

12/04/2012

Regular Meeting

DEPT. REPORTS

COMM. DEVELOP.



File Code: 1950

Date: NOV 20 2012

Tim Hansen
District 4 Supervisor
Mono County Board of Supervisors
P.O. Box 287
Lee Vining, CA 93517

The Humboldt-Toiyabe National Forest will soon be initiating the scoping process for the Bi-State Sage-Grouse Forest Plan Amendment Environmental Impact Statement (EIS). While we discussed this project informally with representative of your organization there was no formal interagency agreement in place. At this time I would like to formally invite you to participate in the Bi-State Sage-Grouse EIS as a Cooperating Agency as defined by 40 CFR 1501.6 and 1508.5. The CEQ regulations emphasize timely agency coordination as a means of dealing with interagency issues. By embracing closer cooperation during the environmental analysis process, all levels of government can better assess the context of Federal actions and can better integrate decision-making within their jurisdictions.

A formal cooperating agency agreement would be of special benefit in working closely together on this project. Mono County has both jurisdiction by law and special expertise which would enhance the analysis and result in a better Forest Service Decision. While Mono County does not gain any new authority when becoming a Cooperating Agency, you can participate in the preparation of an EIS by agreeing to:

- Assist in the NEPA analysis at the earliest possible time.
- Participate in the scoping process which helps define and frame the issues to be addressed in the NEPA document.
- Develop information and prepare environmental analyses (upon request of the lead agency) for portions of the EIS over which the cooperating agency has special expertise.
- Contribute staff support and other resources at the lead agency's request to enhance the NEPA team's interdisciplinary capability.
- Share freely any information and data relevant to the NEPA analysis, thereby facilitating rational, fact-based decision making.
- Rely on your agency's own funds to support its participation in the NEPA process.

The Forest Service, as the lead agency, retains the exclusive authority to make decisions on projects or programs for which it has responsibility by law. The Forest Service retains decision making authority over issues relating to the completion of the EIS.



I am also providing the following reference links which describe the Cooperating Agency process to assist you:

40 CFR sec.1501.6 and 1508.5 - CEQ regulations that describe the responsibilities of a cooperating agency. A State or local agency which has jurisdiction by law or special expertise may by agreement with the lead agency become a cooperating agency.

http://ceq.hss.doc.gov/ceq_regulations/regulations.html

The CEQ website provides guidance on the issue of cooperating agencies that you may want to review. Specifically, you'll find relevant guidance documents from January 2002 and December 2004: http://ceq.hss.doc.gov/ceq_regulations/guidance.html

CEQs 40 Most Asked Questions (14a-d, 22) - These sections describe the rights and responsibilities of lead and cooperating agencies, dispute resolution, and devotion of resources to a particular proposal.

<http://ceq.hss.doc.gov/nepa/regs/40/40p3.htm>

If you would like to become a Cooperating Agency please respond in writing by December 15, 2012. We will then work together to create a Memorandum of Understanding (MOU) to set forth the working relationship between our agencies and formally establish the expectations, roles, and responsibilities of the parties involved.

If you do not wish to become a Cooperating Agency, I still encourage you to participate in our public involvement process.

If you need additional information, please contact James Winfrey, Project Lead, Humboldt-Toiyabe National Forest at (775) 355-5308. As the new Forest Supervisor, I look forward to meeting you and working together on this effort and other issues.

Sincerely,



WILLIAM A. DUNKELBERGER
Forest Supervisor

12/04/2012

Regular Meeting

Item #13c

PUBLIC WORKS –

ROAD DIVISION

Paradise Split Rail

Fence

Shannon Kendall

To: Lynda Roberts
Subject: RE: Board of Supervisors' December 4 agenda

From: Stephen Kalish [<mailto:kaljar@qnet.com>]
Sent: Monday, December 03, 2012 10:45 AM
To: Lynda Roberts
Cc: Jeff Walters
Subject: Re: Board of Supervisors' December 4 agenda

Lynda,

Would you please share with the Board this comment on the last item on Tuesday's agenda (Fences at Paradise).

Thanks,
Stephen

Members of the Board--

Re: final agenda item (on Hooper's split rail fences)

I will not be making the long drive to Mammoth Lakes to participate in the meeting via video conference, but I do want to remind the Board that the inner fence was installed without an encroachment permit and has been allowed to remain up for far too long. Mr. Hooper has now planted mature trees in front of his spec house facing the road, and the cattle chute is overkill, offensive, illegal, and Public Works should be directed to instruct Mr. Hooper to immediately remove the inner fence. As to other proposals that may be brought forth by Public Works, it is unfortunate that the staff report does not identify what issues each possible action is proposing to address, nor does it identify the illegality of the inner fence on county property to the detriment of the public. After directing that the inner fence be removed, it would be most appropriate that this item be continued until a sufficiently detailed staff report can be prepared that allows for an informed public discussion and resolution.

Thanks,

Stephen Kalish
kaljar@qnet.com
760.387.2782

On Nov 29, 2012, at 10:30 AM, Lynda Roberts wrote:

Hello Everyone,

I have attached the Board of Supervisors' December 4, 2012, agenda. The full packet (331 pages, 40.02 MB) is online:
<http://monocounty.ca.gov/bos/event/board-supervisors-7>

Lynda Roberts

From: Liz O'Sullivan [liz1@talamanca.com]
Sent: Wednesday, November 28, 2012 3:44 PM
To: Larry Johnston; D 'Hap' Hazard Contact; Vikki Magee-Bauer; Tim Hansen; Byng Hunt; Fred Stump; timalpers@schat.net; tim@monocounty.info
Cc: Lynda Roberts
Subject: SIERRA PARADISE ESTATES/RCC FENCES PETITION
Attachments: SUPSRCCFENCESPTTN.doc; ATT00001..htm

Dear Supervisors and Supervisors-Elect:

Sierra Paradise residents understand that the Rock Creek Canyon development split-pole fences and public safety/access issues may be coming before the Board on December 4, 2012 for a final decision. Please find attached a community petition requesting that you resolve these public safety/access problems in an inclusive and proactive fashion as requested in our original, April 4, 2012 petition. The April 4, 2012 petition, signed by 37 Sierra Paradise residents, will follow in a second email due to size restrictions.

We ask that you honor the promises you made at the Special Meeting in Paradise Estates on April 17, 2012 and address our concerns on these issues and involve us in the decision-making process.



November 28, 2012

Mr. Larry Johnston, District #1 Supervisor
Mr. Duane "Hap" Hazard, District #2 Supervisor
Ms. Vicki Magee-Bauer, District #3 Supervisor
Mr. Tim Hansen, District #4 Supervisor
Mr. Byng Hunt, District #5 Supervisor
Mono County Board of Supervisors
P.O. Box 715
Bridgeport, CA 93517

Dear Supervisors:

It has come to Sierra Paradise Estates residents' attention that the Board of Supervisors may be making a final decision on the Rock Creek Canyon Development split rail fences in the County right-of-way (ROW), public safety hazards, Glen Court easement, and excessive signage on December 4, 2012. *(We respect and understand Supervisor Johnston's reasons for recusing himself from this issue).*

This news has come as a great surprise to our community. During the Board of Supervisors Special Meeting, held at the Paradise Fire Station on April 17, 2012, you, Supervisors Hazard, Bauer, Hansen, and Hunt, promised to come back to our community with proactive solutions to address and resolve our concerns about the public safety/access problems created by these fences and development. We have waited patiently for seven months for you to fulfill your promises. Now we have learned, with only a week's time left, that this issue may be agendized and decided in Bridgeport as far away from our community as possible and that we are not going to be notified in a timely fashion or included in the final decision-making.

We reject any actions to this end. We insist that you, as our *elected representatives*, represent and include us in the decision-making of an issue that so fundamentally impacts our community and public safety.

The Sierra Paradise residents listed below ask the Board of Supervisors to:

- Address the March 4, 2012 petition signed by 37 Sierra Paradise residents requesting you deal with this public safety/access issues in an inclusive and proactive way.
- Honor your promises to return to our community with inclusive, proactive solutions or defer decision-making on this issue to the 2013 Board of Supervisors.
- Hold the Board of Supervisors meeting in a location, Sierra Paradise Estates or the Town of Mammoth Lakes, so that residents can attend and participate without the undue burden of the 160-mile roundtrip journey to Bridgeport during winter.

Thank you,

Freda Lovell
Harry Zappe
Patricia Struckman
Joseph Napoles
Michael O'Sullivan
Liz O'Sullivan
Judith Peña
Richard Peña
Ann Hoffman
John Hoffman
Anne Willis
Barbara Schneider
Jeanne Schneider

cc: Supervisor-Elect Fred Stump
Supervisor-Elect Tim Alpers
Supervisor-Elect Tim Fesko



February 27, 2010

Mr. Larry Johnston, District #1 Supervisor
Mr. Duane "Hap" Hazard, District #2 Supervisor
Ms. Vicki Magee-Bauer, District #3 Supervisor
Mr. Tim Hansen, District #4 Supervisor
Mr. Byng Hunt, District #5 Supervisor
Mono County Board of Supervisors
P.O. Box 715
Bridgeport, CA 93517

Dear Supervisors:

We, the undersigned Sierra Paradise Estates residents, ask the Mono County Board of Supervisors to review the July 2011 public right-of-way (ROW) encroachment permit given to Mr. John Hooper by Mono County Public Works and revise it to ensure that the public's best interests are served and protected. This overly generous encroachment permit exceeds the Rock Creek Canyon (RCC) Final Specific Plan, Condition 31, which only specifies encroachment for access onto two private roads and one parking lot. This permit has created a serious recreationist/motorist safety conflict on an already hazardous stretch of Lower Rock Creek Road where it interfaces with the RCC development and the Rock Creek trailhead. Additionally, this permit has allowed Mr. Hooper to erect fences, traffic control signs, and begin landscaping the public property ROW before submitting the required RCC Trail Plan to the Mono County Planning Commission. By doing so, Mr. Hooper is attempting to ensure that these structures are *de facto* prior to proper vetting through the public review and comment portion of the planning process.

We ask the Board of Supervisors to review the RCC Final Specific Plan, Appendix E and revise Condition 22. As currently worded, this condition gives the RCC development, and future homeowners association, the ability to close public access to the Rock Creek trailhead from Lower Rock Creek Road and redirect trail access through the Sierra Paradise Estates cul-de-sac, Glen Court.

We ask the Mono County Board of Supervisors to implement the amendments and remedies below:

1. Modify Mr. Hooper's encroachment permit to ensure that public safety is the first priority and use of the public property ROW.
2. Ensure that the public property ROW is used for safe recreationist access to the Rock Creek trailhead and is not encumbered with a maze of fences and chicanes which channel and trap recreationists next to the motoring public on Lower Rock Creek Road.
3. Ensure that the public property ROW is retained for snow removal and snow storage by removing the fences.
4. Ensure that future public access to Rock Creek trailhead remains at the RCC development/Lower Rock Creek Road interface.
5. Eliminate the proposed Rock Creek trail access through Glen Court from the RCC Final Specific Plan.
6. Allow Mr. Hooper to install fencing and landscaping for privacy on the remaining public property ROW once the above public safety and access requirements have been met.

Thank you for your time and attention,

cc: Mono County Planning Commissioners



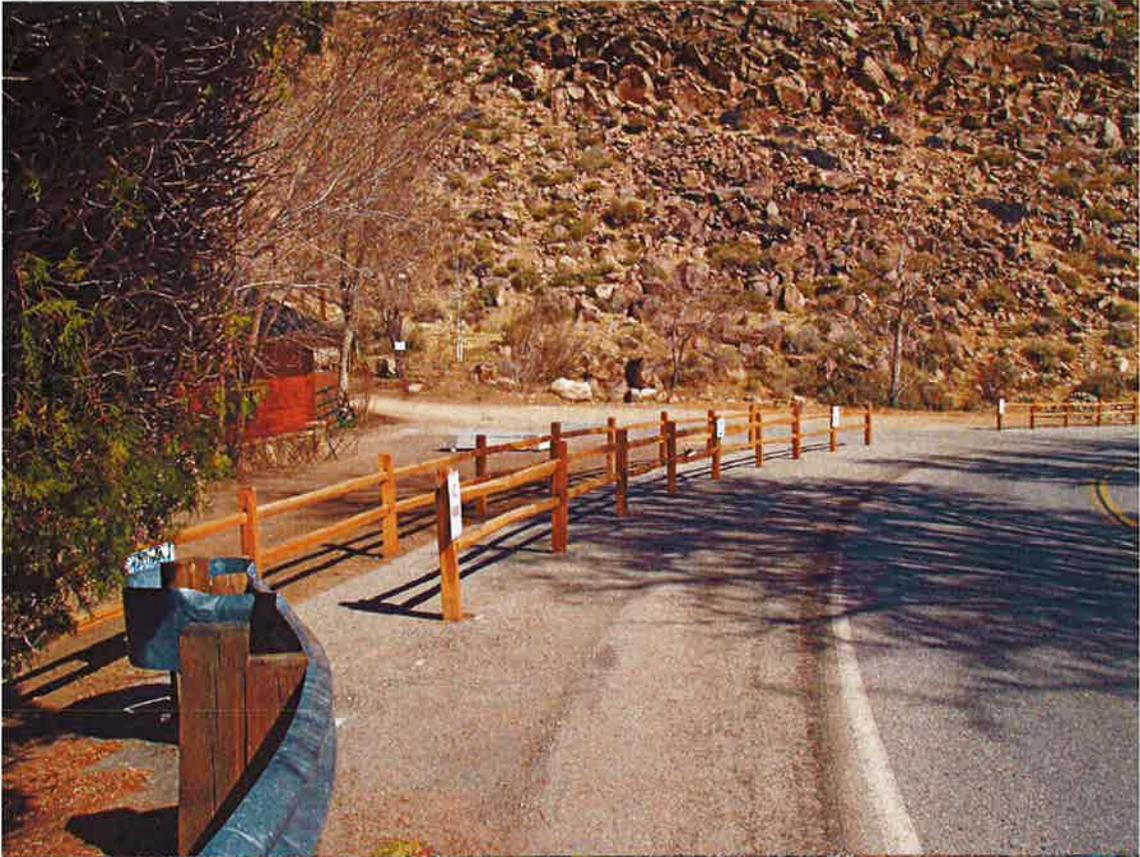
Sierra Paradise Estates/RRC/ROW-3



Sierra Paradise Estates/RRC/ROW-4



Sierra Paradise Estates/RRC/ROW-5



Sierra Paradise Estates/RRC/ROW-6



Sierra Paradise Estates/RRC/ROW-7





Sierra Paradise Estates/RRC/ROW-9

SIGNATURE:	<i>Judith A. Peña</i>
NAME:	Judith A. Peña
ADDRESS:	105 Glen Ct Bishop CA 93514

SIGNATURE:	<i>Ricardo Peña</i>
NAME:	RICHARD PEÑA
ADDRESS:	105 Glen Ct. Bishop, CA - 93514

SIGNATURE:	<i>Michael O'Sullivan</i>
NAME:	MICHAEL O'SULLIVAN
ADDRESS:	133 Summit Road. BISHOP CA 93514

SIGNATURE:	<i>Jeanne Schneider</i>
NAME:	Jeanne Schneider
ADDRESS:	5046 Westridge Rd Bishop CA 93514

SIGNATURE:	<i>Sherry Dodson</i>
NAME:	Sherry Dodson
ADDRESS:	148 Summit Rd Bishop, CA 93514

SIERRA PARADISE ESTATES/RCC/ROW - 10

SIGNATURE:	<i>James C. Dodson</i>
NAME:	James C. Dodson
ADDRESS:	148 Summit Rd.

SIGNATURE:	<i>Barbara Schneider</i>
NAME:	BARBARA SCHNEIDER
ADDRESS:	5046 Westridge Rd.

SIGNATURE:	<i>John Hoffman</i>
NAME:	John Hoffman
ADDRESS:	173 Summit Rd. Bishop, Ca 93514

SIGNATURE:	<i>Ann Hoffman</i>
NAME:	Ann Hoffman
ADDRESS:	173 Summit Rd Bishop CA 93514

SIGNATURE:	<i>Elizabeth O'Sullivan</i>
NAME:	ELIZABETH O'SULLIVAN
ADDRESS:	133 SUMMIT RD BISHOP CA 93514

SIERRA PARADISE ESTATES/RCC/ROW - 11

SIGNATURE:	<i>Freda Lovell</i>
NAME:	Freda Lovell
ADDRESS:	125 Summit Rd

SIGNATURE:	<i>Freda Lovell</i>
NAME:	125 Summit Rd
ADDRESS:	

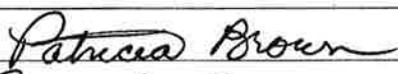
SIGNATURE:	<i>Harry Zappe</i>
NAME:	HARRY ZAPPE
ADDRESS:	109 SUMMIT RD.

SIGNATURE:	<i>Patricia M. Zappe</i>
NAME:	Patricia M. Zappe
ADDRESS:	109 Summit Rd. Rt. 2 Bishop CA.

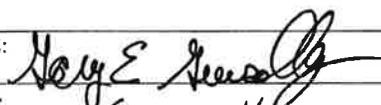
SIGNATURE:	<i>Brenda Mack</i>
NAME:	Brenda Mack
ADDRESS:	4838 Deer Peak Trail, Bishop, CA

SIERRA PARADISE ESTATES/RCC/ROW - 12

SIGNATURE:	
NAME:	Lou Mack
ADDRESS:	4838 DEER PEAK TRAIL BISHOP, CA 93514

SIGNATURE:	
NAME:	PATRICIA BROWN, Ph.D.
ADDRESS:	134 Eagle Vista Bishop, CA 93514

SIGNATURE:	
NAME:	PATRICIA GONSOLLEY
ADDRESS:	4801 ALISON LANE

SIGNATURE:	
NAME:	GARY GONSOLLEY
ADDRESS:	4801 ALISON LANE

SIGNATURE:	JACK SIEBERT (PROXY)
NAME:	106 GLEN COURT BISHOP CA 93514
ADDRESS:	SIGNATURE APPROVAL VIA PHONE CALL (818) 848-6140 CELL (818) 480-2816

SIGNATURE:	HELENE SIEBERT (PROXY)
NAME:	HELENE SIEBERT
ADDRESS:	106 GLEN COURT BISHOP CA 93514
	SIGNATURE APPROVAL VIA PHONE CALL (818) 848-6140 CELL (818) 480-2816

SIGNATURE:	Joseph Napoles
NAME:	JOSEPH NAPOLES
ADDRESS:	5001 WESTRIDE RD. BISHOP, CA 93514

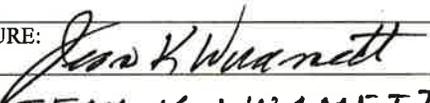
SIGNATURE:	Gene Marten
NAME:	Gene Marten
ADDRESS:	113 Scott Rd Bishop

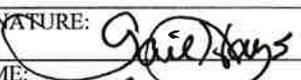
SIGNATURE:	Judy Marten
NAME:	JUDY MARTEN
ADDRESS:	113 SCOTT RD. Bishop

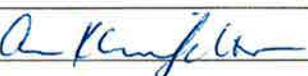
SIGNATURE:	Patricia R. Struckman
NAME:	PATRICIA R. STRUCKMAN
ADDRESS:	5068 WESTRIDGE ROAD, Bishop

SIERRA PARADISE ESTATES/RCC/ROW - 14

SIGNATURE:	
NAME:	ROBERT STRUCKMAN
ADDRESS:	5068 WESTRIDGE RD 93514

SIGNATURE:	
NAME:	JEAN K WUAMETT
ADDRESS:	5160 WESTRIDGE ROAD 93514

SIGNATURE:	
NAME:	GAIL HAYS
ADDRESS:	180 SUMMIT RD BISHOP, CA 93514

SIGNATURE:	
NAME:	ANN KLINEFELTER
ADDRESS:	5201 WESTRIDGE RD Bishop CA 93514

SIGNATURE:	Mrs. Anne Willis (PROXY)
NAME:	MRS ANNE WILLIS
ADDRESS:	196 Summit Rd Bishop, CA 93514

SIERRA PARADISE ESTATES/RCC/ROW - 15

SIGNATURE:	EUGENIA BERNACCHI (PROXY)
NAME:	EUGENIA BERNACCHI
ADDRESS:	5000 WESTRIDGE RD. BISHOP CA 93514

SIGNATURE:	BERNARD BERNACCHI (PROXY)
NAME:	BERNARD BERNACCHI
ADDRESS:	5000 WESTRIDGE RD. BISHOP CA 93514

SIGNATURE:	
NAME:	
ADDRESS:	

SIGNATURE:	
NAME:	
ADDRESS:	

SIGNATURE:	
NAME:	
ADDRESS:	

SIERRA PARADISE ESTATES/RCC/ROW - 16