to area plans, including the adopted Specific Plan for the Fish Camp Town Planning Area. This amendment has been processed in accordance with the requirements of the Mariposa County General Plan, Title 17, Mariposa County Zoning Code and the Fish Camp Specific Plan. This amendment has also been processed in accordance with adopted environmental review policies and laws. The public hearings were noticed in accordance with requirements of Section 17.132 of Title 17 and applicable sections of state law.
Amendment Finding 11:
That such an amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan.

Evidence: The project is consistent with all applicable guiding policies, goals, policies, and standards of the Mariposa County General Plan. To support this conclusion, the discussion in the Evidence section of FINDING 1 is incorporated into this section by reference.

Amendment Finding 12:
Due to the fact that the project amends the zoning classification on individual parcels it must be found that:

The subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

Evidence: The site is physically suited for the zoning amendment as evidenced by FINDINGS 2, 3, 5, 6, 7, and 8, which are incorporated into this section by reference.
EXHIBIT 3

LAND DIVISION APPLICATION NO. 2014-165 FINDINGS

Land Division Application No. 2014-165

Land Division Finding 1: The site is physically suitable for the type and density of development.

Evidence: The site is physically suited for the Resort Commercial uses at the proposed density of 54 cabin units, 2500 sf Clubhouse, parking and access improvements and proposed Single Family Residential ½ acre lot for low-density homes and appurtenant improvements. The subdivision density is designed in accordance with the Resort Commercial and Single Family Residential ½ acre Land Use Classifications. This finding of physical suitability is based on the EIR review and evidence supporting the amendment Findings.

Land Division Finding 2: The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Evidence: The EIR prepared for the project found that based on the approved project description, the project would have a less than significant effect on the environment with mitigation applied. The project may have an adverse impact on the wildlife resources and potential habitat areas, and therefore, subject to the California Department of Fish and Wildlife file fees as required by AB 3158 and SF 1535 and County Clerk fees.

Land Division Finding 3: The design of the subdivision or the proposed improvements is not likely to cause serious public health problems.

Evidence: This land division and its subsequent use for low-density residential and resort commercial purposes are not likely to cause serious health problems. Future resort commercial and residential uses will be required to comply with all Building Code regulations and the State Water Resources Control Board (SWRCB) Division of Drinking Water, Regional Water Quality Control Board (RWQCB) and Health Department standards for the provision of water, sewage treatment and disposal systems. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. The project has been reviewed by the Mariposa County Fire Department and CAL FIRE. The land division has been designed to comply with all applicable fire safe requirements. All future commercial and residential uses will be required to comply with the State Fire Safe Standards as mandated by California Public Resource Code (PRC) Sections 4290 and 4291, which will eliminate any potential health and safety issues related to fire protection. Project is served by Mariposa County Fire Department structural fire protection services and project Mitigation Measure 4.13-3 requires supplementary fire protection staffing and equipment, as well as a mutually-agreed contribution to the Mariposa County Fire Department, which will ensure that emergency responders and
equipment will be present in Fish Camp and available to serve the project. The design and location of each lot and new ingress/egress points to the subdivision and individual lots comply with all applicable County standards as well standards contained in PRC sections 4290 and 4291.

**Land Division Finding 4:** The proposed map is consistent with applicable General and Specific plans as specified in Government Code Section 65451.

**Evidence:** The land division is the process required of the project in order to create two parcels, one for resort commercial uses and another for residential uses that in part helps accomplish Mariposa County General Plan’s Housing Element overall goal to “Provide opportunities for an adequate supply of sound, affordable housing units for ownership and for rent in a safe and satisfying environment for the present and future residents of the County.” Primary access to the land division’s proposed two parcels is from a State Highway (41) encroachment and proposed on-site subdivision access road. The applicant will have to comply with required encroachment and roadway design improvements, which will ensure that the project has adequate capacity for the additional traffic generated by the new parcels created by this project.

**Land Division Finding 5:** The design or improvement of the proposed subdivision is consistent with applicable General and Specific plans.

**Evidence:** The minimum parcel size, minimum density, and building intensity proposed by the project are consistent with standards contained in the Resort Commercial and Single Family Residential ½ Acre Land Use Classification of the Fish Camp Specific Plan and the General Plan Classification of Planning area. The land division design complies with the County Subdivision Ordinance’s maximum 4:1 length to width ratio for parcel configuration. This finding is made based on the Board of Supervisor’s action on GP/SPZA No. 2014-163.

**Land Division Finding 6:** The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

**Evidence:** The project will not conflict with any public easement. Affected utility companies have reviewed the proposed project. Conditions of approval require adequate easements and agreements as needed for utilities and access easements
EXHIBIT 4
CONDITIONAL USE PERMIT APPLICATION NO. 2014-164 FINDINGS

Findings for CUP 2014-164
(Findings pursuant to §17.112.040., Mariposa County Zoning Code)

CUP Finding 1: That adequate open space is provided.

Evidence: The project site is a 26.89 acre parcel. Adequate open space is provided by this proposal. Relative to the 26.89 acre parcel, the proposed 54 cabins (675 sq. ft. cabin and 75 sq. ft. deck) and clubhouse (2,700 sq. ft.) will result in an estimated maximum building footprint of 43,200 sq. ft. which is approximately 3.7% of the parcel area. Using building area and non-building area (access roads / parking) footprint coverage, the majority of the site, or over 90% of the site, will remain in open space. There is adequate open space being provided by the project.

CUP Finding 2: That the site is physically suited for the proposed development;

Evidence: The project site is one of a few parcels in the Fish Camp Town Planning Area of sufficient size (26.89 acres) to accommodate resort commercial uses. The site is adjacent to existing resort commercial uses and that also has sufficient Highway 41 frontage and access. The proposed development site will complement the adjacent land uses and operations of the Tenaya Lodge and Tenaya Cottages. The Tenaya Cabins project is in compliance with the open space provisions for Resort Commercial development as described in the Fish Camp Specific Plan. Sub-section 3.f. in Section VI – Land Use Policies and Standards, of the Specific Plan requires that 15% of the net lot area may be utilized for lodging development. An additional 25% of the net lot area may be utilized for additional development. The remaining 60% of the net lot area is required to remain in open space. The proposed Tenaya Cabins lodging development component (cabins and clubhouse) is estimated at less than 45,000 square feet representing less than 5% of the net lot area, thereby being far below the allowance per the Specific Plan. The total area together with access, parking and roads meets the 60% open space requirement. The proposed density of 54 units is far less than the Fish Camp Specific Plan Resort Commercial Development Standards VI., A. 3., f. 1. a. one lodging unit (LU) shall be permitted for each 5,000 square feet of net lot area, which is over 200 units for the project parcel at net 24 acres.

CUP Finding 3: That adequate provisions have been made for sewage disposal and handling of solid waste

Evidence: The Tenaya Lodge Waste Water Treatment Plant is proposed to serve the project. The EIR and project analyses found that with the application of conditions and mitigation measures, the provision of wastewater treatment will be sufficient to serve the demands of the project. The waste water treatment system must comply with all Building Code regulations, SWRCB Division of Drinking Water, RWQCB and Health Department standards for the sewage treatment and disposal. Conditions of approval require that
adequate waste handling services are contracted to serve the project site. Enforcement of County Health standards will insure that sewage disposal and solid waste disposal are adequately handled and not generate a health hazard.

**CUP Finding 4:** That the proposed development will have adequate potable water for public use and fire protection.

**Evidence:** The Tenaya Lodge public drinking water system is proposed to be used to serve the project. The project includes the addition of a 120,000 gallon water storage tank to serve the project and includes the fire flow (protection) demands of the project. The EIR for the project evaluated the supply of water to meet the demands of the project that included review by the California RWQCB Division of Drinking Water and County Fire department and it was found that adequate water is available. The application of mitigation and project conditions insures that the water is sufficient for the drinking water and fire protection requirements. The provision of potable water is regulated to comply with State public drinking water standards.

**CUP Finding 5:** The project complies with all standard and special setback requirements and appropriate buffers have been provided for adjacent land uses.

**Evidence:** The project meets all applicable Fish Camp Specific Plan setback requirements the resort commercial development. The project proposes to retain existing trees and shrubs as a buffer along the property lines. Tree removal and replacement of dead and dying trees, and landscape plans are required of the project to demonstrate compliance with the Mariposa County Scenic Highway design standards which require maintenance of vegetative screening and buffers. The EIR for the project evaluated visual impacts and noise impacts and through the application of mitigation found that the impacts at neighboring land uses to be less than significant. The EIR for the project and project layout maintains no build zones along site water features including Big Creek and Rainbow Lake. As a result of the flood study, flood plain boundary and wetland delineation, there are required “no build areas” shown on the project plans. These special buffers and setbacks are required by project mitigation and conditions require adherence to these setbacks and buffers. This finding is made based on the Board of Supervisor’s action on GP/SPZA No. 2014-163.

**CUP Finding 6:** That appropriate access is available or is proposed to the development.

**Evidence:** The project access is from a State Highway 41 and proposed subdivision access road. With application of required encroachment and roadway design improvements, it can be found that the project will have adequate capacity for the additional traffic generated by the resort commercial development and new parcel created by this project. The project EIR was circulated and reviewed. Access improvements will be required to meet all applicable design standards established by Public Works and CALTRANS.

**CUP Finding 7:** That the proposed use is consistent with the policies and standards of the General Plan and any applicable specific plan.
Evidence: The General Plan encourages Resort Commercial Development through the application of Area Plans in the Land Use Element. Section 13.3.01 of the General Plan states that, "The Land Use Element contains policies for development of resort and commercial recreation uses within sub-classifications of the Rural Commercial land use classification. These types of uses support the goals of the Regional Tourism Element by providing additional tourism destinations, including destination resorts and hotels in appropriate locations, and a wider range of recreational opportunities in the County." The Fish Camp Specific Plan Land Use Classification of Resort Commercial allows commercial restaurant uses with a use permit such as is proposed. The project will create a resort lodge facility to serve the public at large, the local community and the customers for the Tenaya Cabins. This development is in compliance with the policies of the General Plan and the Specific Plan. This finding is made based on the Board of Supervisor's action on GP/SPZA No. 2014-163.

CUP Finding 8: That the project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or determined that the significant effects are unavoidable and acceptable due to overriding concerns.

Evidence: An environmental impact report (EIR) was prepared for the Tenaya Cabins Project, pursuant to California Environmental Quality Act (CEQA, California Public Resources Code, Section 21000, et seq.).

Approval of a project with significant impacts requires that findings be made by the lead agency pursuant to the California Environmental Quality Act (CEQA, California Public Resources Code, Section 21000, et seq.), and State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3) Sections 15043, 15091, and 15093. CEQA Guidelines Section 15092(b) requires a finding that the significant impacts of a project are either: (1) mitigated to a less-than-significant level or (2) that the public benefits of a project outweigh the significant impacts (requires a Statement of Overriding Consideration).

The Tenaya Cabins Project Final EIR concluded that all project impacts would be mitigable to less than significant; the project would not result in significant and unavoidable impacts. The project CEQA Findings of Fact and mitigation and monitoring program are made a part hereof.

CUP Finding 9: That the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county.

Evidence: This project proposes a resort commercial development directly adjacent to other resort commercial developments. The Conditional Use Permit will establish written limits to the use of the Tenaya Cabins. The Conditional Use Permit and project EIR will establish specific identified mitigation measures and conditions to address potential impacts the development may have on surrounding properties or properties in the
community, including noise and light and traffic and outdoor activity (reducing impacts to a level of less than significant). Finally, this Conditional Use Permit will establish requirements for construction and ongoing operation of the Tenaya cabins project to insure no significant project impacts on persons residing or working in the neighborhood or in the community. There is a benefit to the health, safety, morals, comfort and general welfare of persons residing and working in the neighborhood to have established limits and mitigations such as will result from this project.

The Environmental Impact Report (EIR) evaluated all potential environmental impacts of the proposed project and concluded that the project could occur with no significant environmental impacts based upon the implementation of adequate and feasible mitigation measures. These mitigation measures are incorporated into the project.

This Conditional Use Permit has been reviewed through a discretionary process, and there have been numerous opportunities for public input on health, safety, morals, comfort and general welfare issues throughout the public process. All public input on these matters as well as input and recommendations from the Fish Camp Planning Advisory Council have been considered. The Planning Commission has considered the EIR for this project. Finally, the Planning Commission has considered the staff report, project findings, the recommended conditions (106), and the CEQA Findings of Fact and Mitigation Monitoring and Reporting program, establishing requirements to address:

- Protection of special status plant species
- Protection of special status animal species
- Protection of cultural resources
- Minimizing grading and grading impacts
- Protection of trees and vegetation
- Elimination of off-site noise impacts
- Elimination of off-site lighting impacts
- Limitation to hours and days of outside construction activities
- Implementation of air quality requirements
- Implementation of a noxious weed program
- Implementation of State Fire Marshall requirements and improved wildland fire protection
- Clearance of snow and ice during winter months
- Roadway and site maintenance
- Aesthetics

The Planning Commission finds that with mitigation and conditions, and the continued maintenance and operation of the use as conditioned will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, or general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county.

Finally, this Conditional Use Permit is consistent with the General Plan and Specific Plan, as described in Finding No. 7 of this Resolution.
EXHIBIT 5
PROJECT CONDITIONS AND MITIGATION MEASURES

Project Conditions and Mitigation Measures
Conditional Use Permit No. 2014-164

All responsible agencies and the specific timing of all the actions required for the mitigation measures are included in the Board of Supervisors-approved EIR Mitigation Monitoring and Reporting Program.

General

1. (a) This approval of Conditional Use Permit No. 2014-164 shall not take effect until the effective date of the Board of Supervisors’ approval of General Plan /Zoning Amendment (GP/ZA) No. 2014-163.

   (b) The Tenaya Cabins project shall be constructed in substantial conformance with the approved site plan and building elevations as approved by the Board of Supervisors. Minor increases in project square footages up to 10%, with no increase in the number of units, may be considered and approved by the Planning Director. Any substantial modification of the site plan requires additional public review.

2. Any representations during public meetings or public hearing by the applicant or agents speaking on the applicant’s behalf shall be reduced to writing and added as conditions of project approval.

3. The conditional use permit (CUP) shall be activated by the issuance of the first building or grading permit within 36 months from the effective date of Board of Supervisors approval of the project. Should activation of the permit(s) be delayed by any moratorium or excessive delays by a permitting agency over which the County of Mariposa does not exercise control, or should a lawsuit involving the approval of the CUP or related entitlements be pending in a court of competent jurisdiction, the 36 month clock shall be tolled until such time the court action or other delay has concluded. However, if the remaining time is less than 120 days, the permit shall be valid for 120 days following the termination of the moratorium or other event triggering the tolling of the period. The tolling period shall be initiated upon written notice by the applicant to the Planning Department setting forth the facts and circumstances justifying the tolling, and shall be immediately effective unless a written notice of rejection is issued by the Planning Director within 14 days of receipt of applicant’s notice.

4. The applicant may request of the Planning Commission one 18-month time extension of the CUP initial time frame (as identified in condition no. 3 above) between the effective date of the approval of the CUP and the start of construction
(building permit or grading permit issuance). The application must be made at least 90 calendar days prior to the initial approval expiration date.

The Planning Commission or Board of Supervisors may impose any conditions and/or requirements it finds necessary to guarantee compliance with the project approval findings.

Any tolling provisions provided for by conditions of approval for the use permit shall remain in full effect. Time extension request provisions of this condition do not change any approved applicable tolling provisions.

5. An updated project development schedule shall be submitted to the Planning Director prior to issuance of grading and or building permit for the project. Project schedule shall at a minimum include:

- Outside agency permitting application estimated submittal timeline
- Projected overall construction schedule
- Estimated completion

6. No use or occupancy of the project shall commence until the Planning Director has certified all applicable conditions have been satisfied.

7. No site disturbance activities shall commence without the issuance of a building or grading permit. Should there be no code requirement for such a permit, a letter authorizing site disturbance activities shall be issued by the Planning Director upon request and upon proof of condition completion.

8. Prior to the issuance of any site disturbance, building or grading permits, the permit holder shall submit final site plans based on construction plans. The final site plans shall clearly be labeled to match the approved site plans. All physical construction for the project shall be sited in substantial conformance with the approved plans.

Botanical/Wildlife

9. Prior to the commencement of site disturbance activities of any kind, the Planning Director shall receive a detailed preconstruction survey clearly identifying areas which are proposed to be retained in natural vegetation (e.g. grasses, shrubs, trees and riparian vegetation). Accompanying the preconstruction survey shall be a construction management plan identifying how “non-disturbance areas” are to be physically protected during construction activities.

10. Prior to the commencement of construction activities, a tree removal and replacement plan for mature trees shall be prepared by a licensed landscape architect based upon accepted industry practice for approval by the Planning Director. The Plan shall incorporate appropriate measures to be taken to minimize
the spread of non-native vegetation.

11. Rainbow Lake shall not be stocked with non-native wildlife species.

12. Prior to the issuance of any building permits, or initiation of site development activities, the impacts on 0.01 acre of wetlands shall be fully mitigated in accordance with the approved mitigation plans agreed to by affected agencies.

13. The applicant shall submit a mitigation plan to address impacts associated with construction on identified wetlands and sensitive species prior to the issuance of a grading permit or building permit. The timing of complete mitigation shall occur based on the requirements of the resource agency or prior to occupancy of the building or buildings depending on the specific case and resource agency approved mitigation plan.

14. Prior to the issuance of a certificate of occupancy or commencement of use, the permit holder shall establish and implement a program requiring (1) guests with domestic animals to be under owners’ control at all times; and (2) assurance no guest shall participate in hunting on the subject property; and (3) no unauthorized discharge of firearms of any kind by guests.

15. Any proposed site fencing shall be limited to surrounding maintenance facilities, “no access” or ecologically sensitive areas, or as required for the site security plan. Fencing shall meet biologist approval and aesthetics requirements. Planning Director approval of any and all fencing plans shall be required prior to any building and/or grading permit issuance.

16. Prior to the issuance of any building or grading permits, the permit holder shall submit to the Mariposa County Agricultural Commissioner copies of the construction management plan identifying how the permit holder will take steps to prevent the transport of noxious weeds to the site. Certification of approval by the Agricultural Commissioner of such program shall be transmitted to the Planning Director.

17. 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.

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.

18. 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.

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.

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.
19. 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.

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.

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.

20. Mitigation Measure 4.4-6: Avoid and mitigate for impacts to Yosemite toad. Construction limits in suitable habitat for Yosemite toad (e.g., wet meadow) shall be clearly demarcated with high visibility construction fencing to minimize the disturbance area. No construction activities, including staging or stockpiling materials, shall occur outside of the construction limits.

Before any construction activities begin, a qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training session shall include a description of Yosemite toad and its habitat, natural history, legal status, general measures that are being implemented to conserve Yosemite toad as they relate to the project, and the boundaries within which the project may be accomplished. Instructions on actions to take if a toad is encountered on the project site shall be provided, including name and phone number of biological monitor and USFWS contact information.

A qualified biologist shall survey the work site two weeks before the onset of activities in areas of suitable habitat for Yosemite toad (e.g., wet meadow). The pre-construction surveys shall focus on areas that toads may occupy, such as mammal
burrows and cover areas under rocks, and shall identify eggs, tadpoles, juvenile, and adult life stages.

If a Yosemite toad is found on the project site, all construction activities in areas of potential habitat shall halt and USFWS shall be contacted. The project shall comply with requirements of the Endangered Species Act to exempt take of Yosemite toad, which may require additional conservation measures such as:

- Delaying construction within wet meadow habitat until the meadow is dry to allow juvenile toads to disperse.
- Excluding toads from the work site, by installing a fabric silt fence that is monitored and maintained for the duration of construction activities between the work area and the adjacent habitat.
- Having a biological monitor on-site during construction to monitor the work areas for Yosemite toads.

21. Mitigation Measure 4.4-7: Avoid and mitigate for impacts to sensitive habitats, wetlands, and waters. As a first priority, the project applicant shall seek to avoid impacts to sensitive habitats through project design, setbacks, and other avoidance measures.

- 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 construction setback shall be observed, where feasible, from the outer edge of all wet meadow and forested/shrub wetland/riparian communities, as shown in EIR 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 avoidance of 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 be 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.

**Public Services**

22. Prior to the issuance of any building or grading permits, the County Fire Chief and California Department of Forestry and Fire Protection shall provide the Planning Director with a letter certifying that the engineering design of the loop road is of adequate width, grade, surfacing, and construction design to meet the requirements of the fire protection agencies.

23. Prior to the issuance of any building or grading permits, the County Fire Chief shall provide the Planning Director with a letter certifying that the permit holder has entered into a written agreement satisfying the requirements of the County Fire Department for fire protection and demonstrates compliance with EIR mitigation Measure 4.13-3. The County Fire Chief shall provide a copy of the written agreement with the certification letter. The agreement shall, at a minimum, enumerate each mitigation measure identified in the Environmental Impact Report for fire protection and shall affirmatively state the measure's inclusion in the agreement or alternatives accomplishing the same objective as required by the mitigation measure that are incorporated into the agreement.

24. Mitigation Measure 4.13-3: Provide supplementary fire protection staff and equipment. Prior to operation of the Tenaya Cabins Project, Delaware North (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.

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.

25. The public water system plans shall include 120,000 gallon (minimum) additional water storage. County Fire Chief approval that this condition has been met shall be required prior to building permit issuance.

26. The public water system including the 120,000 gallon (minimum) additional water storage tank(s), loop water line system, fire hydrants and the provisions to meet the commercial fire flows, as required by the County Fire, shall be installed prior to the issuance of a Building Permit for the construction of any flammable structures on the subject property or prior to the storage of flammable materials on site whichever occurs first.

27. Prior to the issuance of any building or grading permits, the permit holder shall submit required plans and water system design to the County Fire Department for review and approval. No building or grading permits shall be issued until the Planning Director receives a letter from the Fire Chief certifying the approval of the Plans. The Plans shall include all necessary information required by the County Fire Department.

28. Prior to the commencement of any structure framing, the approved water system shall be fully operational and approved by the County Fire Department. Evidence of Fire Department approval of the water system shall be provided to the Building Department prior to its issuance of any approvals to proceed with framing of the structures.

29. Prior to the issuance of a certificate of occupancy for any structure on the site, the County Fire Chief shall provide the Chief Building Official with a letter certifying
that the structure(s) comply with requirements of the County Fire Department for fire protection, water supply, and other requirements.

30. Prior to the issuance of any building or grading permits, the Planning Director shall receive a letter from the CALFIRE indicating the final project design meets the requirements for the Fire Protection State Responsibility Area FireSafe Requirements for driveway standards, gate standards, road standards, emergency water supply standards, fire hydrant standards, defensible space standards, and as otherwise specified in 14 CCR§1270 et. seq.

31. All refuse containers shall comply with County Code Chapter 8.44 requirements for bear preventative/control measures. Refuse containers shall be sited and maintained to remain accessible during snow periods.

32. Prior to issuance of any building or grading permits, the permit holder shall provide the Director of Public Works with a Plan for Annual Maintenance of all on-site roads. The Plan For Annual Maintenance shall include, at a minimum:

   a. Provisions for snow removal on all on-site roads, including the emergency access road.

   b. Provisions maintaining access to refuse containers and the on-site wastewater and water system infrastructure.

   c. The method by which the Plan will be implemented through regular facility employees or by contract. Copies of executed contracts may be submitted with the Plan.

   d. Provisions for the exclusive use of non-contaminated sand during winter months.

   e. Evidence of any necessary easements or contractual access agreements with offsite property owners, if necessary.

33. Prior to the issuance of any building or grading permits, the permit holder shall provide the Planning Director with recorded copies of access agreements or easements granted in favor of any and all utility owners or access easement right owners with easements and/or facilities crossing the project site providing for access for maintenance and operation of wells, pipelines, telephone lines, electric lines or other utilities.

34. Prior to the issuance of any building or grading permits, the permit holder shall notify the Planning Director of any on-site easements which are required to be relocated as a result of the project design or construction. If any easements are to be relocated, the Planning Director shall receive a letter from the affected agency or utility indicating the permit holder has met or completed the requirements of the
utility or affected agency. All utility crossings or relocations that may be required shall meet all applicable code and regulatory requirements including but not limited to setbacks and trench depth spacing etc. If any relocation of utility infrastructure or easements is required, including Fish Camp Mutual Water Company infrastructure or easements, all relocation costs shall be at the sole expense of the project applicant.

35. As proposed by the project applicant, prior to grading or building permit issuance, the project applicant shall provide the County Planning Director with an executed agreement with, or letter from, the Fish Camp Mutual Water Company approving the project utility plan. The Fish Camp Mutual Water Company's review authority shall be limited to their utility infrastructure.

36. Prior to the issuance of any building or grading permits, the permit holder shall submit restoration surety in a form satisfactory to the County Counsel. The amount of surety shall be 10% of the total construction cost of the project or equal to an engineer's estimate of the cost of site preparation and grading, whichever is greater plus a 50% contingency. This amount of the surety is to be confirmed by the Department of Public Works and guaranteed by an appropriate agreement with the County. Upon completion of the grading and building final approval by the County, the required security shall be returned to the permit holder.

**Hydrology, Water and Wastewater**

37. 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).

38. The project shall install and maintain onsite pollutant control measures during project construction and operation as required to ensure NPDES compliance. The permit holder shall provide the Planning Director with a copy of its approved State Water Resources Control Board Construction Activity Storm Water Permits.

39. The project site plan's identification of an alternate location for the lift/pump station, further from Big Creek and along the loop road as shown on site plan sheet 3, shall be approved by the RWQCB and County Health Department. Verification that this
condition has been met shall be required by the Planning Director prior to grading or building permit issuance.

40. The project shall install and maintain onsite runoff attenuation facilities with sufficient capacity to reduce 100-year project stormwater runoff rates to those currently generated by the project site. The project engineered grading plans shall include these facilities.

41. Prior to the use or occupancy of any building, and on a continuing basis, the potable water supply from on-site wells shall meet or be treated to meet California Drinking Water Standards or shall be treated to meet those standards.

42. On an ongoing and continuous basis, biosolids from the project shall disposed in a method and location approved by the Mariposa County Health Department.

43. Mitigation Measure 4.11-1: Prepare and implement a stormwater pollution prevention plan (SWPPP). As described in DRAFT EIR Section 4.11.1, 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 4.4-1). Setbacks shall be fenced or 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.

• 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.

• 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.

• Temporary BMPs for the containment or removal of drilling spoils generated from construction of bridge foundations and abutments.

• 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.

• Tree removal activities, including the dropping of trees, would be confined to the construction limit boundaries.

• Construction boundary fencing to limit disturbance and prevent access to areas not under active construction.

44. 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.

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.

45. 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.
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.

46. 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 preceded 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.
- 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.
- 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.
- Production volume and rate measurements shall be collected from the discharge of FCMWC Well 1 at least every ten (10) minutes throughout the test.
- 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.
- 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.
- The production rate and pumping depth to water measurements from FCMWC Well 1 shall be compared to previous test results.

- 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.
  o 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.
  o 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.

- 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.

- 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.

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.

If no agreement is reached between DN and FCMWC, then the mitigation measure requirements established for this monitoring program shall be followed as much as is determined to be possible pursuant to existing easement agreements recorded as Documents No. 932101, No. 932100, and No. 2057098, Mariposa County Records.

47. All project plans submitted for construction permits shall include the delineation of the 100-year floodplain for Big Creek that was completed for the Tenaya Cabins Project as illustrated on Exhibit 4.11-6. of the Draft EIR. The flood plain along Big Creek shall be avoided (unaltered) by the proposed project including construction activities. As indicated on the proposed site plans (Exhibits 3-3 and 3-4 in Chapter 3 of the Draft EIR), all project facilities and related ground disturbance would remain outside the delineated 100-year floodplain. Flood plain delineation boundary location as shown on the plans shall be surveyed and staked in the field by an appropriately qualified professional prior to any site disturbance activities and the staking shall be maintained during the construction.

Geology and Soils

48. 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. The RWQCB and Mariposa Planning Department verification this condition has been met is required prior to and construction grading and/or building.

Air Quality

49. Prior to the issuance of any building or grading permits, the County Air Pollution Control Officer shall approve the project construction contract specifications shall meet all applicable Air Pollution Control District (APCD) requirements.

50. All fire pits as shown on the approved site plan shall comply with APCD requirements. County Air Pollution Control Officer shall approve plans prior to grading and/or building permit issuance.

51. The final structure design may include appropriately certified woodstoves or LPG-fired decorative fireplaces. All wood-burning devices shall be approved by the County
Air Pollution Control Officer prior to the building permit issuance, use or occupancy of the building.

52. All applicable APCD requirements shall be met at pre-building or pre-grading permit issuance, during construction, prior to occupancy, and during operation to the satisfaction of the County Air Pollution Control Officer.

53. Prior to the use or occupancy of any building, the Environmental Health Division Director shall certify that wastewater storage, collection and transmission facilities incorporate appropriate equipment and design so that odors cannot be detected.

**Greenhouse Gas Emissions and Climate Change**

54. 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 on-site electric charging stations for use by guests and employees to encourage use of plug-in electric and hybrid vehicles.

Prior to issuance of grading or building permit, plans must include the required charging station.

**Traffic, Access and Circulation**

55. Highway 41 Entrance (Access Segment 1): Prior to the issuance of any building or grading permits, the permit holder shall obtain encroachment permit/s from Caltrans for construction of Highway 41 improvements for the main entrance and secondary emergency access and shall submit a copy of said permit to the Planning Director. The entrance and secondary emergency access road improvements shall be configured to meet Caltrans requirements for acceleration and deceleration distances and turning lane requirements.

56. Prior to the final of the grading or building permit the “subdivision road” (Access Segment 2) shall be shall be improved to a Town Class IV road standard (optional on-street parking and sidewalks are not required). The intersection adjacent Parcel 2, clubhouse and Access Segment 3 may function as a turnaround and/or hammerhead T, provided the turnaround or hammerhead T shall meet County Public Works, County Fire, and CALFIRE requirements.

57. The Marshall Easement Road (Access Segment 3), from Access Segment 2 to APN 010-390-002 (Marshall Lot), shall be improved to CALFIRE minimum residential driveway requirements. The access easement for this section shall be no less than 40 feet in width and include a public utility easement offered for dedication to the County. The easement shall be shown on the parcel map.
58. A security gate or equivalent shall be installed at the end of the Access Segment 2 roadway at, or near, the shared intersection of the clubhouse access road and proposed Parcel 2. The gate is intended to provide a security measure to deter guests of the Tenaya Cabins from using the access road that serves the Marshall property and to maintain the traffic circulation on site. The gate shall meet requirements for location, site security and fire/emergency services access and be approved by the County and CALFIRE prior to grading or building permits issuance. Gate location, type and informational gate/roadway usage signage shall be included in plans and shall require approval prior to issuance of grading and or building permit for the project.

59. Access Segment 4: All other internal circulation roadways require County Fire and CALFIRE approval for minimum width, slope, loading and capacity. The County Fire Department and CALFIRE require that the main cabin access loops be a minimum of 20 feet in width to allow for emergency through traffic, with some 14 foot wide sections with turnouts allowed as shown on the approved plans. No roadway easements are required for these internal private roadways.

60. Access Segment 5: A 20-foot wide paved road for secondary emergency access to serve the project is required. The emergency access road shall be improved to meet CALFIRE requirements, and shall be approved by County Fire and CALFIRE prior to building permit issuance. Security measures and gates for this segment shall meet County, CALTRANS (if in highway right-of-way) and CALFIRE requirements.

61. Prior to the use or occupancy of any building, the permit holder shall install “One-way” signs and any other required directional signage on breakaway posts along the one-way segments of the internal roadway system in conformance with the approved signage plan.

62. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project after and prior to issuance of any CALTRANS encroachment permit for the required improvements, a consultation meeting with the Public Works Department, the Planning Department, the applicant, the agent, the road contractor, CALTRANS and CALFIRE shall occur. The Agricultural Commissioner, a representative from Pacific Gas & Electric, a representative from the Health Department and a representative from the Mariposa County Resource Conservation District, Fish Camp Mutual Water Company and Picayune Rancheria of Chukchansi Indians shall be invited to attend. Any and all costs associated with the consultation shall be the responsibility of the applicant. The County Engineer shall verify that this condition has been met prior to issuance of any encroachment permit required for this project and prior to the scheduling of any on-site inspections of road improvements.

63. All grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein.
64. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.

65. All grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvement required as a condition of approval for this project. If engineered improvement plans are required, the plan shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.

66. Immediately upon completion of the required road and encroachment improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Resource Conservation District (RCD). The applicant shall also contact the RCD for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by RCD stating that the re-vegetation and erosion control provisions have been completed prior to the filing of the final map and or prior to building permit final.

67. Prior to building permit final for the cabins construction, all applicable State Fire Safe Regulations shall be met, including construction of roadways, cul-de-sac (or hammerhead T) turnarounds, road naming and signage. A letter shall be submitted to the County Surveyor and Planning Director by CALFIRE stating this condition has been met.

68. Prior to the commencement of any road construction activities, the project proponent shall obtain from the Regional Water Quality Control Board (RWQCB) a General Permit for Discharges of Storm Water Associated with Construction Activity, unless it can be shown to the satisfaction of the Mariposa County Planning Director through evidence submitted by a qualified person, such as a licensed land surveyor or registered civil engineer, that less than one acre of land will be disturbed to implement the project. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Mariposa County Public Works Department by the project proponent prior to the pre-construction consultation meeting required in these conditions of approval. If a permit is required, all provisions and requirements of the permit shall be completed prior to filing of the final map and/or building permit final for the cabins. The proponent shall submit to the County Surveyor evidence that the permit requirements have been met to the satisfaction of the RWQCB.
Aesthetics

69. No changes to the approved site plan, exterior design, color, or materials of any structure or landscaping shall be permitted without review by and written approval of the Planning Director pursuant to applicable conditions for the project.

70. Prior to the issuance of any building or grading permits, the permit holder shall cause to be prepared by a certified arborist or landscape architect appropriately licensed by the state of California a tree survey of areas to be affected by site development to locate and define the number and size of mature trees proposed to be removed. Mature trees with a breast height diameter of six inches or greater proposed to be removed shall be indicated on final site plans. The plan for mature trees shall be based upon accepted industry standards. The Plan shall specify that replacement trees for removed mature trees shall be a minimum size of 15 gallons. In conducting the review of the plans, the Planning Director shall apply County of Mariposa's Scenic Highway Overlay Zone Standards.

71. Site landscaping plans are required and shall be prepared by a licensed landscape architect. All species must be native species. Landscaping plans must meet County of Mariposa Scenic Highway Overlay Zone standards. Landscaping irrigation must comply with the State Model Water Efficient Landscape ordinance. Landscaping plans shall include adequate vegetative screening from Highway 41 and adjacent properties and include irrigation and a landscaping maintenance plan for the life of the project. Planning Director approval is required of conceptual landscaping plans prior to grading permit issuance and final landscape plans prior to building permit issuance.

72. 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.

73. All on-site lighting fixtures shall be designed to be in compliance with the model lighting code developed by the International Dark Sky Association and shall be approved by the Planning Director prior to the installation of any fixtures. The Director may require plan review by a lighting specialist to ensure condition compliance. Applicant shall pay all costs associated with this review.

74. Prior to building permit issuance project plans must be submitted and approved by the Planning Director that include the architectural elevations, color types and
materials of the proposed cabins and the clubhouse structures. The proposed architectural features must include color themes of earth tones, standing seam metal roof material, exposed beams along porches and eave overhang features that are associated with mountain cabin design as are depicted in the proposed plans (as approved) and this includes the architectural elevations included in the EIR Appendix A project plan set.

75. Site security elements that may include split rail fencing shall be approved by the Planning Director prior to grading or building permit issuance. The purpose of the required site security elements is to keep guests on-site.

*Cultural and Historical Resources*

76. 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.

77. 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. The consulting 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.

78. Mitigation Measure 4.5-2: Stop work if human remains are discovered. 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.

79. Mitigation Measure 4.5-4: Memorialize the cultural values of the project site through public education. 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.

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.

**Noise**

80. 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 requirements (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 requirements (i.e., 50 dB Leq during daytime hours and 40 dB Leq during nighttime hours) at any existing or planned sensitive receptor.

To ensure that Mariposa County noise requirements are met 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 requirements. 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 requirements, 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 requirements (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 requirements. 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.

81. 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.

82. A notice shall be placed in all cabins and in and around the clubhouse, in media and signage prepared for guests stating, to the effect and not necessarily in these words, “In respect for residential neighbors, no radios or other forms of amplified music are allowed outside between the hours of 10:00 p.m. and 7:00 a.m.”. Signage, media and/or plans shall be submitted in draft prior to building permit issuance and shall be installed and required prior to building permit final.

**Housing**

83. A housing market analysis for employee housing shall be submitted to and approved by the Planning Director prior to building permit issuance. The analysis shall include recommendations for the DN employee housing programs to address housing needs resulting from this project. If it is found by the analysis that additional
employee housing units are required, then provisions for meeting the housing needs shall be required and established prior to building permit final. Analysis must be prepared by an appropriately qualified individual as approved by the Planning Director.

Site Security

84. A site security, signage and media program plan shall be submitted for Planning Director approval prior to the issuance of grading and/or building permit. The program shall show roadways, walkways, parking and site boundaries. Methods to identify the physical boundaries of the site or the physical limits of guest access areas shall be proposed. Allowable methods include, but are not limited to, split rail fencing or wooden fencing.

LDA 2014-165 Conditions

85. This approval of Land Division No. 2014-165 shall not take effect until the effective date of the Board of Supervisors' approval of General Plan /Zoning Amendment (GP/ZA) No. 2014-163.

86. The land division approval is valid for a period of three years from _____, 2017. This approval shall expire on _______, 2020. An extension of time may be granted, if a complete time extension application is submitted prior to the expiration date.

87. The project proposes the Tenaya Lodge public drinking water system serve both subdivision parcels. Delaware North or its successors in interest shall be responsible for maintaining the water system that serves the project. The property owner of proposed Parcel 2 of the subdivision shall pay their fair share for costs of the service.

A disclosure shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel map. The statement shall be as follows:

“This notice is not intended to affect record title interest. Parcel 2 as shown on the Parcel Map for ____, recorded in Book ____ of Parcel Maps at Page ___, Mariposa County Records, is served by the Tenaya Lodge Public Water System and the property owner shall pay their fair share for the water service provided by Delaware North or their successors in interest.”

88. The project proposes the Tenaya Lodge Waste Water treatment facility serve both subdivision parcels. Delaware North or its successors in interest shall be responsible for maintaining the waste water treatment system that serves the project. The property owner of proposed Parcel 2 of the subdivision shall pay their fair share for costs of the service. A disclosure shall be recorded in Official Records concurrently
with the parcel map and referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel map. The statement shall be as follows

“This notice is not intended to affect record title interest. Parcel 2 as shown on the Parcel Map for _______, recorded in Book _______ of Parcel Maps at Page _______ Mariposa County Records, is served by the Tenaya Lodge Waste Water Treatment system and the property owner shall pay their fair share for the waste water treatment service provided by Delaware North or their successors in interest.”

89. Access Segment 1: Prior to any work, the permit holder shall obtain an encroachment permit/s from Caltrans for construction of the Highway 41 access improvements for the main entrance and secondary emergency access and shall submit a copy of the permit to the Planning Director. The entrance and secondary emergency access road improvements shall be configured to meet Caltrans’ requirements for acceleration and deceleration distances and turning lane requirements.

90. Prior to the filing of the parcel map, Access Segment 2 shall be improved to a Town Class IV road standard (on-street parking and sidewalks are not required). The intersection adjacent to Parcel 2, the clubhouse and Access Segment 3 may function as a turnaround and/or hammerhead-T, provided the turnaround or hammerhead T meets County Public Works, County Fire, and CALFIRE requirements.

91. A variable width easement to accommodate all required improvements for Access Segment 2, including easement sufficient to accommodate a turnaround and driveway encroachment access for proposed parcel 2, shall be provided and shown on the map to encompass the required road and turnaround improvements. Additional easement width may be required to encompass the required road improvements, including turnouts and associated cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy. The easements shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable, and non-exclusive and specifically state the dedications are for "public road and utility purposes." Wording shall be approved by the County Engineer or County Surveyor.

92. A security gate or equivalent shall be installed at the end of paved subdivision Access Segment 2 roadway at, or near, the shared intersection of the clubhouse access road and proposed Parcel 2. The gate is intended to provide a security measure to deter guests of the Tenaya Cabins from using the access road that serves the Marshall property and maintain the traffic circulation on site. The gate shall meet requirements for location, site security and fire/emergency services access and be approved by the County and CALFIRE prior to grading or building permits issuance. Gate location, type and informational gate/roadway usage signage shall be
included in plans and require approval prior to issuance of grading and or building permit for the project. The placement of the security gate shall not restrict access to Parcel 2.

93. Access Segment 2 shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and approved by the Board of Supervisors. Approval of the road names shall be tentative, until the map is filed. The name of the road shall be shown on the final map. A road name sign shall be required and the design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards. Any and all addressing for parcels served by the access road shall be changed in accordance with county procedures.

94. The Marshall Easement Road (Access Segment 3), from Access Segment 2 to APN 010-390-002 (Marshall Lot), shall be improved to CALFIRE minimum residential driveway requirements. The access easement for this section shall be no less than 40 feet in width and include a public utility easement offered for dedication to the County. The easement shall be shown on the parcel map.

95. Access Segment 5: A 20-foot wide paved road for secondary emergency access to serve the project is required and shall be improved to meet minimum CALFIRE requirements. The emergency road improvements shall be approved by County Fire and CALFIRE prior to building permit issuance. Security measures and gates for this segment shall meet County, CALTRANS (if in highway right-of-way) and CALFIRE requirements.

96. Access Segment 2 is proposed to serve both subdivision parcels. Delaware North or its successors in interest shall be responsible for maintaining the road. The property owner of proposed Parcel 2 of the subdivision shall pay their fair share for costs of the maintenance. A disclosure shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel map. The statement shall be as follows:

“This notice is not intended to affect record title interest. Parcel 2 as shown on the Parcel Map for ___, recorded in Book ___ of Parcel Maps at Page ___, Mariposa County Records, shall pay their fair share of maintenance for the subdivision access road provided by Delaware North or their successor in interest for the provision of the road maintenance”.

97. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project after and prior to issuance of any CALTRANS encroachment permit for the required improvements, a consultation meeting with the Public Works Department, the Planning Department, the applicant, the agent, the road contractor, CALTRANS and CALFIRE shall occur. The Agricultural Commissioner, a representative from Pacific Gas & Electric, a representative from the Health Department and a
representative from the Mariposa County Resource Conservation District, Fish Camp Mutual water Company and Picayune Rancheria of Chukchansi Indians shall be invited to attend. Any and all costs associated with the consultation shall be the responsibility of the applicant. The County engineer shall verify that this condition has been met prior to issuance of any encroachment permit required for this project and prior to the scheduling of any on-site inspections of road improvements.

98. All grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein.

99. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.

100. All grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvement required as a condition of approval for this project. If engineered improvement plans are required, the plan shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.

101. Immediately upon completion of the required road and encroachment improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Resource Conservation District (RCD). The applicant shall also contact the RCD for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by RCD stating that the re-vegetation and erosion control provisions have been completed prior to the filing of the final map.

102. All cut and fill areas required for the construction of the proposed access road shall be included within the access easement pursuant to the County Improvement Standards, which may necessitate a variable width easement greater than 60 feet in width. The location, width, and description of the easements shall be approved by the County Engineer.

103. Prior to filing of the final map, all applicable State Fire Safe Regulations shall be met, including construction of roadways, cul-de-sac (or hammerhead-T) turnaround, road naming and signage. A letter shall be submitted to the County Surveyor and Planning Director by CALFIRE stating this condition has been met.

104. Prior to the commencement of any easement road construction activities, the project proponent shall obtain from the Regional Water Quality Control Board (RWQCB) a
General Permit for Discharges of Storm Water Associated with Construction Activity, unless it can be shown to the satisfaction of the Mariposa County Planning Director through evidence submitted by a qualified person, such as a licensed land surveyor or registered civil engineer, that less than one acre of land will be disturbed to implement the project. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Mariposa County Public Works Department by the project proponent prior to the pre-construction consultation meeting required in these conditions of approval. If a permit is required, all provisions and requirements of the permit shall be completed prior to filing of the final map. The proponent shall submit to the County Surveyor evidence that the permit requirements have been met to the satisfaction of the RWQCB.

**Additional Conditions - Applicable to General Plan/Specific Plan Zoning Amendment (GP/SPZA No. 2014-163), Land Division (LDA No. 2014-165), and Conditional Use Permit (CUP No. 2014-164)**

105. As proposed by the applicant, the conduct of the Bohna Ranch cattle drive through the property (occurs two times per year) may continue, with all necessary coordination between the ranch manager and the Tenaya Lodge management to occur a minimum of two (2) weeks prior to the drive. It shall be the responsibility of the rancher to coordinate with Tenaya Lodge management and to comply with Tenaya Lodge requirements for the event.

106. Any Housing and Community Development (HCD) permits or approvals that may be required for the proposed cabin structures shall be obtained by the applicant. Planning Director verification that this condition has been met shall be required prior to grading or building permit issuance.

107. The Property Owner (Owner) shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the County, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, any approval of the County, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the project and the approvals granted herein. Actions concerning the project and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.
An agreement on a form approved by Mariposa County Counsel shall be executed within twenty (20) working days of the date of project action. Non-compliance with this condition may result in revocation of project approval by the county.

108. Prior to filing of the final map or issuance of permits, all fees associated with the County’s processing of the map and filing of associated CEQA documents (applicable to land division, general plan/specific plan amendment and conditional use permit) shall be paid. The Department of Fish and Wildlife CEQA filing fee ($3078.25 as of January 1, 2017) and County Clerk fee ($50 as of January 1, 2017) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, June 30, 2017, because if the fee is not paid within 5 working days, and the Notice of Determination is not filed with the County Clerk prior to close of business on Friday, June 30, 2017 the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code).

The County Clerk requires that one check be submitted to cover both of these fees, for a total of $3128.25 (effective January 1, 2017), and that it be in the form of a cashier’s check or money order payable to “Mariposa County;” The County Clerk will not accept a personal check for these fees. Submit the check to Mariposa Planning who will file this fee and other required documents with the County Clerk.

NOTE: The filing fees are adjusted annually, effective January 1st of each year, pursuant to Fish and Game Code.
EXHIBIT 6
GP/SPZA NO. 2014-163 LAND USE MAP

General Plan/Specific Plan
Zoning Amendment No. 2014-163

Parcel 1
D10-350-010
DELWAKE NORTH

Parcel 2

Area of Detail

North

Mariposa County Planning Department
PO BOX 2039 5100 Bullion Street
Mariposa, California 95338-2039
209 966-5151 FAX 209 742 5024
mariposaplanning@mariposa.coounty.org
http://www.mariposa.coounty.org/planning

Mariposa County Board of Supervisors
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EXHIBIT 8
TENTATIVE MAP