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# Bodie Hills RV Park

Specific Plan &  
Final Environmental Impact Report  
(Response to Comments)

## Volume III

March 2000

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# Bodie Hills RV Park

Specific Plan &  
Final Environmental Impact Report  
(Response to Comments)

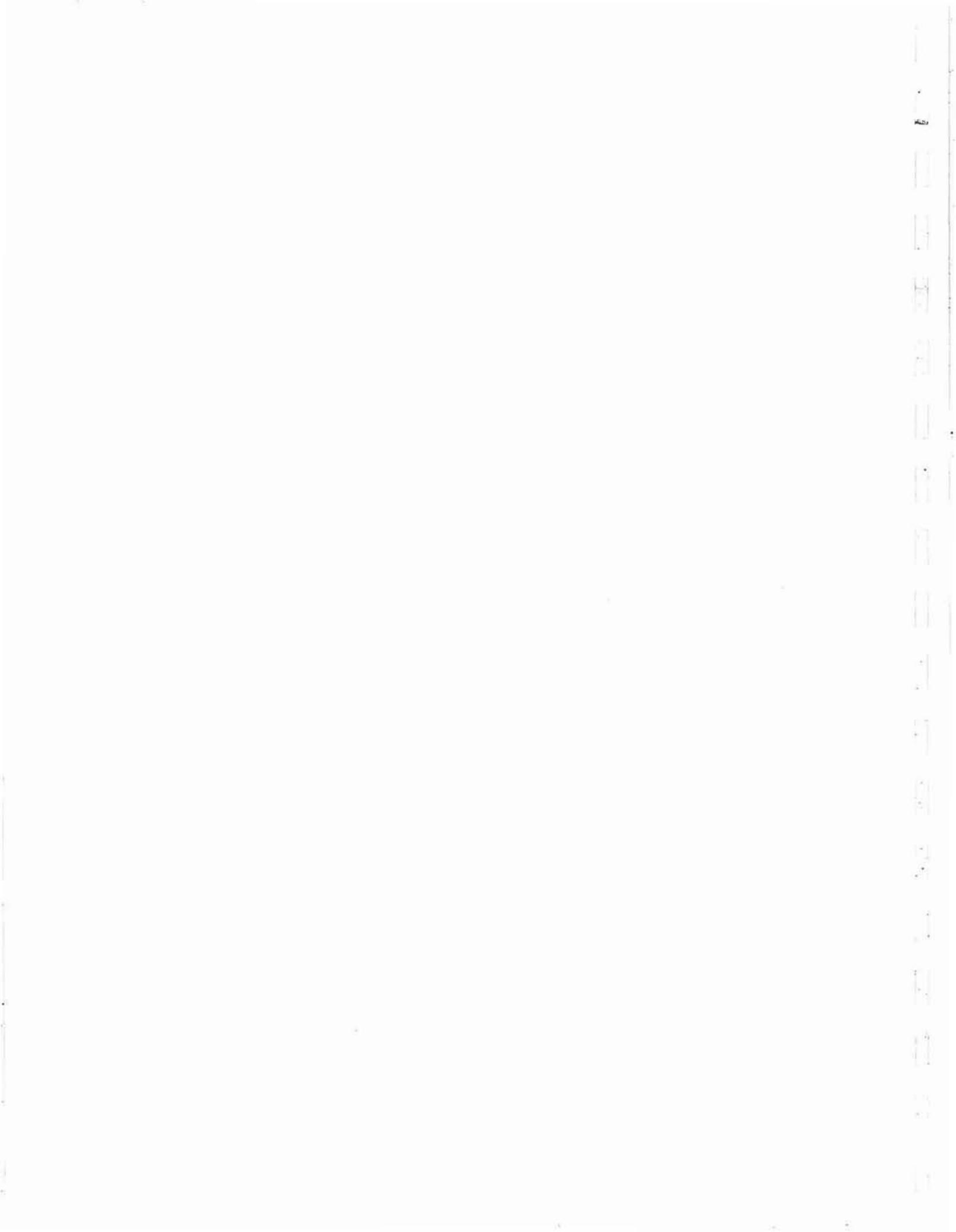
## Volume III

March 2000

**Bodie Hills RV Park  
Revised Specific Plan &  
Final Environmental Impact Report (FEIR)**

**Volume III:  
Comments & Responses,  
Revised Specific Plan/EIR**

**March 2000**



**Bodie Hills RV Park  
Revised Specific Plan and Final EIR**

**SCH# 97012031**

**March 2000**

**PREPARED BY:**

**Mono County Community Development Department  
P.O. Box 347  
Mammoth Lakes, CA 93546**



## NOTE

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The Bodie Hills RV Park Revised Specific Plan and Final Environmental Impact Report (FEIR) is in three volumes:

Volume I	Revised Specific Plan & Final Environmental Impact Report (March, 2000)
Volume II	Technical Appendices (January, 2000)
Volume III	Comments & Responses, Revised Specific Plan/FEIR (March, 2000)



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## VIII. EIR COMMENTS--REVISED DRAFT EIR

This chapter contains comments on the Revised Draft Bodie Hills RV Park Specific Plan/EIR and responses to those comments.

### PUBLIC REVIEW PROCESS

The Revised Draft Environmental Impact Report (DEIR) and Specific Plan were circulated for both agency and public review for the standard 45 day comment period, from August 17 -- September 30, 1999. Notices announcing the availability of the documents were placed in the local newspapers (Mammoth Times and Review Herald) and posted at various locations throughout the county. Notice was also sent to all agencies, organizations, and individuals who commented on the previous draft. Local and Federal agencies and organizations were provided documents, as were individuals or organizations requesting copies; the State Clearinghouse distributed copies to State agencies. Copies were available for review or purchase (at the cost of reproduction) at the Planning Department offices in Bridgeport and Mammoth Lakes. Copies were also available for review at all branches of the county library system.

### LIST OF COMMENTING AGENCIES, ORGANIZATIONS, & INDIVIDUALS

Seventy-seven comments were received by the deadline; 2 additional comments were received after the deadline. Four comments were from Federal and State agencies; 7 were from organizations; 68 were from individuals, including the two late comments.

Comments were received from the following entities:

#### Federal Agencies

Bureau of Land Management (BLM): Steve Addington, Field Office Manager, Bishop, California.

#### State and Local Agencies

California Department of Fish and Game (DFG): Alan Pickard, Senior Biologist Supervisor, Bishop, California.

California Department of Transportation (Caltrans): Robert Ruhnke, IGR/CEQA Review, Bishop, California.

Cal/EPA Lahontan Regional Water Quality Control Board (Lahontan): Cindy Wise, Environmental Specialist IV, Acting Lead, Southern Watersheds Unit, South Lake Tahoe, California.

#### Organizations

California Native Plant Society (CNPS): Stephen Ingram, Vice-President, CNPS Bristlecone Chapter, Swall Meadows, California.

California State Park Rangers Association (CSPRA): Nicholas Franco, President, Sacramento, California.

Desert Protective Council, Inc. (DPC): Douglas Allen, Valley Center, California.

Desert Survivors (DS): Kelly Drumm, Esq., San Francisco, California.

Desert Survivors (DS): Emilie Strauss, Bodie Task Force Chair, Berkeley, California.

Eastern Sierra Audubon Society (ESAS): Jim and Debbie Parker, Eastern Sierra Audubon Board Members, Bishop, California.

Sierra Club, Toiyabe Chapter (SC): John Walter, Conservation Chair, Range of Light Group, Reno, Nevada.

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### **Individuals**

ADAMS, Larry E.: no address given.  
ALLEN, Harriet: Spring Valley, California (2 responses).  
ANDRES, Fred : Richmond, California.  
APPLETON, George: Las Vegas, Nevada.  
AURICH, Jon R. , Jr.: Goldfield, Nevada.  
BADE, Eleanor J. and William G. : Berkeley, California.  
BELL, Jeanne E.: Bridgeport, California.  
BENHAM, Phyllis: no address given.  
BERRY, Bryan and Darlene: Carson City, Nevada.  
BURCH, David: San Francisco, California.  
CARLTON, Alan: Oakland, California.  
CARPENTER, Lester A.: Arnold, California.  
CRICKMORE, Anja: Berkeley, California.  
CRICKMORE, Ingrid: Berkeley, California.  
CURRY, Robert: Monterey Bay, California.  
DELYSER, Dydia: Baton Rouge, Louisiana.  
DEUTSCH, Barbara: San Francisco, California.  
DICKINSON, Margaret and Martin: El Cerrito, California.  
ELDER, Linda: Las Vegas, Nevada.  
ELLIS, Bob: Berkeley, California.  
FRALINGER, Audrey: Carson City, Nevada.  
FREITAG, Gunnar and Deborah Curtis: Sparks, Nevada.  
GRIFFETH, George: Berkeley, California.  
HAYE, Stan: Independence, California.  
HEFFINGTONS: Las Vegas, Nevada.  
HUDSON, Patty: Las Vegas, Nevada.  
HUNTSINGER, Elfriede H.: Bishop, California.  
INOUYE, Lynn: Bridgeport, California.  
JARRETT, Kathy: Oakland, California.  
JENSEN, Erik and Layne: Livermore, California.  
KANE, Jeffrey: Oakland, California.  
KNOPP, David S.: San Francisco, California.  
LANGFORD, John: Bridgeport, California.  
LANGNER, MJ: Bridgeport, California.  
LUSTER, Tom: Olympia, Washington.  
MANDELBAUM, Ilene: Lee Vining, California.  
MAYNARD, Greg: Oakland, California.  
MCCARVILL, William T.: Livermore, California.  
MCCLASKEY, Michael: Pt. Reyes Station, California.  
MCLAUGHLIN, Robert J.: Albany, California.  
MORGAN, Dennis: no address given.  
NELSEN, Judith M.: Las Vegas, Nevada.  
NELSON, Sherri: Gardnerville, Nevada (2 responses).  
NICHOLS, Lyle: Van Nuys, California.  
PASKY, Norm and Norma: Las Vegas, Nevada.  
PERRY, Carolyn: Las Vegas, Nevada.  
REHARD, Conrad and Micki: Las Vegas, Nevada.  
ROE, Shelley: Gardnerville, Nevada.  
ROLAND, T.D.: Salinas, California.  
SAWERS, Jeff: Walnut Creek, California.  
SCHREMPP, Greg: Gardnerville, Nevada.

SCOTT, Michael: Las Vegas, Nevada.  
SHREVE, Marilyn E. : Wellington, Nevada.  
SILVER, Emily: Ferndale, California.  
SORAPURE, P.: Los Angeles, California.  
SORENSEN, Sunny: Berkeley, California.  
STRAUSS, George: Berkeley, California.  
TEITELMAN, Eric M.: Minden, Nevada.  
THOMPSON, Warren C.: Monterey, California.  
VAHEY, Lynn M.: San Leandro, California.  
WEAVER, Marshall: Las Vegas, Nevada.  
WHEELER, Bryce and Wilma: Mammoth Lakes, California.  
WHITMORE, Nancy: Mammoth Lakes, California.  
WILBUR, Roger and Karen: Henderson, Nevada.

**Received After Deadline**

HALLIGAN, David W.: San Clemente, California.  
MURRAY, Linda: Las Vegas, Nevada.

**RESPONSE FORMAT**

"The Lead Agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments." [CEQA Guidelines Section 15088 (a)]

This Chapter responds to all comments received during this comment period, including the late comments.

"The written response shall describe the disposition of significant environmental issues raised (e.g. revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice." [CEQA Guidelines Section 15088 (b)]

The responses explain how the Specific Plan/EIR currently addresses specific concerns raised in the comment letters, note where the Specific Plan/EIR has been amended to address concerns raised in the comment letters, and explain why certain comments and/or suggestions were not incorporated into the Final Environmental Impact Report (FEIR).

"The Final EIR shall consist of ... comments and recommendations received on the draft EIR either verbatim or in summary." [CEQA Guidelines Section 15132 (b)]

The FEIR for the Bodie Hills RV Park Specific Plan reproduces all of the comment letters received on the project. The comment letters are reproduced at the end of this chapter, in the following order: Federal agencies, State agencies, Organizations, Individuals. Within those subheadings, the letters are listed alphabetically. The two letters received after the deadline are reproduced last.

## **Bodie Hills RV Park SP/FEIR**

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"... CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR." [CEQA Guidelines Section 15204 (a)]

The FEIR for the Bodie Hills RV Park Specific Plan responds to significant environmental issues as well as other comments and concerns raised by reviewers. Comments from Federal and State agencies, and organizations, are responded to individually. Comments from individual reviewers are grouped by topic and responses are provided for each topic. Representative comments are included, where appropriate, under each topic.

Changes were made to the draft Bodie Hills RV Park SP/EIR in response to comments received. Those changes are indicated by **bold and italicized print** in appropriate sections of the Specific Plan and EIR and are summarized in the following section.

### **SUMMARY OF CHANGES TO SPECIFIC PLAN/EIR IN RESPONSE TO COMMENTS**

The following changes have been made to the Draft Bodie Hills RV Park Specific Plan/EIR in response to comments received during the comment period. Deletions to the Specific Plan/EIR are indicated in ~~striketrough print~~, additions are indicated in **bold and italicized print**. This is a summary section provided for quick reference; all comments and responses should be reviewed for a comprehensive understanding of the issues noted below.

1. Land Use Policy 4 (d) has been amended as follows:

*"Livestock grazing shall require approval of a Grazing Management and Sage Grouse Habitat Enhancement Plan (as specified in Natural Resource Conservation Policy 17) by Mono County prior to the commencement of any grazing activity."*

Natural Resource Conservation Policy 17 has been added as follows:

*"As specified in Land use Policy 4 (d), livestock grazing onsite shall require approval of a Grazing Management and Sage Grouse Habitat Enhancement Plan (Plan). The Plan shall describe actions and measures to improve sage grouse foraging and cover habitat onsite and shall identify and focus on enhancement opportunities which would provide the maximum benefit to known lek sites in the project vicinity. The plan shall include, but not be limited to, an active grazing management plan which would reduce non-native and noxious weed species and promote native grass and shrub (sage brush) growth with a goal of restoring over-grazed sage-scrub habitats to maximum habitat suitability. The plan shall also recommend revegetation actions which would accelerate recovery of the sage-scrub habitat. The plan shall include clear, measurable performance standards and remedial actions which will be undertaken if performance standards are not collectively met. The project proponent shall ensure implementation of the Plan by providing an implementation timeline and budget and evidence of financial capability for implementation."*

A number of comment letters stated that the impacts of livestock grazing, particularly on the stream corridor and riparian areas, needed to be analyzed in the EIR. Although the project proponent has no plans to graze livestock on the property at this time he wishes to retain the option to do so in the future. A Grazing Management Plan will avoid livestock impacts to the creek (i.e. grazing in proximity to the creek will be avoided) and to sensitive plant species.

Wildlife experts agree that properly managed grazing can improve sage grouse habitat; since sage grouse habitat in the project vicinity is also a concern the Grazing Plan will also be designed to enhance sage grouse habitat.

2. Land Use Policy 2 (k) has been amended as follows:

"Horses owned by patrons of the project shall be confined to existing roads, trails, and other existing developed areas. *The project proponent shall refer patrons with horses to more appropriate off-site locations for equestrian activities.*"

A number of comments stated that the impacts of horses on-site needed to be analyzed in the EIR. There are no planned equestrian facilities or uses on-site; it is anticipated that equestrian use on-site will be an incidental use. Land Use Policy 4 (c) permits accessory structures for the single-family residences, including corrals and stables. These are intended to be for the personal use of the employees living in the single-family residences and therefore an incidental use.

3. Natural Resource Conservation Policy 9 has been amended as follows:

"To minimize potential noise impacts, use of RV generators shall be prohibited after 10 p.m. and before 8 a.m. and shall be discouraged at other times. Generator use shall be allowed in the case of emergencies."

Comments noted that generator use creates noise impacts which will affect wildlife; since there are hookups no generator use should be allowed. Prohibiting generator use during the night and early morning hours will minimize impacts to wildlife and to other patrons of the project. Generator use may be necessary during emergencies, such as power outages; the policy makes a provision for such emergencies.

4. Land Use Policy 6 (c) as been amended as follows:

"Recreational use of *the Clearwater Creek corridor within the project area shall not be permitted (e.g. fishing). To minimize impacts to the streambanks, a limited number of access routes to the creek from the top of the bank shall be established and maintained. Signs encouraging their use shall be posted on the fence along the 30 foot setback stating the fragile nature of the area and prohibiting use of the stream corridor.*"

Comments noted that impacts to the riparian vegetation, the streambanks, and the creek would occur from "trampling" and noted that recreational use of the creek was inconsistent with the intention to place signs along the fence telling people to keep out. Prohibiting recreational use of the creek eliminates this issue and strengthens the Open Space designation of the creek corridor and the commitment to avoid impacts to the riparian area.

5. Design Guidelines Policy 1 has been amended as follows:

"Buildings shall be designed and constructed to have a rustic *modern* appearance, and to blend into the surrounding environment *to the greatest extent possible, and to appear in harmony with Bodie State Historic Park, i.e.:*

- a. Buildings shall be constructed primarily of wood and other materials compatible with the character of Bodie State Historic Park *surrounding environment.*

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- b. Wood shall be stained, painted or otherwise finished to ~~have a weathered aged appearance~~ *be unobtrusive and blend into the surrounding environment.*
- c. Roofing shall be firesafe wood shingles, fiberglass shingles or metal in colors compatible with the area (e.g. sage, rust or similar colors).
- d. Bright colors or reflective materials shall not be used for any component of any structure.
- e. ~~Final building and landscaping plans may be reviewed with State Parks. State Parks recommendations shall be taken into consideration in the design of structures and landscaping."~~
- e. *Signs and lampposts shall also be designed to reflect an unobtrusive modern rustic design.*

A number of the comments pertaining to the Bodie experience and the visual impacts of the project objected to the "fake western" design of the project. They felt it competed with Bodie, degraded Bodie, and made it unclear what was real and what was fake. Changing the design of the buildings, signs, and lampposts to a simple, unobtrusive, modern rustic design which focuses on blending into the surrounding environment to the greatest extent possible addresses those concerns and provides an ongoing commitment to developing a project which is sensitive to the site. Since the architectural relationship to Bodie has been minimized, there will be limited need to have review by Bodie State Park officials

- 6. Two additional figures have been added to show the relationship of the parcel to public and private lands in the surrounding Bodie Hills and to the Bodie Hills Planning Area and the Bodie Bowl (see Figures 2A, Vicinity Map-Bodie Hills & 2B, Vicinity Plan Bodie Hills Planning Area).

This was done to clarify the location of the project site, particularly in relation to Bodie State Historic Park (SHP) and the area known as the "Bodie Bowl", since a number of comments appeared unclear concerning the location.

- 7. Table 1A--Estimated Daily Water Demand and Table 1B--Estimated Water Usage have been amended to correct the usage figures for the RV Park, to include the 2 employee residences, and to clarify the figures for all proposed uses.

This was done to address concerns about the accuracy of the water usage figures.

- 8. Natural Resource Conservation Policy 6 (h) has been amended as follows:

"Revegetated areas shall be replanted as necessary to assure success. Prior to starting construction, a qualified botanist, under contract to the County, funded by the project proponent, shall assess vegetative cover and species mix in the areas identified for revegetation and shall identify appropriate planting techniques and seed mixes. *Implementation and monitoring of the revegetation plans shall be conducted by the project proponent and overseen by the County.* Revegetation in disturbed areas shall occur so that the species mix is the same as the existing species mix and the vegetative cover density is similar to the surrounding undisturbed area and sufficient to stabilize the surface against the effects of long-term erosion. *After five years, the species mix (diversity of species) in revegetated areas shall be 50-60 percent of that in surrounding undisturbed areas; after five*

*Phasing Policy 7: In order to ensure that project mitigation measures are fully complied with and that project site reclamation (revegetation) is carried out the following are required:*

- a. The proponent shall provide the County Planning Director with written reports detailing the project's compliance with the approved Mitigation Monitoring Program, at not less than one (1) year intervals commencing with the issuance of any Mono County permit. This shall be in addition to ongoing project review by appropriate County staff.*
- b. The posting of security (e.g. "bonding") to ensure project site reclamation (revegetation) shall be required prior to the commencement of Phase I of the project, in the form of performance bonds or other means available by law and approved by the Mono County Counsel.*

This was done to address concerns relating to the specifics of the bonding requirements for the revegetation. Several comment letters expressed the opinion that the County should require bonding to reclaim the site in case the project failed or was not completed. In addition to the bonding already required by the County for the project infrastructure, the County's existing nuisance abatement laws (Mono County Code 7.20) address site clean up should the project fail. Additional bonding is not required.

10. The Specific Plan has been amended to indicate that the Mono County Environmental Health Department is the permitting agency for the septic system (see "Intended Uses of the EIR" in Chapter I, Introduction) and to note that approval of the septic system is required to implement the project (see "Permits and Approvals Required" in Chapter I, Introduction, and Phasing Policy 5).

This was done to correct an oversight.

11. Natural Resource Conservation Policy 10 has been amended as follows:

"The project shall avoid impacts to identified archaeological sites by avoiding development in those areas. Where development causes direct (sites BHRV 4, 8, 9, 10) or indirect impacts (site CA-MNO-265), limited testing and surface collection *by a qualified archaeologist* is required prior to development. If limited testing confirms that BHRV 4, 8, 9, and 10 and CA-MNO-265 are ~~important~~ *significant* archaeological resources, then the project proponent shall fund and the County will hire a qualified archaeologist, to prepare an excavation plan and mitigation plan in conformance with CEQA. Mitigation fees paid by the applicant shall not exceed one half of one percent of the projected cost of the entire project."

This was done to correct an oversight and an error.

12. The EIR (see Cultural Resources section in Chapter IV, Environmental Analysis) has been amended to address potential impacts and mitigation for visitors removing cultural resource artifacts from the site or from surrounding public lands. The following policies from the Bodie Hills Recommended Cooperative Management Plan (Draft, 1994) concerning cultural resource vandalism have been incorporated into the 1999 Draft Mono County General Plan Land Use Element Amendments and are hereby incorporated into the Bodie Hills RV Park SP/EIR:

*Mono County Land Use Element--Bodie Hills Policies*

*Objective C: Reduce vandalism within the Bodie Hills Planning Area.*

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*Policy 1: Recognize and support visitor education as the primary deterrent to vandalism. To help reduce vandalism, the BLM, State Parks, and the County should continue to educate the public about the cultural, historic, and natural values of Bodie SHP and the Bodie Hills.*

*Action 1.1: The BLM shall work with State Parks to develop interpretive kiosks or panels along the roads into Bodie to foster a better appreciation of the cultural, historic, and natural values of the Bodie Hills. The verbiage shall be positive and include references to respecting private lands within the area.*

*Action 1.2: Appropriate agencies shall patrol the Bodie Hills during special permitted events and times of high visitor use, such as hunting season, making visitor contacts and establishing a presence in the area.*

This has been done to correct an oversight.

13. Natural Resource Conservation Policy 16 has been amended as follows:

"The project shall comply with the following performance standard to avoid and/or minimize channel and streambank erosion impacts:

- a. Because the 30' setback for the streambank avoids effects in the channel, streambank protection may only be required at bridge abutments. Such protection should be limited to "soft" engineered techniques as shown in Figure B - Conceptual Cross Section (see Volume III). At the applicant's discretion, streambank restoration may be permitted in the seven locations shown in Figure C (see Volume III). Note: Bridge construction and streambank restoration shall require appropriate permits from Department of Fish & Game and others as needed.

A number of comments noted that the proposed streambank stabilization methods (e.g. riprap) were outdated and inappropriate for the site. In addition, letters noted that the riprap would impact the riparian resources and would create additional impacts which were not addressed in the EIR. Several letters were concerned with possible impacts to the habitat value of the riparian corridor, particularly for migratory birds. Developing additional alternatives for streambank stabilization, which focus less on engineering methods and more on stream restoration and enhancement methods, will address the issue of streambank stabilization as it relates to flooding and erosion, protection of the riparian resources, and enhancement of the habitat value of the riparian resources onsite. Focusing more on stream restoration and enhancement is also consistent with the following decision/policy in the Bureau of Land Management's Resource Management Plan which states "stabilize and restore selected stream reaches throughout the Bodie Hills to improve riparian and aquatic habitat quality." See Figure B, Conceptual Cross-Section of Restored Channel, and Figure C, Attachment to 5/19/99 NRCS Letter (showing specific sites proposed for restoration) later in this chapter.

14. There is a reference on page 66, paragraph 2, of the Revised Draft SP/EIR to the "... loss of fewer than 22 acres of big sagebrush scrub." This is erroneous and has been removed from the document.

15. Natural Resource Conservation Policy 6 (c) has been amended as follows:

"No soil amendments shall be used within native revegetation areas, except for natural mulch as specified in section 'e'".

This was a suggestion from the BLM.

16. Item # 3 under Plant Life--Potential Impacts and Mitigation in Chapter IV, Environmental Analysis has been amended as follows:

"The project has been designed to avoid potential impacts to rare and endangered plant species, specifically Bodie Hills cusickiella *and* Masonic rock cress, by avoiding development in and adjacent to area with identified populations of ~~that those~~ species. The SP calls for flagging of identified populations ~~and the establishment of a buffer zone from construction activities~~ (NRC Policy 7)."

The discussion concerning rock cress in the Plant Life section of Chapter IV, Environmental Analysis, of the EIR (p. 68 in the Revised DEIR) has been amended as follows:

~~"Since~~ *Although* evidence of the Masonic rock cress, identified by Bagley as potentially occurring on the north-facing canyon wall above the southeastern RV spaces, was not found during more extensive surveys of that area in 1998, a year which favored the growth of herbaceous plants, ~~it may be assumed that that population no longer exists and is not of concern for the proposed development~~ *the project has been designed to avoid the identified location of the rock cress.*"

This is in response to concerns that even though the rock cress was not found by Paulus during the supplemental botanical survey it still may occur in the location noted by Bagley in the original botanical survey and should be avoided.

17. The estimated number of employees has been amended to more accurately reflect the number of employees necessary to operate the proposed development (see Employee Housing under Project Description in Chapter II, Project Description). At buildout the project is expected to employ a total of 11 employees; Phase I of the project is estimated to require 7 employees total; Phase II is estimated to require 1 additional employee for a total of 8 employees; Phase III is estimated to require 3 additional employees for a total of 11 employees.

This was done to address the concern that the employee housing is more than that which is necessary to maintain the development.

17. Land Use Policy 4 has been amended as follows:

*"i. No other uses shall be permitted beyond those specified in this policy. The permitted uses may be modified in the future following established County procedures for amendments of Specific Plans."*

Several comments were concerned that the undeveloped portion of the parcel was not designated Open Space and restricted to no other uses than those specified in the Specific Plan. They were concerned that this left the door open for additional future development on the parcel. They also stated that the project does not provide sufficient open space and therefore does not comply with the Mono County General Plan. This clarifies that the remainder of the parcel not identified for development in the Specific Plan will remain as open space and will provide a buffer between the development and surrounding public lands.

19. The Animal Life section in Chapter IV, Environmental Analysis, of the EIR has been amended to direct reviewers to information included in the Wildlife section of the Appendices to ensure that reviewers and decision makers fully understand the habitat value for wildlife on-site.

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20. The second sentence of the second paragraph of the Design section of the Project Description (p. 23, Revised DEIR) has been amended to read "Buildings will be designed ..."; the second half of the sentence is left as is.

This was done to correct an oversight.

21. Natural Resource Conservation Policy 8 (a) has been amended as follows:

"Domestic animals shall be restrained at all times, either through the use of leashes or other means, *in compliance with Mono County Code requirements (MCC Chapter 9, Animals).*"

This was done to ensure that domestic animals do not impact wildlife on-site.

22. To further reduce impacts to songbirds/migratory birds and to the riparian habitat, Land Use Policy 5 and Natural Resource Conservation Policy 2 have been amended to require a 30 foot setback from the top of the bank for the riparian corridor along Clearwater Creek , instead of a 10 foot setback.

### **RESPONSES BY TOPIC**

In reviewing the comments received on the Revised Draft SP/EIR, it was evident that there were a number of issues which recurred throughout the comments. Due to the volume of comments received, comments from individual reviewers are grouped by topic and responses are provided for each topic. Representative comments are included, where appropriate, under each topic. This section responds to all issues raised by reviewers, i.e. significant environmental issues as well as other comments and concerns raised by reviewers. Unique comments (those submitted in only one comment letter) are reproduced and responded to under the appropriate topic heading.

The following section identifies topics, lists the entities and individuals which commented on that topic, summarizes issues pertaining to that topic, and contains responses to the issues. It should be noted that Federal and State agencies and organizations are listed here primarily for informational purposes in order to show who responded to each topic. The individual comment letters from Federal and State agencies and organizations should be referred to for responses to specific issues or comments. Those comment letters, and the accompanying responses, are reproduced immediately following this section.

1. "BODIE EXPERIENCE"

Comments relating to this issue were received from the following entities and individuals:

California State Park Rangers Association  
 Desert Protective Council  
 Desert Survivors/Drumm  
 Desert Survivors/Strauss  
 Sierra Club, Toiyabe Chapter

Adams	Ellis	Maynard	Silver
Allen	Freitag	McLaughlin	Sorapure
Bade	Griffeth	Morgan	Sorensen
Berry	Heffingtons	Nelsen, J	Strauss
Burch	Hudson	Nelson, S	Teitelman
Carpenter	Huntsinger	Nichols	Thompson
Crickmore, I	Inouye	Perry	Weaver
DeLyser	Jensen	Rehard	Wheeler
Deutsch	Langner	Roe	Wilbur
Dickinson	Luster	Schrempp	Murray (late)
Elder	Mandelbaum	Scott	

The "Bodie Experience" was briefly analyzed in the land use section of the Draft EIR (pp. 72-73). In depth analysis was not included because the "Bodie Experience" is quite subjective and is not a physical environmental resource which requires analysis under CEQA. Section 15126.2 of the CEQA Guidelines indicates that " ... a lead agency should normally limit its examination [of environmental effects] to changes in the existing physical conditions in the affected area...." These usually include examination and analysis of water resources, plant and wildlife resources, historical resources, public services, etc.. However, assuming the "Bodie Experience" could be included as an "historical resource", and would therefore be subject to analysis in the EIR, then CEQA Guidelines Section 15064.5 (a) suggests a two-part test:

1. Is the resource "historically significant"; and
2. Would the project cause a "substantial adverse change" to the resource?

An historical resource is deemed to be "significant" if it is listed in the California Register of Historical Resources, if it is listed in a local register of historical resources, or if it is determined by the lead agency to be historically significant and the determination is supported by substantial evidence in the record. Such resources include an "historical object, building, structure, site, area, place, record, or manuscript." The "Bodie Experience" is not included in any of these categories, which are all concrete physical resources, not an amorphous, subjective "experience".

A "substantial, adverse change" means physical demolition, destruction, relocation, or alteration in the resource such that it is materially impaired. An historical resource is materially impaired if the project demolishes or materially alters the physical characteristics of the resource. The CEQA Guidelines point, once again, to the effect as being physical in nature. Thus, the EIR is technically not required to analyze the effects of the project on the "Bodie Experience".

Nevertheless, for additional information purposes, the following is added to the record:

*a. Project Location*

It was evident from several of the comment letters that there was some confusion concerning the location of the project. Figure 2A, Vicinity Map--Bodie Hills, has been added to the Specific Plan to clearly show the location of the project in relationship to Bodie State Historic Park and the

## **Bodie Hills RV Park SP/FEIR**

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Bodie Bowl, Hwy. 395, Hwy. 270 (the Bodie Road), and additional public and private parcels in the Bodie Hills. Figure 2A is included here, as well as in the Specific Plan.

The project site extends easterly along State Hwy. 270 approximately 0.8 miles from the junction of Hwy. 270 with U.S. Hwy. 395. State Hwy. 270 runs for 13.3 miles from its junction with U.S. Hwy. 395 to Bodie State Park. It is a 22-foot wide paved road until ten miles east of its junction with Hwy. 395 where it becomes an unpaved road. Bodie is also accessible from the south via Cottonwood Canyon Road which intersects State Hwy. 167 (Poleline Road) north of Mono Lake in the Mono Basin. Cottonwood Canyon Road is unpaved.

The project site is at the western edge of the Bodie Hills Planning Area (see amended Figure 2), approximately 12 miles west of the Bodie Bowl, Bodie State Historic Park, and the Bodie Area of Critical Environmental Concern. The project is approximately 9 miles south of Bridgeport along Hwy. 395. Similar small-scale resort development is located along Hwy. 395 approximately 1/2 mile north of the junction with Hwy. 270, approximately 1 1/2 miles from the project site.

### ***b. Definition of "Bodie Experience"***

The project site is located at the western edge of the Bodie Hills Planning Area. The **Bodie Bowl Area of Critical Environmental Concern and Bodie Hills Planning Area: A Recommended Cooperative Management Plan** (Draft, 1994) was prepared by the Bodie Area Planning Advisory Committee (BAPAC), an appointed public advisory committee. The BAPAC was commissioned by the Mono County Board of Supervisors, in consultation with the BLM, to develop land use policy recommendations for the 7,300 acre Bodie Bowl Area of Critical Environmental Concern (ACEC) and the larger Bodie Hills Planning Area (approximately 128,500 acres--17,000 acres of private lands, 500 acres of State lands, 104,000 acres of public lands managed by the BLM, and 7,000 acres of public lands managed by the Toiyabe National Forest). Figure 2B, Vicinity Plan-Bodie Hills Planning Area, has been added to the Specific Plan to show the boundaries of the Bodie Hills Planning Area and the location of the project site within the planning area. Figure 2B is included here, as well as in the Specific Plan.

The BAPAC was composed of individuals representing a wide variety of interests, including local landowners, mining interests, environmentalists, historic preservationists, tourism, etc.. The Committee, through numerous public meetings, developed the Draft Plan. Policies pertaining to the Bodie Hills have since been incorporated into the 1999 Draft Mono County General Plan Land Use Element Amendments.

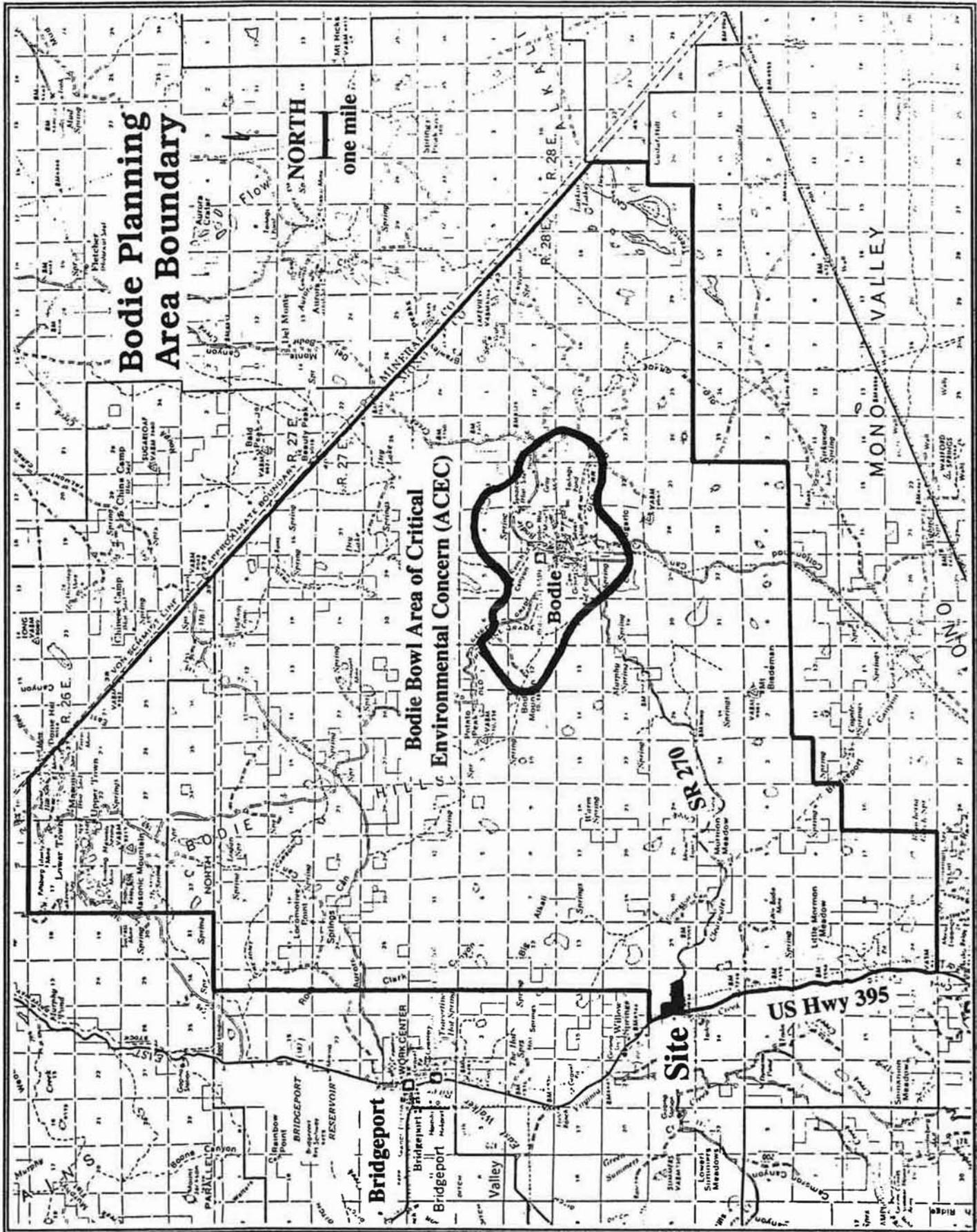
The "Bodie Experience" is defined in the **Bodie Area of Critical Environmental Concern and Bodie Hills Planning Area: A Recommended Cooperative Management Plan** (1994) as follows:

Nowhere in America can a person better journey back in time to experience a legendary Western boomtown than in the historic mining region of Bodie. As we walk the streets and view the structures and surrounding landscape, we begin to understand frontier life of the 1880's -- the searing heat, the bitter cold, the sound of the wind, the eerie quiet, and the final desolation of the cemetery. This experience helps us comprehend the place, the events, and people of various cultures and ethnic background contributing to the American spirit of fact and myth. Bodie offers an individual the unique opportunity to discover and experience the special sense of a place suspended in time ... free from the sights and sounds of contemporary intrusion .... This is the Bodie experience. (Recommended Cooperative Management Plan, p. II-2)

Even with this definition, the "Bodie Experience" remains subjective in nature. However, this definition appears to focus on the town of Bodie and the surrounding Bodie Bowl, not the approaches to the town or the landscape of the Bodie Hills outside the Bodie Bowl. While the

isolation and remoteness of Bodie contribute to the experience and enjoyment of visiting Bodie, the 1994 definition refers more to the town itself and its surrounding landscape in the Bodie Bowl.

As shown in Figure 2A, Vicinity Map, the proposed project is located 12 miles from Bodie, at the beginning of the Bodie Road, approximately 1 mile from its junction with Hwy. 395, along the paved portion of the road. It is not located on the unpaved portion of the Bodie Road, which begins approximately 8 miles east of the project site.



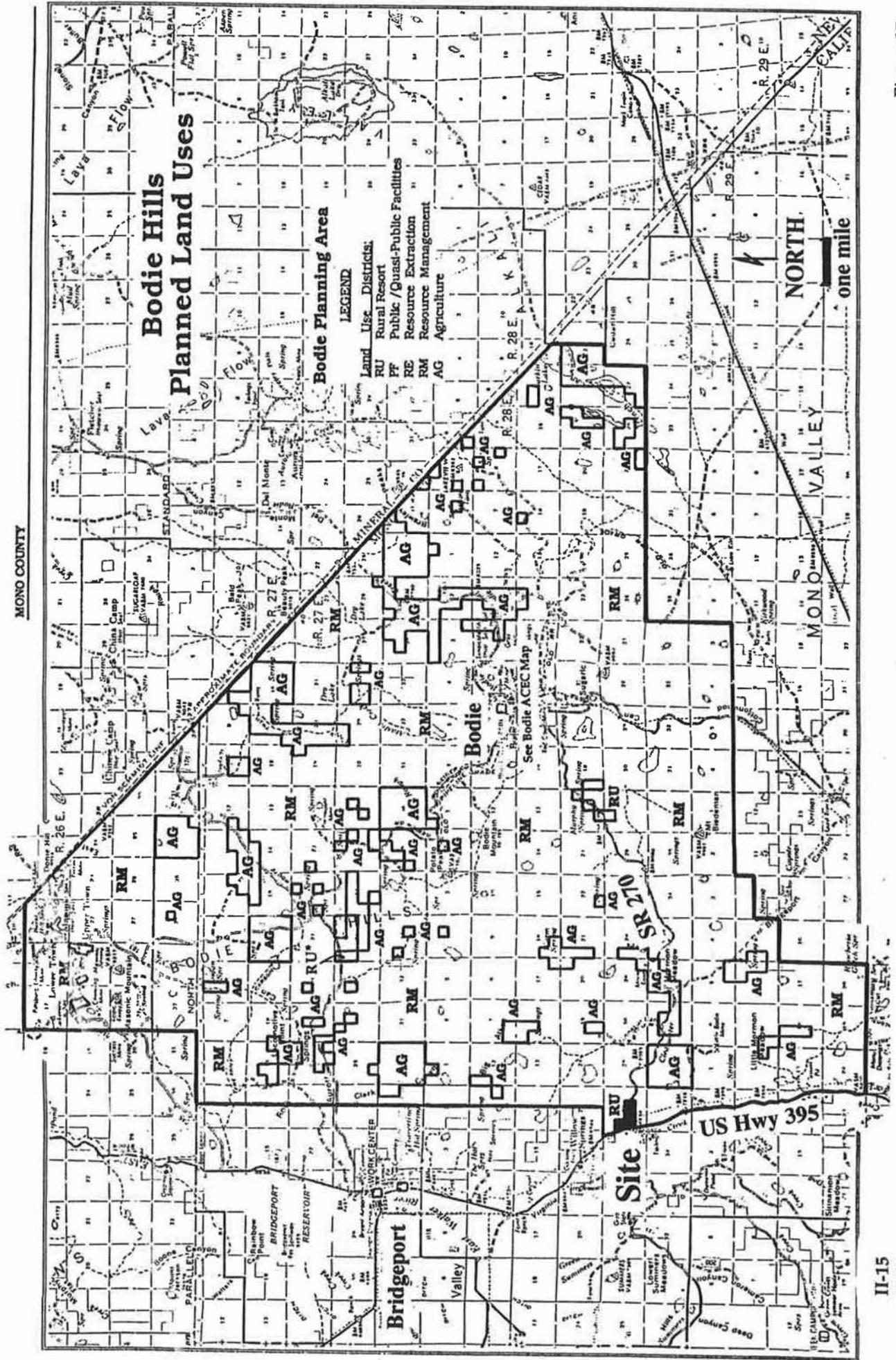


Figure 2B

## **Bodie Hills RV Park SP/FEIR**

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### *c. Land Use Policies for the Bodie Hills Planning Area*

The proposed project was developed in conformance with and in response to land use policies contained in the **Bodie Area of Critical Environmental Concern and Bodie Hills Planning Area: A Recommended Cooperative Management Plan** (1994). These policies have since been incorporated into the 1999 Draft Mono County General Plan Land Use Element Amendments. The following policies from the **Recommended Cooperative Management Plan** pertain to the proposed project:

#### **Goal--Development and Commercial Uses Policy Section**

Development activity in the Bodie Hills Planning Area shall be compatible with the cultural, historic and natural values of the area.

#### **Objective B--Development and Commercial Uses Policy Section**

Allow for agriculture, resource management activities, and rural resort uses on private lands in the Bodie Hills Planning Area which do not detract from the Bodie Experience.

#### **Policy 2**

Permit development of visitor services outside the ACEC to accommodate visitors to the Park and ACEC. This development should be consistent with and not threaten the historic resources at Bodie.

#### **Action 2.1**

To provide for visitor service development that facilitates the Bodie Experience and provides dispersed recreational activities, Mono County may assign Rural Resort land use designations to private property as illustrated in Figure 6 of this Plan, and initiate corresponding zoning.

#### **Objective B--Recreational Uses Policy Section**

Recreational Uses that do not interfere with the Bodie Experience may be permitted.

### *d. Project Design Elements in Relationship to the Bodie Experience*

Several comments noted that the proposed rustic, nineteenth century appearance of the structures on-site would detract from the "Bodie Experience"; visitors would be unable to tell what is real and what is "fake." The project would bring into question the authenticity of the structures at Bodie and cheapen the site" (CA State Park Rangers Assoc., p. 2). "If the buildings and lamps are imitations of the 1860's style, the result commercializes the Bodie experience" (Comment letter from Bryce and Wilma Wheeler).

In response to those comments, the Specific Plan has been amended to remove references to appearing in harmony with Bodie State Historic Park or compatible with the character of Bodie State Park. Emphasis is placed on creating a simple and unobtrusive design which blends into the surrounding environment to the greatest extent possible using rustic modern materials such as river rock and wood. The design of signs and lampposts have also been revised to reflect the emphasis on simple unobtrusive modern rustic design. The intent of these changes is to make it clear that this is a new development and that it is not meant to detract from or compete with Bodie in any way.

## **2. POTENTIAL IMPACTS TO DEER HERD**

### Comments relating to this issue were received from the following entities and individuals:

California Department of Fish and Game  
Desert Survivors/Strauss

Eastern Sierra Audubon Society  
Sierra Club, Toiyabe Chapter

Allen	Inouye	Mandelbaum	Vahey
Andres	Jarrett	McClaskey	Wheeler
Burch	Kan	Roland	Whitmore
A. Crickmore	Knopp	Sawers	
I. Crickmore	Langner	Strauss	
Haye	Luster	Vahey	

*a. Impacts to deer herd from reducing the deer migration corridor.*

Comments noted that the corridor should be wider and that surrounding uses would impact deer use of the corridor. Recent consultation with the wildlife expert indicates that the 150 foot wide Wildlife Movement Corridor is not ideal and that a 560 foot wide corridor would be better for deer migration purposes. How deer will respond and adjust to this reduced corridor width is uncertain; however, if an undisturbed corridor is maintained, then a portion of the deer population will continue to migrate through the project area, while others will cross the area at other dispersed locations. Although this is a very important potential impact, and a wide corridor is desirable, it is not considered an unavoidable, unmitigable significant adverse impact of the project (Taylor, personal communication, Dec. 1999). Whatever corridor width is adopted, the wildlife expert states it should be absolutely free of human development and disturbance, especially during the period of deer migration. The project has been revised to provide a 30 foot setback from Clearwater Creek, instead of the proposed 10 foot setback. This revision will require minor modifications to the site plan; it may be possible to eliminate any development in the wildlife movement corridor except for a small portion of gravel roadway.

It should be noted that the project site is a small area (approximately 17 acres, with 13 acres clustered along Clearwater Creek) within the much larger Bodie Hills Planning Area (approximately 128,500 acres--111,500 acres of public lands, 17,000 acres of private lands). No development is proposed for 137 of the 155 acres owned by the project proponent. The "Impacts and Mitigation" section of the wildlife report provided a detailed discussion of indirect impacts to wildlife on adjacent, undisturbed areas. These impacts included decreased use of habitat within and adjacent to the project area, increased use of marginal habitat types, and abandonment or alteration of traditional travel routes and a corresponding shift of home ranges. The project site is surrounded on all sides by undisturbed public lands. While there may be impacts in a small area on-site, there is ample surrounding habitat for the portion of the deer herd that utilizes the site to shift its traditional travel routes.

*b. If the project is approved, the wildlife corridor should be free of any development or structures.*

See response to the previous comment.

*c. Decisionmakers should weigh potential impacts to deer with respect to the general tourist and hunting economy.*

This suggestion will be considered during the decisionmaking process on the Specific Plan/EIR.

*d. Generator use will impact deer use of the area.*

Natural Resource Conservation Policy 9 has been amended as follows:

"To minimize potential noise impacts, use of RV generators shall be prohibited after 10 p.m. and before 8 a.m. and shall be discouraged at other times. Generator use shall be allowed in the case of emergencies."

Comments noted that generator use creates noise impacts which will affect wildlife; since there are hookups no generator use should be allowed. Prohibiting generator use during the night and early morning hours will minimize impacts to wildlife and to other patrons of the project.

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Generator use may be necessary during emergencies, such as power outages; the policy makes a provision for such emergencies.

### **3. OTHER WILDLIFE**

Comments relating to this issue were received from the following entities and individuals:

Desert Survivors/Strauss  
Sierra Club, Toiyabe Chapter

Allen  
Andres  
Burch  
A. Crickmore  
Haye  
Nichols  
Luster  
McClaskey  
Wheeler

*a. Wildlife surveys were incomplete and were conducted at the wrong time of year.*

This opinion is noted and will be conveyed to the decision makers via this response document. Subsequent consultation with the wildlife expert reaffirms the Draft EIR conclusions that suitable habitat is not present for the species noted (e.g. mountain beaver, pygmy rabbit, red fox), or that project impacts on these species will not be significant, or mitigation measures have been applied to reduce potential impacts on these species to less than significant levels (Taylor, personal communication, Dec. 1999).

*b. If the project is approved, it should be revised to include development-free wildlife corridors along the creek and to allow north-south movement.*

The project includes a development-free wildlife corridor along the creek. Land Use Policy 5 and Natural Resource Conservation Policy 2 in the Specific Plan establish the Clearwater Creek channel as a Open Space/Natural Habitat Protection zone. They have been amended to require the open space zone to run from 30 feet north of the top of the north bank to 30 feet south of the top of the south bank (instead of 10 foot setbacks), providing a corridor which ranges in width from 70 to 100 feet. The Specific Plan (Land Use Policy 6) has been amended to allow no recreational use of the Creek; the only "uses" allowed are bridges and temporary stream crossings while the bridges are constructed. The Specific Plan has also been amended to include stream restoration and habitat enhancement measures for the Clearwater Creek Channel and the area included in the 30 foot setback from the top of the banks (see Natural Resource Conservation Policy 16). Implementation of these policies would improve habitat for a variety of wildlife species.

Land Use Policy 7 in the Specific Plan establishes a Wildlife Movement Corridor which allows north-south movement. The Wildlife Movement Corridor is discussed above under Item 2--Impacts to the Deer Herd.

*c. The EIR needs a strict assessment of the quality of the fishery in Clearwater Creek.*

Because the creek will be placed in a development-free corridor (as noted above), impacts to the creek and the fishery, including erosion impacts, will be minimal. Mitigation will include implementation of policies and design features included in the Specific Plan. Thus, the quality of the fishery will not be impacted; the quality of the fishery may actually be improved by proposed stream restoration and habitat enhancement measures (e.g. revegetation of riparian areas) (see amended Natural Resource Conservation Policy 16). Where bridges, or temporary stream crossings are proposed, a Stream Alteration Permit will be required from the Department of Fish and Game (Natural Resource Conservation Policy 3; Phasing Policy 5). Typically, these permits include erosion control measures and other measures to protect the stream and the fishery.

*d. Pets/exotic animals should not be allowed on-site to avoid impacts to wildlife.*

Several comments stated that pets (dogs and cats) and other "exotic" animals (e.g. non-native animals, such as horses and livestock) should not be allowed on the site. Although the project proponent has no plans to graze livestock on the property at this time he wishes to retain the option to do so in the future. The Specific Plan has been amended to require a Grazing Management and Sage Grouse Habitat Enhancement Plan (Land Use Policy 4; Natural Resource Conservation Policy 17) should grazing be proposed for the project site; that plan will manage grazing onsite so that it does not occur in the riparian area and so that it avoids sensitive plant species. Wildlife experts agree that properly managed grazing can improve sage grouse habitat; since sage grouse habitat in the project vicinity is also a concern the Grazing Plan will also be designed to enhance sage grouse habitat.

The Specific Plan has also been amended to note that the project proponent shall refer patrons with horses to more appropriate off-site locations for equestrian activities (Land Use Policy 2). There are no planned equestrian facilities or uses on-site; it is anticipated that equestrian use on-site, including stables and corrals, will be an incidental use. Natural Resource Conservation

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Policy 8 requires compliance with Mono County animal regulations, in order to avoid impacts to wildlife from domestic animals.

*e. Biological importance of Bodie Hills.*

"I have had the privilege of doing biological research in the Bodie Hills since 1989. The biological importance of the area is not well known. In spite of their appearance the Bodie Hills have the highest mammalian species diversity in North America north of Costa Rica. This incredible diversity is caused by a mixing of species endemic to the Sierra Nevada on the west and the Great Basin on the east. The proposed development is located in the wildlife corridor linking the Bodie Hills to the Sierra Crest. Protecting the habitat between Bodie Hills and Sierra Crest in an undisturbed state should rank as a priority for land use planning in the region." (Comment letter from Lyle Nichols, Ph.D.)

This information is hereby incorporated into the EIR. The Board of Supervisors will consider it during its decisionmaking process on the Specific Plan/EIR. Habitat preservation in the Bodie Hills is a priority item for land use planning in the region. There are significant amounts of public lands in the Bodie Hills which are managed by the BLM (approximately 104,000 acres, see Figures 2A, Vicinity Map-Bodie Hills & 2B, Vicinity Plan-Bodie Hills Planning Area). Private lands in the Bodie Hills (approximately 17,000 acres out of a total 128,500 acres) are currently designated Resource Management (RM) in the Mono County General Plan, which is intended to recognize and maintain a wide variety of values in the lands outside existing communities.

#### **4. SAGE GROUSE**

Comments relating to this issue were received from the following entities and individuals:

Bureau of Land Management  
Eastern Sierra Audubon Society  
Desert Survivors/Drumm  
Desert Survivors/Strauss

Crickmore, A.  
Wheeler

Note: The following responses were provided by Kevin Hunting, Senior Biologist, North State Resources.

*a. Wildlife surveys were not timed appropriately to detect special status bird species, including sage grouse.*

The intent of the survey effort described in the "Wildlife Assessment Survey at the Bodie Hills RV Park" (Taylor 1997) was to detect mule deer and sage grouse. While other species might have been detected incidental to these surveys, Taylor reported no observations of threatened, endangered, or other species on the project site. He added that "The project area provides breeding, nesting and foraging habitat for a variety of birds and mammals, including the pinyon jay, mountain quail, California ground squirrel, coyote, and mountain lion" (Taylor, p. 16).

The DEIR acknowledges that the project site and vicinity are foraging and, possibly, dispersal habitat for sage grouse. Sage grouse have not been reported to breed within the project site boundaries and it remains unlikely that, given the highly visible and detectable nature of leks, an active lek would be undocumented. Therefore, additional surveys for sage grouse during the spring and summer months would yield little new impact assessment information.

- b. *The project will result in impacts to sage grouse leks (breeding areas) within a 2-mile radius of the proposed project site.*

The DEIR acknowledges the known sage grouse leks within 2 miles of the proposed project site. It should be noted that the project site is at one edge of that 2 mile radius; the identified leks are surrounded on all other sides by undisturbed public lands managed by the BLM. Leks are located throughout the Bodie Hills (see comment letter from Eastern Sierra Audubon Society).

The DEIR acknowledges the Bureau of Land Management's prohibition on discretionary actions on public lands within 2 miles of a lek if this action would affect sage grouse during the nesting season. The recommendation in the BLM's Resource Management Plan is designed to avoid direct impacts to breeding sage grouse. The proposed BLM protection guidelines appear more restrictive than the impact avoidance guideline and are likely in response to the continuing loss of sage grouse habitat in eastern and northeastern California and the possibility of a listing action by the Federal or State government.

Construction and operation of the proposed project may result in impacts to sage grouse. The 2-mile lek and breeding ground protection zones proposed for adoption by the BLM may be considered the maximum geographic area in which direct impacts to sage grouse, or essential habitat components, may occur. Using this standard, the proposed project would impact sage grouse habitat although the magnitude of the impact is difficult to quantify. Individual grouse may be killed or injured by increased traffic and other human activities, may be displaced by human recreational activities in the vicinity of the project, or may permanently or temporarily abandon nests or lekking sites. Sage grouse may be impacted by stray cats and dogs associated with campground visitation or may be affected by noise and extraneous light associated with facility operations. These impacts could affect the fitness of the local sage grouse population by reducing reproductive success and increasing mortality.

Despite the difficulty in assessing the severity of project impacts on local sage grouse populations, impacts may be significant if sage grouse utilize the proposed project site during facility construction or operation. The following measures are intended to reduce impacts to less than significant levels and to enhance habitat suitability for sage grouse on surrounding lands:

1. Natural Resource Conservation Policy 8 requires compliance with Mono County animal regulations in order to avoid impacts to wildlife, including sage grouse, from domestic animals.
2. Land Use Policy 4 (d) has been amended as follows:

"Livestock grazing shall require approval of a Grazing Management and Sage Grouse Habitat Enhancement Plan (as specified in Natural Resource Conservation Policy 17) by Mono County prior to the commencement of any grazing activity."

Natural Resource Conservation Policy 17 has been added as follows:

"As specified in Land use Policy 4 (d), livestock grazing onsite shall require approval of a Grazing Management and Sage Grouse Habitat Enhancement Plan (Plan). The Plan shall describe actions and measures to improve sage grouse foraging and cover habitat onsite and shall identify and focus on enhancement opportunities which would provide the maximum benefit to known lek sites in the project vicinity. The plan shall include, but not be limited to, an active grazing management plan which would reduce non-native and noxious weed species and promote native grass and shrub (sage brush) growth with a goal of restoring over-grazed sage-scrub habitats to maximum habitat suitability. The plan shall also recommend revegetation actions which would accelerate recovery of the sage-scrub habitat. The plan shall include clear, measurable performance standards and remedial actions which will be undertaken if performance standards are not collectively met. The project proponent

shall ensure implementation of the Plan by providing an implementation timeline and budget and evidence of financial capability for implementation."

**5. SONGBIRDS/MIGRATORY BIRDS**

Comments relating to this issue were received from the following entities and individuals:

California Department of Fish and Game  
Eastern Sierra Audubon Society  
Desert Survivors/Drumm  
Desert Survivors/Strauss

Crickmore, A.

Note: The following responses were provided by Kevin Hunting, Senior Biologist, North State Resources.

*a. Wildlife surveys were not timed appropriately to detect special status bird species, including migratory birds such as willow flycatchers and bank swallows.*

The intent of the survey effort described in the "Wildlife Assessment Survey at the Bodie Hills RV Park" (Taylor 1997) was to detect mule deer and sage grouse. While other species might have been detected incidental to these surveys, Taylor reported no observations of threatened, endangered, or other species on the project site. He added that "The project area provides breeding, nesting and foraging habitat for a variety of birds and mammals, including the pinyon jay, mountain quail, California ground squirrel, coyote, and mountain lion" (Taylor, p. 16).

Despite the fact that bank swallows and willow flycatchers, being neotropical migrant species, could not have been observed during the survey period, it is accurate to report that these species were not observed during the sage grouse and mule deer surveys.

Bank swallows are a colonial breeding species requiring friable river bank cuts for excavation of breeding burrows. Colonial breeding sites are typically located in the upper 1/3 to 1/2 of a bank cut to minimize predation from ground dwelling mammals and other predators. The project site offers minimal characteristic bank swallow breeding habitat and occurrence of this species within the project area is remote. Additional presence-absence surveys would provide little useful impact assessment information.

Although willow flycatchers are not reported from the site, willow riparian vegetation along Clearwater Creek is sufficient to support transient use by migrants. Typical willow flycatcher breeding habitat, as described by Taylor in the Wildlife Report, is absent from the project site and nesting by this species within the project site is unlikely. Additional presence-absence surveys would provide little useful impact assessment information.

*b. California Natural Diversity Database (CNDDDB).*

"It is not adequate merely to search the CNDDDB for records of willow flycatcher or bank swallow in or near the project area. If no past bird survey was done in this area, there will be no data in the CNDDDB. Migrating willow flycatchers are seen regularly each spring and fall moving through Inyo and Mono Counties to nesting areas in the northern states of Washington and Oregon. Most of this information on migrating bank swallows and willow flycatchers does not get put into the database. Usually only nesting information for these two species (and California species of special concern in general) would be recorded in the CNDDDB." Comment from Eastern Sierra Audubon Society.

The California Natural Diversity Database (CNDDDB) contains sensitive species occurrence information reported to the California Department of Fish and Game. While the system will accurately report locations of observations, lack of a reported observation at a particular site is not evidence that the species is absent or, without using other available information, whether project activities will result in impacts to a given species.

*c. The EIR does not adequately address conservation of songbird/migratory bird habitat, including protection of the riparian habitat and adjacent uplands.*

The willow riparian habitat along Clearwater Creek represents suitable cover and foraging habitat for transient yellow warblers and other neotropical migrant songbirds. These species could experience minor impacts associated with increased human activity and disturbance in, and around, the Clearwater Creek riparian zone. Protection of the willow riparian habitat will provide for continued transient use by migrants although this use may be reduced by increased human activity and vagrant light and noise. From a regional standpoint, riparian zones are an important resource to migrant birds seeking temporary cover and food during migration. Riparian areas in eastside sage-scrub habitats are uncommon and, therefore, may be an especially important resource as the frequency of occurrence decreases across the landscape.

It should be noted that the project site occupies a small portion (approximately 1/2 mile) of the riparian area along Clearwater Creek; Clearwater Creek is one of several creeks and riparian areas located in the Bodie Hills, much of which occurs on undisturbed public lands managed by the BLM and the Forest Service. In addition, the Specific Plan contains a number of measures to protect the stream corridor and riparian habitat on-site, including designating the stream corridor as Open Space/Natural Habitat, stipulating a 30 foot setback from the top of the banks, and restricting uses within that corridor to bridges and temporary stream crossings during construction (Land Use Policy 5; Natural Resource Conservation Policy 2).

Local and migrant songbird populations may also be impacted by the secondary effects of increased brown-headed cowbird populations as a result of increased human activities and livestock grazing. Brown-headed cowbirds are typically associated with agricultural practices especially when those practice include feedlot operations or high-intensity grazing. Should grazing occur on-site it will occur in compliance with the Grazing Management and Sage Grouse Habitat Enhancement Plan (Natural Resource Conservation Policy 17, see Item B under Sage Grouse above); grazing will be low-intensity and will occur away from the riparian corridor. The type of human activities which will likely increase as a result of project construction and operation will probably not affect local cowbird populations as recreational activities generally do not enhance cowbird habitat suitability. Therefore, secondary impacts which may result from increased cowbird populations are considered less than significant.

To further reduce impacts to songbirds/migratory birds and to the riparian habitat, Land Use Policy 5 and Natural Resource Conservation Policy 2 have been amended to require a 30 foot setback from the top of the bank for a riparian corridor along Clearwater Creek , instead of a 10 foot setback.

In addition, Natural Resource Conservation Policy 8 requires compliance with Mono County animal regulations to avoid impacts to wildlife from domestic animals.

*d. The construction window established to protect the migratory deer herd should incorporate the Migratory Bird Act to protect nesting birds.*

The Migratory Bird Act (MBTA) makes it unlawful for anyone to kill, capture, collect, possess, buy, sell, trade, ship, import, or export any migratory bird, including feathers, parts, nests or eggs. The additional mitigation added under Item a above will avoid direct impacts to birds covered by the MBTA.

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### 6. PLANTS

#### Comments relating to this issue were received from the following entities and individuals:

Bureau of Land Management  
California Native Plant Society, Bristlecone Chapter  
Desert Survivors/Strauss

Allen	McClaskey
Inouye	Roland
Langner	Wheeler

*a. If the project is approved, no artificial landscaping or lawn should be allowed.*

This suggestion will be considered during the decisionmaking process on the Specific Plan/EIR.

Design Guidelines Policy 10 in the Specific Plan limits non-native landscaping to two areas, a 1,100 square foot lawn area in front of the motel and a 12,000 square foot picnic/recreation area with lawn, picnic tables, a fire pit, and playground equipment, to be located between the camping cabins and Hwy. 270 (see also Figure 12--Preliminary Landscaping Plans in the Specific Plan). The Specific Plan requires the remainder of the project to be revegetated with " ... native, indigenous species grown from seeds or seedlings obtained from local native stock ..." (Natural Resource Conservation Policy 6).

*b. Revegetation.*

"Revegetation plans are good, but the \$500 limit on monitoring should apply only if revegetation is proceeding as targeted. If more mitigation is needed, applicant will have to pay. Realistic annual compliance goals should be set as well as minimum compliance at the end of the 5 yr period. Assurance of meeting these goals should be part of this permit." (Comment letter from McClaskey)

The \$ 500 limit applies only to the monitoring of the revegetation process; it does not apply to implementation of the revegetation plans. The Specific Plan requires the applicant to comply with the revegetation goals, and to pay for that compliance, in order to proceed with the development (Natural Resource Conservation Policy 6). Natural Resource Conservation Policy 6, which contains revegetation performance standards for the project, has been amended as follows to establish revegetation compliance goals:

"Revegetated areas shall be replanted as necessary to assure success. Prior to starting construction, a qualified botanist, under contract to the County, funded by the project proponent, shall assess vegetative cover and species mix in the areas identified for revegetation and shall identify appropriate planting techniques and seed mixes. Revegetation in disturbed areas shall occur so that the species mix is the same as the existing species mix and the vegetative cover density is similar to the surrounding undisturbed area and sufficient to stabilize the surface against the effects of long-term erosion. *After five years, the species mix (diversity of species) in revegetated areas shall be 50-60 percent of that in surrounding undisturbed areas; after five years the vegetative cover density shall be 60-70 percent of that in surrounding undisturbed areas.*"

7. MAPS

Comments relating to this issue were received from the following entities and individuals:

Allen                      McClaskey

*a. Maps with no scale not legitimate or useful.*

The only maps with no scale are Figure 1--Location Map and the existing Figure 2--Vicinity Map. Figure 1 is intended to show the project site in relation to the surrounding geography; it is not necessary to have a scale for that map to be useful. Figure 2--Vicinity Map is intended to show the location of all project components; it is a conceptual design which does not require a scale to be useful. Figure 2A has been added to a) more clearly show the location of the project in relationship to Bodie State Historic Park and the Bodie Bowl, Hwy. 395, Hwy. 270 (the Bodie Road), and additional public and private parcels in the Bodie Hills, and b) show the boundaries of the Bodie Hills Planning Area and the location of the project site in relation to those boundaries.

*b. Maps do not show area currently used by deer herd.*

Maps within the Wildlife Study prepared by Tim Taylor show the routes currently being used by deer within the project site. The deer migration corridor is discussed in detail above under Item 2--Potential Impacts to Deer Herd.

8. FINANCIAL VIABILITY OF PROJECT

Comments relating to this issue were received from the following entities and individuals:

California State Park Rangers Association  
Desert Survivors/Strauss

Allen                              Luster  
I. Crickmore                      Vahey  
Inouye                              Whitmore  
Langner

*a. The project should include adequate bonding to pay for contingencies should the project result in additional impacts and for complete restoration of the site, if necessary.*

The Specific Plan/EIR currently requires bonding for site remediation and to ensure completion of the proposed revegetation.

" ... Bonding to ensure site remediation shall be required, prior to starting construction on each project phase." (Natural Resource Conservation Policy 15)

"Prior to the initiation of Phase I of the project, the project proponent shall post a bond to:  
a. Ensure that revegetation occurs successfully to the levels described in the Specific Plan and the Preliminary Landscape Plan. Bonding for the revegetation shall be released for each individual phase of the project after the five year period has elapsed and the area has been successfully revegetated." (Phasing Policy 6)

The following policy has been included in the Specific Plan to address bonding more thoroughly:

*Phasing Policy 7: In order to ensure that project mitigation measures are fully complied with and that project site reclamation (revegetation) is carried out the following are required:*

- a. *The proponent shall provide the County Planning Director with written reports detailing the project's compliance with the approved Mitigation Monitoring Program, at not less than one (1) year intervals commencing with the issuance of any Mono County permit. This shall be in addition to ongoing project review by appropriate County staff.*
- b. *The posting of security (e.g. "bonding") to ensure project site reclamation (revegetation) shall be required prior to the commencement of Phase I of the project, in the form of performance bonds or other means available by law and approved by the Mono County Counsel.*

This was done to address concerns relating to the specifics of the bonding requirements for the revegetation . Several comment letters expressed the opinion that the County should require bonding to reclaim the site in case the project failed or was not completed. In addition to the bonding already required by the County for the project infrastructure, the County's existing nuisance abatement laws (Mono County Code 7.20) address site clean up should the project fail. Additional bonding is not required.

## **9. WATER QUANTITY**

Comments relating to this issue were received from the following entities and individuals:  
Desert Survivors/Strauss

Allen            McClaskey  
Langner

- a. *There should be state, local and federal review of the engineer's well water technical report.*  
The Mono County Environmental Health Department is responsible for issuing a well permit for the project prior to on-site water development. The Environmental Health Department, as the responsible public agency, will review the engineer's technical report, should it be determined to be necessary (see Specific Plan Natural Resource Conservation Policy 12).
- b. *The project must demonstrate a reliable source of water adequate to support the full project before permits are issued for any building. Water systems should be built first to ensure an adequate supply for construction.*

Specific Plan requirements for well permitting and groundwater monitoring are a reasonably feasible method of protecting groundwater resources and streamflows. The Specific Plan requires the Environmental Health Department to make a finding that " ... an adequate groundwater supply of sufficient quality and quantity is available for Phase I" before issuing a well permit (Natural Resource Conservation Policy 12). As soon as the well is drilled for Phase I, the project proponent must implement a monitoring program to ensure that groundwater pumping is not adversely impacting existing groundwater levels, streamflows, or water quality (NRC Pol. 12). Further development cannot occur unless the monitoring program shows no adverse impacts (NRC Pol. 12). The monitoring program is to be designed and overseen by a qualified expert in the field (NRC Pol. 12).

Water for construction purposes is available for purchase off-site and may be trucked on-site; it is not necessary to build the water system first to ensure an adequate water supply for construction.

- c. *The well should maintain adequate depth to eliminate impacts on the creek. A qualified hydrologist should certify the well use will not dewater the creek.*

See response to Item (b) above.

*d. The estimated water use does not include the 2 employee residences and appears to underestimate usage for laundry.*

Table 1A--Estimated Daily Water Demand and Table 1B--Estimated Water Usage have been amended in the FEIR by the project engineer to correct the usage figures for the RV Park, to include the 2 employee residences, and to clarify the figures for all uses. The result of the revised water usage figures is an increase in the total estimated daily water demand from 12,430 gallons to 13,746 gallons, an increase in the estimated total annual demand from 1,300,000 gallons to 1,400,000 gallons, and an increase in the estimated peak daily flow from 15,000 gallons to 16,500 gallons.

The information in the revised estimates of water usage is based on information in **Small Water Systems Serving the Public** (Conference of State Sanitary Engineers) and engineering judgement. Water usage varies significantly and is dependent on a variety of factors. The water usage estimates below assume 100 % daily usage of the facilities by park users for laundry and shower facilities. Laundry customers are estimated at one customer per space; shower customers are estimated at two customers per space.

The figures in Table 1-A represent the estimated daily water demand for the facility when operating at full capacity. Peak daily flow is an estimated adjustment for days of high use (e.g. July 4) when the facility is at capacity and above average usage from highway traffic is anticipated. The percentages used to calculate Average Daily Flows for the Peak-Month and Season are based on interviews with business operators in Bridgeport. Percentages used for the annual demand of each phase are based on the relative water estimates for each phase as shown in Table 1-A.

The project engineer has also calculated probable peak water demand using the fixture demand method. Utilizing that method, the probable peak water demand for Phase I is 30 gallons per minute (gpm), for Phases I and II 58 gpm, and for Phases I, II, and III 60 gpm.

**Bodie Hills RV Park SP/FEIR**

<b>Table 1 A-- REVISED Estimated Daily Water Demand</b>			
<b>Land Use</b>	<b>Generation Factor</b>	<b>Generator</b>	<b>Total Demand (in gallons)</b>
<b>Phase I</b>			
Motel	60 gallons/bed	10 beds	600
Store	.16 gallon/square foot (sf)	1,600 sf	256
Restrooms	400 gallons/toilet	2 toilets	800
5/8" water hydrant	3 gallons/minute	120 minutes	360
Landscaping	.33 gallons/square foot (sf)	1,100	330
Residences	400/residence	2 residences	<u>800</u>
	<b>Subtotal Phase I</b>		<b>3,146</b>
<b>Phase II</b>			
RV Park	90 gallons/space	32 spaces	2,880
Laundromat	50 gallons/customer	32 customers	1,600
Restrooms	400 gallons/toilet	2 toilets	800
5/8" water hydrant	3 gallons/minute	60 minutes	180
Showers	10 gallons/customer	64 customers	<u>640</u>
	<b>Subtotal Phase II</b>		<b>6,100</b>
<b>Phase III</b>			
Laundromat	50 gallons/customer	22 customers	1,100
Restrooms	400 gallons/toilet	4 toilets	1,600
5/8" water hydrant	3 gallons/minute	120 minutes	360
Showers	10 gallons/customer	44 customers	440
Landscaping	.33 gal/square foot (sf)	4,000 sf	<u>1,000</u>
	<b>Subtotal Phase III</b>		<b>4,500</b>
<b>Total All Phases</b>			<b>13,746</b>

<b>Table 1 B- REVISED Estimated Water Usage (Based on figures from Table 1A)</b>	
Peak Daily Flow	16,500 gallons (13,746 x 120%)
Average Daily Flow-Peak Month	11,000 gallons (13,746 x 80%)
Average Daily Flow-Season	8,000 gallons (2 months at peak flows + 2 months at 50% of peak flows + 2 months at 25% of peak flows/180 days)
Total Annual Demand	1,400,000 gallons (~180 days x 8,000 gallons/day)
Total Annual Demand, Phase I	322,000 gallons (23% of total)
Total Annual Demand, Phase II	630,000 gallons (45% of total)
Total Annual Demand Phase III	448,000 gallons (32% of total)

10. WATER QUALITY

Comments relating to this issue were received from the following entities and individuals:

Cal/EPA, Lahontan Regional Water Quality Control Board  
California State Park Rangers Association  
Desert Survivors/Drumm  
Desert Survivors/Strauss  
Sierra Club, Toiyabe Chapter

A. Crickmore	Luster
Curry	McClaskey
Langner	Wheeler

*a. Septic setbacks are minimal and inadequate.*

The Mono County Environmental Health Department is the permitting agency for the septic system. The Department has worked with the applicant to design the system to ensure that it meets the requirements of the Water Quality Control Plan for the Lahontan Region (Basin Plan) and to ensure that it does not impact groundwater or surface waters in the vicinity. The project meets septic setback requirements.

*b. The applicant should clearly explain the proposed septic disposal system in the FEIR.*

The Mono County Environmental Health Department is the permitting agency for the septic system. The Department has worked with the applicant to design the system to ensure that it meets the requirements of the Water Quality Control Plan for the Lahontan Region (Basin Plan) and to ensure that it does not impact groundwater or surface waters in the vicinity. A Specific Plan does not require detailed plans such as septic system designs to be included in the Plan.

*c. There should be redundant systems or safety measures for pump stations and septic systems.*

Standard safety measures will be included in the final design for the septic system (D. Lampson, Environmental Health Dept. & John Langford, Project Engineer). A Specific Plan does not require detailed plans such as septic system designs to be included in the Plan.

*d. The EIR should specify the permitting agency for a disposal system of this size.*

The SP/EIR has been amended to note that the Mono County Environmental Health Department is the permitting agency for the septic system (see Permits and Approvals Required to Implement the Project in Chapter I, Introduction).

*e. Runoff from RV campsite areas will create significant pollutants and needs to be addressed.*

See responses to comment letter from Lahontan Regional Water Quality Control Board.

*f. Potential harm to Bridgeport Reservoir due to runoff from a variety of human and animal waste sources.*

See responses to comment letter from Lahontan Regional Water Quality Control Board.

11. GRADING & EROSION

Comments relating to this issue were received from the following entities and individuals:

Andres	McClaskey
Halligan	Sawers
Jarrett	Vahey
Kane	Wheeler

## **Bodie Hills RV Park SP/FEIR**

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*a. Massive amounts of grading will radically disfigure the land.*

"Although the project has been designed to avoid or minimize potential visual impacts, any new development on the floor of the existing canyon, the proposed overhead powerline, and/or the single family residences, will result in visual impacts. A number of policies and design features have been incorporated into the Specific Plan to avoid potential visual impacts and to mitigate potential impacts to a less than significant level; however, the project will still result in significant visual impacts. Visual impacts will be significant and unavoidable because any development in the currently undeveloped project area will have some visual consequences."

(Bodie Hills RV Park SP/EIR, Significant Unavoidable Environmental Effects in Chapter V, Impact Summary)

The Specific Plan contains a number of policies intended to reduce the impacts of cut and fill which focus on limiting cut and fill to areas specified on the Conceptual Grading Plan and requiring revegetation of disturbed areas as soon as possible with native, indigenous species (see Design Guidelines Policy 8 and the Natural Resource Conservation Policy section).

In response to concerns about the proposed grading, the project's engineer has submitted the following information:

Proposed excavations and fills are minor earth moving operations. It is the applicant's intent to disturb the project area as little as possible during grading operations [Specific Plan policies require minimal site disturbance for cut and fill.]. Excavations are anticipated in the following areas:

1. It will be necessary to excavate the hill behind the store and motel to allow sufficient room for the building and parking. The height of the excavation will be about 6 feet.
2. Small excavations will be required for portions of RV spaces 2 through 9, 25, 26, and 29. The excavations will entail removing materials at the corners of each space to a height of +/- 2 feet. Spaces 9, 25, and 26 may require excavations up to 4 feet.
3. The access road along the base of the hill in the RV park will require excavations of up to 2 feet in height along the southerly side of the road near space 14. Excavation of about 2 feet in height will be required along the access road at spaces 19 through 23. Excavations will increase to a height of about 4 feet behind spaces 24 and 25.

Fills are anticipated in the following areas:

1. The parking area in front of the store, motel, and museum.
2. Portions of spaces 17 through 24, and 28.
3. Portions of the access road near spaces 5 through 7.
4. Portions of the access road near space 14.

The fill quantity is less than the cut quantity because the material is compacted when placed in the fill and hence is more dense, taking up less volume than the cut material.

Earthwork activity in the tent camping and cabin camping areas will be very minor, with no excavation and no fill. It will involve smoothing out the terrain, as necessary, to make the paths and pads.

The above information has been reviewed by the Mono County Public Works Department; they will require a detailed grading plan if the project is approved.

Since these calculations were done, the proposed setback from the top of the banks of Clearwater Creek has been amended from 10 feet to 30 feet. This may necessitate some changes to the layout of the project and may result in minor changes in cut and fill locations and volumes.

*b. The project has been altered but the Revised DEIR contains the same amount of cut and fill as the original DEIR.*

The areas proposed for cut and fill, and the estimated volumes of cut and fill, were not affected by the alterations to the project presented in the Revised SP/EIR. Project revisions eliminated RV spaces between Hwy. 270 and Clearwater Creek, reconfigured the RV spaces south of the Creek, and removed a proposed maintenance building south of the creek. In addition, the amounts of cut and fill noted in the SP/EIR are estimates; final amounts will be determined during the Grading Permit approval process but those amounts will not exceed the amounts noted in the Specific Plan.

See response to previous comment.

*c. Grading will affect the creek and fishery.*

The DEIR determined that mitigation measures contained in the Specific Plan/EIR would reduce potential erosion and sedimentation impacts to the creek to a less than significant level.

*d. Cut and fill estimates are difficult to assess from maps. The applicant should stake the site and erect story poles to indicate height and footprints of all buildings and verify the amount of cut and fill. The disposal site for excess cut should be specified. Silt fencing should be erected and maintained during all construction periods. Construction should not occur during critical deer migration period. Silt fencing should of course be removed from critical area during that period.*

As noted above, the applicant's engineer will have to complete a detailed engineered grading plan which will contain the exact location and amounts of cut and fill (see response to item a above). All the cut materials will be used on-site; there will be no excess since fill materials will be used primarily for roadways and will be compacted. The Specific Plan prohibits construction during the spring and fall deer migration periods (March 15 to May 15 and October 15 to December 15) [Natural Resource Conservation Policy 8(c)]. Natural Resource Conservation Policy 8 also requires construction activities to comply with standard erosion/sedimentation prevention practices, such as silt fencing (silt fencing, which is low, will not interfere with deer migration). The Grading Permit required for the project will also specify erosion control measures.

## 12. RIPARIAN CORRIDOR

Comments relating to this issue were received from the following entities and individuals:

Desert Survivors/Strauss

Andres  
Benham  
Burch

I. Crickmore  
Inouye  
Langner

McCarvill  
Nichols  
Vahey

*a. The project contains valuable riparian habitat which will be damaged during construction and on an ongoing basis by use of the area.*

The project includes a development-free wildlife corridor along the creek. Land Use Policy 5 and Natural Resource Conservation Policy 2 in the Specific Plan establish the Clearwater Creek channel as an Open Space/Natural Habitat Protection zone. They have been amended to require the open space zone to run from 30 feet north of the top of the north bank to 30 feet south of the top of the south bank (instead of 10 foot setbacks), providing a corridor which ranges in width

## Bodie Hills RV Park SP/FEIR

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from 70 to 100 feet. *A two-rail wood fence will be placed along the 30 foot setback along both sides of the creek in the RV and tent camping areas of the project. On the north side of Clearwater Creek, Hwy. 270 is in many places less than 30 feet from the top of the bank. In those areas, the fence will be placed along the Caltrans right-of-way line.*

*The 30 foot setback is a "floating" setback, i.e. if the creek moves, the setback will also move so that it always remains 30 feet (see Specific Plan Land Use Policy 5). The setback will be monitored annually in the spring before the resort opens and uses that intrude within the 30 foot setback will either be moved or discontinued.*

The Specific Plan has been amended to allow no recreational use of this area; the only allowed "uses" are bridges and temporary crossings of the creek (Land Use Policy 6). The Specific Plan contains performance standards to avoid or minimize impacts to the stream channel and riparian vegetation resulting from the temporary creek crossings (Natural Resource Conservation Policy 3). The Specific Plan has been amended to include proposed stream restoration and habitat enhancement measures (e.g. revegetation of riparian areas) (see Natural Resource Conservation Policy 16) which may improve the riparian habitat.

*b. If the project is approved, the EIR should require at a minimum 30 foot setbacks from Clearwater Creek and its tributaries to protect riparian resources.*

Land Use Policy 5 and Natural Resource Conservation Policy 2 have been amended to require 30 foot setbacks from the top of the bank of Clearwater Creek.

*c. "Southwest Basin C" and the creek entering the tent camping area were not adequately addressed.*

"I've seen [this creek] flowing at half the rate of Clearwater Creek. This creek has a large drainage. It has flowing water into the summer months. Near its confluence with Clearwater Creek the creek bed is nearly 45' wide. The development proposal calls for leach fields, restrooms, roads, and other features to be built directly on top of this creek."  
Comment letter from MJ Langner

The siting of the leach fields and other facilities will not impact the creeks; see the responses to comments from the Lahontan Regional Water Quality Control Board.

### 13. CLEARWATER CREEK/STREAMBANK STABILIZATION

Comments relating to this issue were received from the following entities and individuals:

Desert Survivors/Strauss

Andres  
Carlton  
Haye

Kane  
Knopp  
Mandelbaum

McCarvill  
Strauss

*a. Proposed mitigation (i.e. riprap) shows a lack of understanding of how to keep rivers healthy. Riprap and grading will cause impacts to the creek.*

A number of comments noted that the proposed streambank stabilization methods (e.g. riprap) were outdated and inappropriate for the site. In addition, the comments noted that the riprap would impact the riparian resources and would create additional impacts which were not addressed in the EIR. Several comments were concerned with possible impacts to the habitat value of the riparian corridor, particularly for migratory birds. Land Use Policy 5 and Natural Resource Conservation Policy 2 have been amended to require a 30 foot setback from the top of the streambank instead of the proposed 10 foot setback.

At the applicant's discretion, the Specific Plan and EIR has been amended to allow additional provisions for streambank stabilization, which focus less on engineering methods, and more on stream restoration and enhancement methods. These provisions are intended to help address the issues of streambank stabilization as it relates to flooding and erosion, protection of the riparian resources, and enhancement of the habitat value of the riparian resources onsite. This approach is supported by a decision/policy in the BLM's Resource Management Plan which states "stabilize and restore selected stream reaches throughout the Bodie Hills to improve riparian and aquatic habitat quality." As suggested by the Natural Resources Conservation Service (NRCS letter, 5/19/99) specific stream restoration and enhancement measures can be instituted in seven small sites (Sites 1-7 of the 5/19/99 letter). These restoration areas enhanced streamflow by removing small amounts of vegetation which now block streamflow, recontoured selected eroding streambank segments, and revegetated with natural species (e.g. willows, aspens, herbaceous plants). See Figure B--Conceptual Cross-Section of Restored Channel, and Figure C--Attachment to 5/19/99 NRCS letter. (Note: The applicant would have to obtain all necessary permits from the Department of Fish & Game and others if he wishes to pursue restoration.

Figure B--Conceptual Cross-Section of Restored Channel

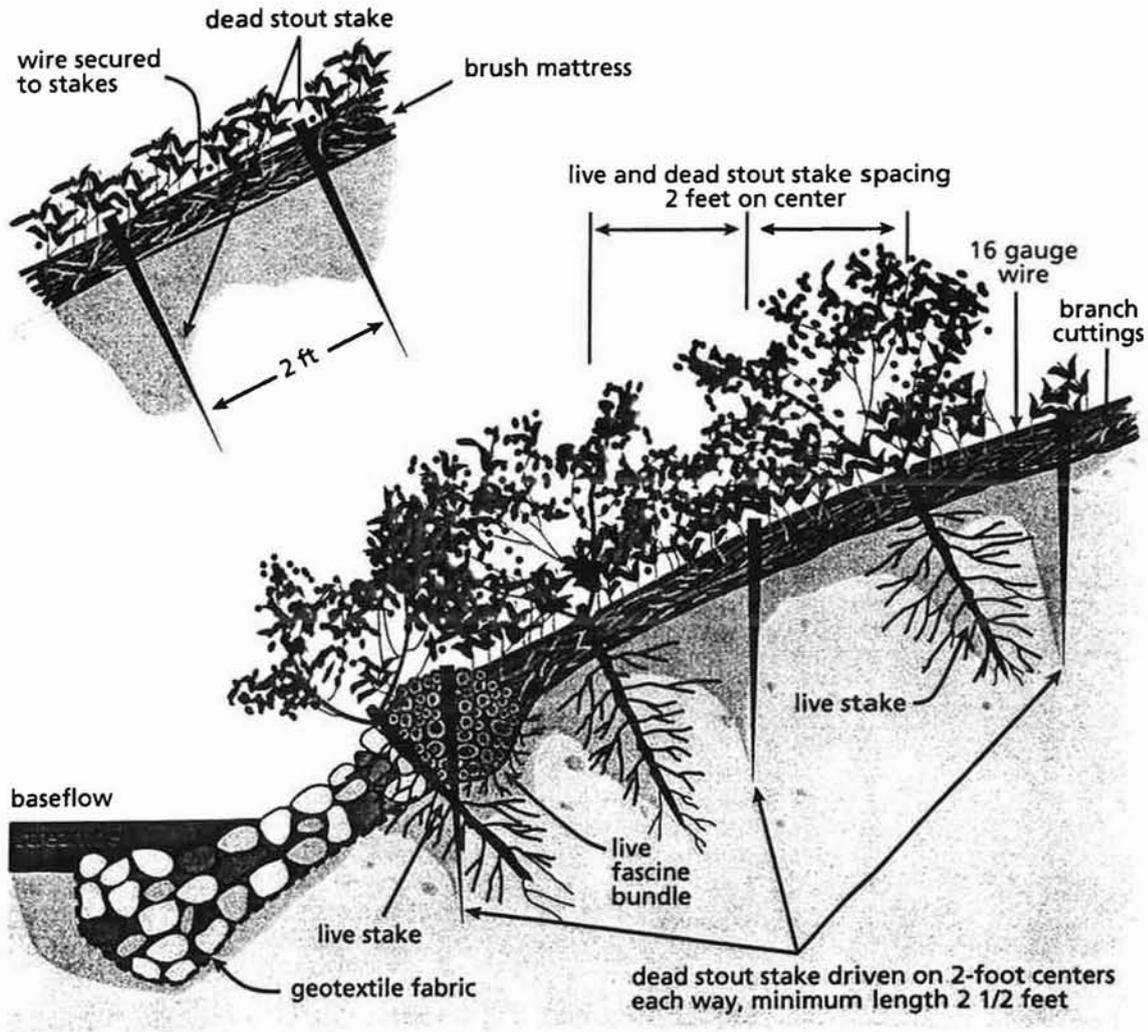


Figure 8.40: Cutting systems. Details of brushmattress technique.

Source: USDA-NRCS 1996a.

Note: Rooted/leafed condition of the living plant material is not representative at the time of installation.



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### 14. FLOODING

Comments relating to this issue were received from the following entities and individuals:

Bureau of Land Management

Allen                      Langner

*a. The lack of FEMA maps is not an adequate response.*

Potential impacts from flooding were a concern during the comment period on the previous draft. In response to those concerns, a Hydrology and Flood Plain Study (Denio and Associates, 1999) was completed to "... investigate the existence and severity of flood hazards in and near (the project area) ..." (Denio, p. 3) and to evaluate the flood hazards associated with the proposed RV Park. The Hydrology and Flood Plain Study determined flows for floods with recurrence intervals of 10, 25, 50 and 100 years and determined the 100 year flood plain boundaries using flood elevations calculated at a series of cross-sections on Clearwater Creek. The results of the flood plain boundary calculations were checked against historical information and physical evidence. The Study determined that the 100 year flood would stay within the main channel banks of Clearwater Creek; the main impact from high flow events would not be overtopping of the banks into the existing floodplain area, but hazards resulting from channel erosion and streambank instability. As a result of those conclusions, streambank stabilization measures were included in the revised DEIR. Land Use Policy 5 and Natural Resource Conservation Policy 2 have also been amended to require 30 foot setbacks from the top of the bank instead of 10 foot setbacks. The Hydrology and Floodplain Study determined that the proposed development is not within the floodplain and no unreasonable risks of flood damage to people and/or property would result from the project.

### 15. VISUAL/SCENIC VALUES

Comments relating to this issue were received from the following entities and individuals:

Desert Survivors/Strauss

Sierra Club, Toiyabe Chapter

Andres	Langner	Roland	Wheeler
Burch	Luster	Strauss	Whitmore
Inouye	McClaskey	Vahey	

*a. Significant Visual Impacts.*

Several comments noted that the project would create significant visual impacts which were not adequately addressed in the EIR. The EIR notes that:

"Although the project has been designed to avoid or minimize potential visual impacts, any new development on the floor of the existing canyon, the proposed overhead powerline, and/or the single family residences, will result in visual impacts. A number of policies and design features have been incorporated into the Specific Plan to avoid potential visual impacts and to mitigate potential impacts to a less than significant level; however, the project will still result in significant visual impacts. Visual impacts will be significant and unavoidable because any development in the currently undeveloped project area will have some visual consequences."

(Bodie Hills RV Park SP/EIR, Significant Unavoidable Environmental Effects in Chapter V, Impact Summary)

*b Statement of Overriding Considerations.*

Several comments incorrectly implied that a Statement of Overriding Considerations had already been adopted for the revised project. In 1997, the Planning Commission recommended approval of the original Specific Plan with modifications and recommended adoption of a Statement of Overriding Considerations upon finding the project would result in significant unavoidable visual impacts. The Board of Supervisors then considered the project but took no action; i.e. no Statement of Overriding Considerations has been adopted for the project.

In the decisionmaking process on the revised project, the Planning Commission and, ultimately, the Board of Supervisors, will need to adopt, reject, or modify proposed alternatives and mitigation measures and may then need to make a finding that the project will result in significant unavoidable impacts. If such a finding is made and the project is approved, the Board will need to adopt a Statement of Overriding Considerations at that time.

*c If the project is approved, the following mitigation measures should be required:*

- *Underground all utilities.*
- *Components located out of the canyon (leach fields, houses, water tank) should not create visual impacts from the Bodie Road, Hwy. 395, or adjacent public lands.*
- *There should be additional setbacks from the Bodie Road to prevent visual impacts.*

The Board of Supervisors will consider these suggestions during the decisionmaking process on the SP/EIR. As noted above in Item a, the EIR concludes that although the project has been designed to avoid or reduce potential visual impacts, the project will still result in significant unavoidable visual impacts.

*d. Lighting should be minimized and shielded. Use of lampposts should be limited to the store area and the wattage should be very low. A light curfew is strongly recommended--a visible night sky is an essential component of Mono County's natural wealth (Comment letter from McClaskey).*

Design Guideline Policy 5 in the Specific Plan states that:

"Exterior lighting shall be designed and maintained to minimize the effects of lighting on the surrounding environment. Exterior lighting shall be limited to that necessary for health and safety purposes. High intensity outdoor lighting shall be avoided or shielded."

Design Guideline Policy 6 in the Specific Plan requires lamps in the lampposts to be low intensity lighting. The Project Description notes that two illuminated monument signs along Hwy. 270 " ... will feature indirect lighting from incandescent lamps located under a rustic wood shake roof (SP/DEIR p. 25) in conformance with the Mono County Sign Ordinance (Mono County Zoning and Development Code 19.35.040 B). During subsequent review and monitoring of the project, County staff will consider the placement of lighting fixtures, wattages, and shielding, to ensure that the lighting complies with Specific Plan policies.

## 16. GENERAL PLAN CONSISTENCY

Comments relating to this issue were received from the following entities and individuals:

California State Park Rangers Association  
Desert Survivors/Drumm  
Desert Survivors/Strauss  
Sierra Club, Toiyabe Chapter

Crickmore	Langner
Ellis	Luster
Inouye	Roland

- a. *The project is inconsistent with the General Plan, specifically with the provision that higher intensity uses may be permitted outside community areas if it can be demonstrated that the use directly relies on unique on-site resources (Mono County Land Use Element, Objective A, Policy 3).*

Several comments felt that the proposed use did not rely on unique on-site resources, i.e. on the project's unique location on the primary access road to Bodie State Park. These comments will be considered by the Board of Supervisors during the decisionmaking process on the project.

Although the Revised DEIR discusses General Plan requirements concerning higher intensity uses outside of community areas (Relationship of Specific Plan to Mono County General Plan, Revised DEIR, p. 7), upon closer review of the General Plan, those requirements are not applicable to the project. While the project is not a low-intensity use as defined by the General Plan, "e.g. open space, agricultural, resource management", it is not a higher-intensity use, "e.g. industrial, resource extraction, large-scale resort" (Land Use Element, Objective A, Policy 3). In addition, a large percentage of the project site (approximately 142 acres out of the 155 acre site) will remain as undisturbed open space, and therefore a low-intensity use.

- b. *The project is inconsistent with the General Plan, specifically with the following minimum findings required for higher intensity uses outside of existing community areas:*

1. *Permanent open space preservation is provided;*
2. *The development would not adversely affect existing or potential farming, ranching, or recreational operations;*
3. *Development is clustered, concentrated or located to avoid adverse impacts to cultural resources;*
4. *Development is clustered, concentrated or located to maintain the visual quality of the area;*
5. *Adequate public services and infrastructure for the proposed development are available or will be made available;*
6. *The development protects and is compatible with the surrounding natural environment and rural character of the area;*
7. *Housing is limited to that necessary to maintain the development; and*
8. *The development avoids or mitigates potential significant environmental impacts as required by Mono County General Plan policies and the California Environmental Quality Act (CEQA).*  
*(Mono County Land Use Element, Objective A, Policy 3, Action 3.1)*

Comments focused particularly on Items 1, 3, 4, 6, 7, and 8.

Item 1: Permanent open space is provided by designating the Clearwater Creek channel as Open Space/Natural Habitat Protection (Land Use Policy 5, Natural Resource Conservation Policy 2). That designation has been amended so that recreational use of the creek is no longer allowed (Land Use Policy 6); the only uses allowed are bridges and temporary stream crossings. Permanent open space is also provided by designating the remainder of the parcel not used for development (approximately 142 acres out of the 155 acre site) as Rural Resort/Resource Conservation Passive Recreation (Land Use Policy 4). A limited number of uses specified in the Specific Plan are allowed in that designation; Land Use Policy 4 has been amended to allow no other uses in that designation, thereby

- preserving the remainder of the parcel (approximately 90 percent of the total parcel) for natural habitat and open space uses.
- Item 3: The development has been located to avoid significant impacts to cultural resources. See the discussion in this Chapter under Cultural Resources.
- Item 4: The development has been clustered on approximately 13 acres of the 155 acre site to maintain the visual quality of the area to the greatest extent possible. However, any development in the area will create visual impacts. See the discussion in this Chapter under Visual/Scenic Values.
- Item 6: The development has been designed to protect and be compatible with the surrounding natural environment and rural character of the area. See the Design Guidelines and Natural Resource Conservation policies in the Specific Plan.
- Item 7: Housing is limited to that necessary to maintain the development. The applicant estimates that 11 employees will be required for the project at buildout. The 2 two-bedroom single family residences and 2 RV spaces reserved for employees will provide space for 6 employees. See the discussion in this Chapter under Employee Housing.
- Item 8: The development avoids or mitigates potential significant environmental impacts as required by Mono County General Plan policies and the California Environmental Quality Act (CEQA). The only potential significant environmental impact identified as unavoidable is visual impacts although mitigation reduces visual impacts. See Chapter IV, Environmental Analysis, and Chapter V, Impact Summary, in the Specific Plan/EIR.

**17. CULTURAL RESOURCE ISSUES**

Comments relating to this issue were received from the following entities and individuals:

Bureau of Land Management  
 Desert Survivors/Strauss  
 Sierra Club, Toiyabe Chapter

Allen	Jarrett	Langner	Wheeler
Andres	Kane	Sawers	Whitmore
Burch	Knopp	Strauss	

*a. Appendices distributed with the SP/DEIR identified the location of cultural resource sites. This was done in error; undistributed copies were corrected as soon as the error was discovered.*

*b. The proposed development will create adverse impacts to the 22 known archaeological sites in the area.*

The Specific Plan requires the development to avoid impacts to identified archaeological sites by avoiding development in those areas. A cultural resource survey was conducted on the project site by a qualified archaeologist (see Farrell and Burton, **An Archaeological Survey of the Proposed Bodie Hills RV Park, Mono County, California**, in Appendix B). Approximately 130 acres of the 155 acre site were examined; the only areas not examined were " ... cliffs at the western and eastern ends of the project area, judged too steep to safely examine" and " ... the small area [of the parcel] which lies west of Highway 395, within the Dogtown site" (Farrell and Burton, p. 11). Twenty archaeological sites (including 3 previously recorded sites ) and 43 isolates were recorded within the survey area (Farrell and Burton, p. 11). Two other previously recorded sites extend into the parcel but would not be affected by the project (Farrell and Burton, p. 11). The survey concludes the following:

1. Five sites and the 43 isolates do not meet the CEQA definition of a significant cultural resource; these require no further archaeological work under the CEQA guidelines. Two additional sites likely meet the CEQA definition of significant but would not be affected by the project.
2. "The remaining 15 sites would require further work to allow a fair assessment of their data potentials and hence significance. However, further work is recommended only for those sites susceptible to damage as a result of the proposed project" (Farrell and Burton, p. 25). The sites potentially impacted by the project, either directly or indirectly, are limited to five sites, primarily north of Clearwater Creek and Hwy. 270. Although these sites require further testing, the Archaeological Survey indicates that limited testing would be necessary (Farrell and Burton, p. 26).

Based on the information included in the Archaeological Survey, the project was redesigned to avoid impacts to identified cultural resource sites. Specific Plan Natural Resource Conservation Policy 10 requires additional testing prior to development where development may cause direct or indirect impacts to cultural resources; that policy has been amended to clarify that the testing shall be conducted by a qualified archaeologist. If the testing determines that the identified sites qualify as significant sites under CEQA, the Specific Plan requires the project proponent to fund the preparation of a mitigation plan.

Natural Resource Conservation Policy 11 requires the project proponent to stop work and notify appropriate entities if additional archaeological evidence is discovered during earthwork activities. The proponent must then fund an archaeological resource mitigation plan.

*c. There is no proposed mitigation for visitors removing found artifacts from the site or from surrounding public lands.*

Prior to development, cultural resource sites on the project site will have been investigated in compliance with Natural Resource Conservation Policy 10 and any important information catalogued. In addition, the **Bodie Bowl Area of Critical Environmental Concern and Bodie Hills Planning Area: A Recommended Cooperative Management Plan** (Draft, 1994) contains the following policies:

Resource Protection and Enhancement Policies

Objective C: Reduce vandalism within the Bodie Hills Planning Area.

Policy 1: Visitor education is recognized as the primary deterrent to vandalism. BLM, State Parks and the County should continue to educate the public about the values at Bodie to help reduce vandalism.

Action 1.1: BLM will work with State Parks to develop interpretive kiosks or panels along the roads into Bodie to foster a better appreciation of Bodie Hills' values, and thereby lessen the threat of vandalism. The verbiage shall be positive, and include reference to respecting private lands within the area.

Action 1.2: Appropriate agencies will patrol the Bodie Hills during special permitted events and times of high visitor use such as hunting season, making visitor contacts and establishing a presence in the area.

These policies have been incorporated into the 1999 Draft Mono County General Plan Land Use Element Amendments and are hereby incorporated into the Bodie Hills RV Park Specific Plan/EIR.

*d. The SP/FEIR should require that a qualified archaeologist and a local Native American, knowledgeable in cultural resources, be onsite during construction to monitor activities.*

The Board of Supervisors will consider this comment during the decisionmaking process on the project. However, it should be noted that if, after the additional testing discussed in Item b above, the cultural resources on-site are determined not to be significant under CEQA, they may not require the suggested on-site monitoring.

## 17. EMPLOYEE HOUSING

### Comments relating to this issue were received from the following entities and individuals:

Desert Survivors/Strauss

Sierra Club, Toiyabe Chapter

Inouye	McClaskey
Langner	Roland
Luster	Whitmore

*a. The proposed housing (single family residences) exceeds the minimum amount of housing necessary to maintain the development.*

The estimated number of employees has been amended to more accurately reflect the number of employees necessary to operate the proposed development (see Employee Housing under Project Description in Chapter II, Project Description). Phase I of the project is estimated to require 7 employees total; Phases I and II are estimated to require 8 employees total; Phases I, II, and III are estimated to require 11 employees total. The 2 two-bedroom single family residences and 2 RV spaces reserved for employees will provide space for 6 employees, about half the estimated number of employees needed for the project at buildout.

*b. The single family residences will be visible from surrounding areas, including the adjacent Wilderness Study Area (WSA) and Hwy. 395 which is a scenic highway.*

The single family residences have been located to minimize their visibility from surrounding areas. Topography and existing vegetation will shield them from view from Hwy. 270, however, they may still be visible from Hwy. 395 and from surrounding public lands. The EIR notes that:

"Although the project has been designed to avoid or minimize potential visual impacts, any new development on the floor of the existing canyon, the proposed overhead powerline, and/or the single family residences, will result in visual impacts. A number of policies and design features have been incorporated into the Specific Plan to avoid potential visual impacts and to mitigate potential impacts to a less than significant level; however, the project will still result in significant visual impacts. Visual impacts will be significant and unavoidable because any development in the currently undeveloped project area will have some visual consequences."

(Bodie Hills RV Park SP/EIR, Significant Unavoidable Environmental Effects in Chapter V, Impact Summary)

*c. The impact of the single family residential construction is not adequately considered in the EIR.*

The EIR addresses development of the single family residences when considering potential impacts to wildlife, cultural resources, visual impacts, water resources, etc.. The single family residences are a permitted use subject to the approval of a Use Permit (Land Use Policy 4). To avoid or minimize potential impacts, Specific Plan policies require the single family residences to comply with minimum development standards specified in the Specific Plan; additional

## **Bodie Hills RV Park SP/FEIR**

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development standards may be imposed as conditions of Use Permit approval (Land Use Policy 4).

*d. The number and size of the single family residences is excessive and does not provide a natural buffer between the developed area and surrounding public lands.*

The single family residences are limited to a maximum area of 2,050 square feet each and will both be located within the 11,000 square foot building envelope identified in Figure 4A in the Specific Plan (Land Use Policy 4). Permanent open space, and a natural buffer area, is provided by designating the remainder of the parcel not used for development (approximately 142 acres)

as Rural Resort/Resource Conservation Passive Recreation (Land Use Policy 4). A limited number of uses specified in the Specific Plan are allowed in that designation; Land Use Policy 4 has been amended to allow no other uses in that designation, thereby preserving the remainder of the parcel (over 85 percent of the total parcel) for natural habitat and open space uses.

### **19. WILDERNESS STUDY AREA (WSA)**

#### **Comments relating to this issue were received from the following entities and individuals:**

Desert Survivors/Drumm  
Desert Survivors/Strauss  
Sierra Club, Toiyabe Chapter

Allen	Benham	Inouye	Langner
Andres	Carlton	Kane	Sawers

#### *a. Impacts to Adjacent WSA.*

Several letters erroneously noted that there is an "existing wilderness area" adjacent to the project; there is a Wilderness Study Area (WSA) located immediately to the north of the project parcel on public lands managed by the Bureau of Land Management (BLM). Comment letters noted that impacts to the adjacent WSA would likely happen as a result of the project's implementation and that the project would affect existing recreational opportunities on the WSA lands.

In response to these concerns, it is noted that in 1976 the BLM initiated wilderness studies as a result of the 1976 Federal Land Policy and Management Act. The BLM Bishop Resource Area studied 274,865 acres in 17 different areas in Inyo and Mono Counties and determined that only a portion of one area in Southern Inyo County (28,291 acres) was suitable for designation as wilderness. As a result, the BLM recommended to Congress in 1991 that the remaining acreage in Inyo and Mono Counties be released for non-wilderness uses. Without further action by Congress, these areas will continue to be managed to preserve wilderness values. The California Desert Protection Act (1994) designated 40,000 acres of the total 274,865 acres contained in WSAs in Inyo and Mono Counties as wilderness.

In 1999, the Mono County Board of Supervisors approved Resolution 99-61, "Supporting the Release of the Eighteen Bureau of Land Management Wilderness Study Areas in Inyo and Mono Counties", including the WSA located to the north of the project site.

Since the area is not a designated wilderness, and BLM studies concluded that the site is not suitable for wilderness designation, the project is not considered to significantly impact "wilderness" recreational opportunities on adjacent public lands. Existing recreational opportunities which may occur on adjacent public lands, such as sightseeing, camping, mountain biking, hunting, will continue to be available. Because the proposed development is sited along the Hwy. 270 corridor in the central portion of the parcel, it is buffered from the WSA by the

Rural Resort/Resource Conservation Passive Recreation (RU/RCPR) designation proposed in the Specific Plan.

**20. LAND EXCHANGE**

Comments relating to this issue were received from the following entities and individuals:

Desert Survivors/Drumm  
Desert Survivors/Strauss

Andres	Haye	Knopp	Whitmore
Benham	Kane	Mandelbaum	

*a. BLM exchange lands.*

Several comments encouraged the project proponent to pursue a land exchange with the BLM and noted that the proponent's attempts to do so ten years ago were not an adequate response at this time.

The project site is not identified for exchange in the BLM's Resource Management Plan. There are public lands managed by the BLM identified for exchange in the Bridgeport vicinity; those lands are mostly adjacent to the Bridgeport Indian Colony and are being pursued for exchange by the Bridgeport tribe. A land exchange would require an additional planning process and it would be speculative to analyze whether an unknown exchange site would reduce identified impacts to a less than significant level.

An exchange site in the vicinity of Bridgeport would also not fulfill the project goal of providing convenient services to the Bodie visitor; a substantial number of those visitors approach Bodie from the south and go no further north than Bodie. Similarly, an exchange site in the vicinity of Lee Vining would not serve those visitors who approach Bodie from the north and go no further south than Bodie.

The project proponent is open to purchase or exchange of his property, however, nothing has worked out so far. The BLM and State Parks recently tried to purchase the property but were unable to raise the necessary funds.

*b. Collaborative Planning Team Land Exchange Program*

"In view of the intense disapproval of this project, why have the landowners of the project area for the development of an RV Park not taken advantage of the team?" (Comment letter from Whitmore)

The Collaborative Planning Team is in the process of developing a Master Land Adjustment Strategy for the County; that process will not be completed for some time. The focus of that effort is not individual projects.

**21. ALTERNATIVES**

Comments relating to this issue were received from the following entities and individuals:

Desert Survivors/Strauss

Andres	Mandelbaum
Jarrett	Sawers
Kane	Strauss

*a. The DEIR should include a no project alternative. Document should have adopted a no project alternative.*

As required by CEQA, the DEIR already includes a No Project Alternative (see Alternative 1--No Project under Project Alternatives in Chapter V, Impact Summary, of the Revised Draft SP/EIR). An EIR does not "adopt" a project alternative but is required to present alternatives for informational purposes. It is the role of the Board of Supervisors, during the decisionmaking process on the SP/EIR, to adopt, reject, or modify proposed alternatives and mitigation measures for the project.

*b. There should be a reduced project alternative with all the development on the north side of Hwy. 270.*

CEQA requires an EIR to describe "... a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." (CEQA Guidelines Section 15126.6).

A reduced project alternative with all of the development on the north side of Hwy. 270 is infeasible given the topography of the site and the limited areas available for development there. In addition, it would not "... feasibly attain most of the basic objectives of the project" and would create additional potential environmental impacts (e.g., additional grading). A reduced project alternative is discussed under Alternative 2--Reconfigured Project on the Same Site under Project Alternatives in Chapter V, Impact Summary, of the Revised SP/EIR.

*c. The revised analysis never made a serious consideration of alternatives, as is required by the General Plan.*

CEQA requires an EIR to describe "... a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." [CEQA Guidelines Section 15126.6 (a)].

In compliance with CEQA, the alternatives analysis in the Revised SP/EIR discusses a range of reasonable alternatives, including the required No Project Alternative. An EIR is not required to be speculative in its analysis or to address every possible alternative to the project [CEQA Guidelines Sections 15126.6 (c) and 15126.6 (f)(3)].

## **22. UNDESIRABLE PRECEDENT FOR DEVELOPMENT IN UNDEVELOPED AREA**

### Comments relating to this issue were received from the following entities and individuals:

Desert Survivors/Strauss

Andres	Mandelbaum
Berham	Wheeler
I. Crickmore	Whitmore
Langner	

*a. The project sets a precedent for similar properties in the Bodie Hills to develop and a dangerous precedent toward leap-frog commercial development in this area.*

Additional parcels in the Bodie Hills are currently designated Resource Management (RM) in the 1993 Land Use Element of the General Plan, and are proposed for designation as Agriculture (AG) with a Transfer of Development Credits Program in the 1999 Amendments to the Land Use Element (see Figure 2B, Vicinity Plan-Bodie Hills Planning Area).

management consideration because of the presence of natural hazards in the area, such as avalanche prone areas, earthquake faults, flood hazards, or landslide or rockfall hazards. The RM designation allows 1 dwelling unit per 40 acres along with a secondary unit.

The AG designation and the Transfer of Development Credits Program proposed in the 1999 Amendments to the Land Use Element were developed by the Bodie Area Planning Advisory Committee. The intent of the AG designation is to preserve and encourage agricultural uses, to protect those uses from becoming subject to urban development, and to provide for the orderly growth of activities related to agriculture. The Transfer of Development Credits Program assigns a certain number of development credits to each parcel based on an established formula; this supercedes the density of 1 dwelling unit per 2.5 acres and a secondary unit allowed by the General Plan on AG parcels. The formula for assigning Development Credits is included in the Bodie Hills land use policies under Objective I (see 1999 Draft Revised Land Use Element, p. 60).

Each development credit (DC) permits the construction of one single family residence. Development credits may be transferred to parcels as small as one acre in size. Development credit parcels should be clustered as follows:

- adjacent to existing residential development if feasible.
- with a buffer established in consultation with adjacent agricultural landowners.
- to avoid steep slopes and fault hazard areas.
- to avoid wetlands and areas subject to flooding.
- away from visually sensitive areas, such as ridgelines or along scenic highways.
- to minimize impacts to wildlife, including migrating deer.
- to minimize impacts to cultural resource sites.
- proximate to existing access and utilities if feasible.
- on soils of sufficient structural and sanitary waste disposal capabilities.

Private land within the Bodie Hills is dispersed. Going easterly from the project site, the Bodie Road (Hwy. 270) runs through the corner of a 640 ac parcel (19 DC), then through the center of much of another 640 acre parcel (19 DC), several miles closer to Bodie the road runs through the center of several adjacent smaller parcels which total 235 acres (4 parcels, 17 DC total). The cluster of parcels closest to Bodie was designated Rural Resort (RU) in the Bodie Area Plan; the designation was changed to AG in the 1999 LU Element at the request of the landowner.

Several miles south of Bodie Road in the Bodie Hills, there are two groups of adjacent parcels; one group of 3 parcels totals 240 acres (15 DC), other group of 2 parcels totals 320 acres (14 DC). Several miles north of the Bodie Road in the Bodie Hills, there are several small parcels, 80 acres (5 DC), 40 acres (4 DC), 2 adjacent parcels which total 320 acres (14 DC), two adjacent parcels which total 192 acres (11 DC) , and two adjacent 80 acre parcels (10 DC). These are not the only private parcels in the Bodie Hills, but they are the closest to the Bodie Road and the project site.

As noted in the Specific Plan/DEIR, while there are additional private lands in the Bodie Hills, they are widely dispersed, and in most cases not on the Bodie Road. If the parcels remain RM, their use will be limited to non-developed uses unless a Specific Plan is approved. If the proposed AG designation is approved, additional agriculturally oriented development could occur. Leap-frog commercial development is unlikely to occur since the land is not designated for commercial uses. Any proposal for land use designation amendments would also be subject to environmental review.

## **Bodie Hills RV Park SP/FEIR**

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### **23. PROJECT IS OUT OF SCALE WITH ENVIRONS**

Comments relating to this issue were received from the following entities and individuals:

Allen  
Carlton

Haye  
Langner

Luster

*a. The proposed development is too large and out of scale with Bodie.*

The development is not adjacent to Bodie and is not trying to compete with or emulate Bodie. The purpose of the project as stated in the Specific Plan is to "... provide a mix of over-night accommodations and services for the Bodie visitor in a rustic environment that complements the historic character of Bodie State Historic Park and the setting and natural resources in the area.'

*b. The proposed development is too large for the site given the constraints of the site and the minimum buffer requirements necessary to adequately protect state and federal water quality standards. The project should be downsized to fit the site.*

Water quality concerns are addressed in the Water Quality section above. The project has been downsized to better fit the site; 7 RV spaces and a maintenance building have been removed from the project design, and all of the RV spaces between Hwy. 270 and Clearwater Creek have been removed. In addition, the setback from the top of the banks of Clearwater Creek has been increased to 30 feet instead of 10 feet.

*c. Comparisons of the proposed development at Willow Springs and Virginia Creek Settlement are inappropriate.*

The reference to existing development at Willow Springs and Virginia Creek was included only to indicate that there is existing commercial/resort development fairly close to the project site and that travelers from the north would have just passed through that development before entering the Bodie Road. The reference was not intended to compare the proposed development to the existing development.

### **24. PROJECT/PERMIT APPROVAL PROCESS**

Comments relating to this issue were received from the following entities and individuals:

Allen  
Langner

*a. It is an unnecessary burden on the public to review and monitor each phase. There should be an opportunity for public review if there are changes to the project.*

The public has the opportunity to comment on the project at various stages during its planning and development. It is the County's responsibility, through the Planning Commission, the Board of Supervisors, and various County Departments, to provide review and monitoring of the project throughout its development.

*b. The County is hiding behind future permits, plans, and ongoing permit review.*

The development process is an ongoing process. The project is now in the planning stages; if the Specific Plan is approved, the project proponent must then apply for a number of specific permits to develop the project. Those permits are listed in Chapter I, Introduction, of the SP/EIR. The ongoing permit review mentioned in the Mitigation Monitoring Plan indicates that the County intends to monitor the development on an on-going basis to ensure that the project is in compliance with its permit conditions.

c. *Only agency engineers should sign off on construction, grading, water etc..*

County departments are responsible for approving construction, grading, water development, etc.

**25. TRAFFIC**

Comments relating to this issue were received from the following entities and individuals:

Allen	Langner
Benham	Vahey
Inouye	Whitmore

a. *Traffic safety issues.*

These letters state that the project will create traffic safety issues. Traffic safety emerged as a concern during the previous comment period for the SP/EIR. As a result, a Traffic Impact Study was performed for the project by a traffic engineering firm (Crenshaw Traffic Engineering. **Traffic Impact Study: Bodie Hills RV Project.** February, 1999). That study recommended several minor project changes which have been incorporated in the Revised Draft SP/EIR. It concluded that there were adequate areas for turning, and that the overall traffic volumes expected to be generated from the project will not be significant (see Transportation/Traffic in Chapter IV, Environmental Analysis, of the SP/EIR).

**26. COMMENTS FROM PREVIOUS DRAFT**

Comments relating to this issue were received from the following entities and individuals:

Desert Protective Council  
Desert Survivors/Strauss

Allen	Langner
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a. *County chose to ignore comments in previous draft.*

Revisions made to the Bodie Hills RV Park Specific Plan/EIR were based on comments received during the prior comment period as well as comments presented during the public hearings before the Planning Commission and the Board of Supervisors. All comments received during the previous comment period have been included in the EIR (see Chapter VII, EIR Comments & Responses); every attempt has been made to address all comments when possible.

b. *Incorporating comments from previous DEIR.*

Several comment letters incorporated comments from the previous DEIR. Responses were prepared for individual letters when a commenting entity referred to its own prior comments (e.g. Bureau of Land Management comment letter). Attempts to incorporate the prior comments of third parties are noted but are necessarily affected by the resubmission of the recirculated EIR and the County's responses thereto.

**27. APPROVAL OF THE PROJECT**

Comments relating to this issue were received from the following entities and individuals:

Appleton	Bell	Pasky
Aurich	Langford	Shreve

## **Bodie Hills RV Park SP/FEIR**

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The letters noted above, including one from the project engineer (Langford) on behalf of the project proponents, are in favor of the project.

RESPONSES TO LETTERS FROM AGENCIES AND ORGANIZATIONS

The following section contains responses to comment letters from the following entities:

**Federal Agencies**

Bureau of Land Management (BLM): Steve Addington, Field Office Manager, Bishop, California.

**State and Local Agencies**

California Department of Fish and Game (DFG): Alan Pickard, Senior Biologist Supervisor, Bishop, California.

California Department of Transportation (Caltrans): Robert Ruhnke, IGR/CEQA Review, Bishop, California.

Cal/EPA Lahontan Regional Water Quality Control Board (Lahontan): Cindy Wise, Environmental Specialist IV, Acting Lead, Southern Watersheds Unit, South Lake Tahoe, California.

**Organizations**

California Native Plant Society (CNPS): Stephen Ingram, Vice-President, CNPS Bristlecone Chapter, Swall Meadows, California.

California State Park Rangers Association (CSPRA): Nicholas Franco, President, Sacramento, California.

Desert Protective Council, Inc. (DPC): Douglas Allen, Valley Center, California.

Desert Survivors (DS): Kelly Drumm, Esq., San Francisco, California.

Desert Survivors (DS): Emilie Strauss, Bodie Task Force Chair, Berkeley, California.

Eastern Sierra Audubon Society (ESAS): Jim and Debbie Parker, Eastern Sierra Audubon Board Members, Bishop, California.

Sierra Club, Toiyabe Chapter (SC): John Walter, Conservation Chair, Range of Light Group, Reno, Nevada.

The comment letters are reproduced in their entirety. Comments are identified and responses to those comments follow in *bold and italicized print*.

**United States Department of the Interior**

**BUREAU OF LAND MANAGEMENT**

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Bodie Hills RV Park  
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***BLM Bishop Field Office comments on Revised Bodie Hills RV Park Specific Plan and EIR***

Thank you for the opportunity to comment on the revised Draft Environmental Impact Report (DEIR). The revision addressed several of the concerns expressed in our comment letter responding to the original DEIR. However, other serious concerns regarding the project's potential effects on the surrounding public land have not yet been adequately addressed.

**Wildlife**

The DEIR does not include an analysis of potential effects on sage grouse, a California state species of special concern.

The document incorrectly cites Terry Russi of our staff and Ron Thomas of California Department of Fish and Game as stating that the sage grouse lek nearest to the proposed site is 4 miles away in Bridgeport Canyon. Our letter noted that there are 2 leks within 2 miles of the site. Terry and Ron both confirm that the nearest known lek is 1 1/2 mile from the site; another is at a distance slightly greater than 1 1/2 mile. Please correct this information throughout your document and in your responses to comments, and revise your analysis of potential impacts on wildlife accordingly, including a detailed analysis of potential impacts on sage grouse.

Our own 1999 Resource Management Plan prohibits discretionary actions on public lands within 2 miles of a lek that would adversely affect sage grouse during the nesting season, from May 1 to June 30. Protection of a 2-mile (3.2km) radius is also recommended in new draft sage grouse management guidelines proposed for adoption by BLM throughout the West. If this same standard is not met on the private land at the proposed site, the sage grouse populations breeding on public land are likely to be affected. An RV park at the site would eliminate potential nesting and brood rearing habitat and would likely lead to increased disturbance by visitors and their dogs, horses, etc. on the surrounding public land. Effects on hens and broods could include direct mortality, mortality due to physiological stress and reduced reproductive success.

*See the response under Item 4--Sage Grouse in the previous section of this chapter.*

## Hydrology

Our earlier comment letter stated our concerns regarding flood events and the potential for increased erosion affecting Clearwater Creek on public lands upstream and downstream from the project site. Your response states that "the project is not in a FEMA flood hazard zone," but as your document indicates on page 85, this is only because FEMA has not mapped the area because it has been hitherto undeveloped. Also, we do not consider the proposed 10 foot setback to be adequate for RV sites in any part of that reach of Clearwater Creek; and your response does not address the erosional effects of increased levels of other uses we cited. Our earlier comments still stand.

*Potential impacts from flooding were a concern during the comment period on the previous draft. In response to those concerns, a Hydrology and Flood Plain Study (Denio and Associates, 1999) was completed to "... investigate the existence and severity of flood hazards in and near (the project area) ..." (Denio, p. 3) and to evaluate the flood hazards associated with the proposed RV Park. The Hydrology and Flood Plain Study determined flows for floods with recurrence intervals of 10, 25, 50 and 100 years and determined the 100 year flood plain boundaries using flood elevations calculated at a series of cross-sections on Clearwater Creek. The results of the flood plain boundary calculations were checked against historical information and physical evidence. The Study determined that the 100 year flood would stay within the main channel banks of Clearwater Creek; the main impact from high flow events would not be overtopping of the banks into the existing floodplain area, but hazards resulting from channel erosion and streambank instability. As a result of those conclusions, "soft" streambank stabilization measures are included. Land Use Policy 5 and Natural Resource Conservation Policy 2 have also been amended to require a 30 foot setback from the top of the streambanks, instead of the proposed 10 foot setback. The Hydrology and Floodplain Study determined that the proposed development is not within the floodplain and no unreasonable risks of flood damage to people and/or property would result from the project.*

## Vegetation

Page 42 (k) - No plans exist for horse corrals and it is unclear whether appropriate plant and wildlife surveys have been completed that include these structures. Add, "All horse feed must be certified weed-free."

*Land Use Policy 4 permits corrals and stables as accessory structures for the single-family residences and notes that they shall be located within the 11,000 square foot building envelope identified in Figure 4A of the Specific Plan. The building envelope area has been surveyed for plants and wildlife. The comment concerning weed-free horse feed will be considered during the decisionmaking process on the project.*

Page 60 (c) - Change to, "No soil amendments shall be used within native revegetation areas, except for natural mulch as specified in section 'e'". Use of native stockpile soil (section f) will provide the appropriate soil matrix necessary for native plant growth.

*Natural Resource Conservation Policy 6 (c) has been amended as suggested above.*

Page 80 - 4th paragraph - Because Paulus (1998) did not relocate existing locations of *A. cobrensis* that Bagley located in 1997 does not support the assumption that this population is "no longer of concern for the proposed development," since Paulus could have missed the exact location of the population and/or phenology was different than in 1997. We recommend that a buffer of 500 ft. be established around the documented location of *Arabis cobrensis* and that NRC Policy 7 section "a" be applied.

## **Bodie Hills RV Park SP/FEIR**

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*Item # 3 under Plant Life--Potential Impacts and Mitigation in Chapter IV, Environmental Analysis has been amended as follows:*

*"The project has been designed to avoid potential impacts to rare and endangered plant species, specifically Bodie Hills cusickiella and Masonic rock cress, by avoiding development in and adjacent to area with identified populations of ~~that~~ those species. The SP calls for flagging of identified populations ~~and the establishment of a buffer zone from construction activities (NRC Policy 7).~~"*

*The discussion concerning rock cress in the Plant Life section of Chapter IV, Environmental Analysis, of the EIR (p. 68 in the Revised DEIR) has been amended as follows:*

*"~~Since~~ Although evidence of the Masonic rock cress, identified by Bagley as potentially occurring on the north-facing canyon wall above the southeastern RV spaces, was not found during more extensive surveys of that area in 1998, a year which favored the growth of herbaceous plants, ~~it may be assumed that that population no longer exists and is not of concern for the proposed development~~ the project has been designed to avoid the identified location of the rock cress."*

Page 80 - Potential Impacts and Mitigation # 3 - Add *Arabis bodiensis*.

*See previous response.*

General NRC Policy 7: No non-site specific fill materials should be used because of the likelihood that invasive weeds could be brought into the site from other areas. If fill from off-site is required due to lack of on-site material the project proponent will be required to ensure that the fill is free of non-native plant material, e.g. seed, stems, etc., and will be required to monitor fill areas for invasion of non-native plants and be responsible for subsequent eradication of these species. See attached list for weed species of concern.

*Non-site specific fill materials are not proposed for the project. The suggestions concerning off-site fill materials will be considered during the decisionmaking process on the project.*

Equipment used for above described activities as well as the construction of the power line will be required to be cleaned pre- and post-project to minimize the risk of non-native seed transport. The power line ROW will also require monitoring and eradication of any non-native species to minimize the risk of invasive species to adjacent native plant community buffers.

*The suggestions concerning non-native seed transport will be considered during the decision-making process on the project.*

### **Cultural Resources**

Twenty-two known archaeological sites occur in and near the project area. On page 120, the DEIR states that "...15 sites would require testing to determine their significance, while two previously recorded significant sites would not be impacted by the project."

The DEIR addresses direct impacts as a result of the project but does not take into account indirect impacts. The proposed RV park will increase visitation and use of the area which may cause impacts to sites as a result of casual collecting or "degradation of archaeological resources from increase population..." (Farrell and Burton 1996:iii). To comply with CEQA, indirect impacts should be addressed and mitigation measures outlined. It is recommended that all sites be evaluated for significance prior to project implementation.

*See responses under Cultural Resources in the previous section of this chapter.*

**Conclusion**

In view of the concerns stated in this letter, and given the current level of analysis and mitigation measures addressing these concerns, we believe there is a serious potential for the proposed project to have a negative impact on public land resources.

Please continue to keep us informed regarding this proposal.

Sincerely,

Steve Addington  
Field Office Manager  
Enclosure: List of Noxious Weeds

## **Bodie Hills RV Park SP/FEIR**

List of Noxious Weeds for consideration in the Bodie Hills RV Park SP/EIR. An \* denotes species of immediate concern that could occur be encountered in fill sites and be transported by heavy equipment to the proposed project sites.

<b>Scientific Name</b>	<b>Common Name</b>
* <i>Cardaria draba</i>	Hoary cress
<i>Carduus nutans</i>	Musk thistle/Nodding thistle
* <i>Centaurea diffusa</i>	Diffuse knapweed
* <i>Centaurea maculosa</i>	Spotted knapweed
* <i>Centaurea repens</i>	Russian knapweed
* <i>Centaurea solstitialis</i>	Yellow starthistle
* <i>Centaurea virgata</i> var. <i>squarrosa</i>	Squarrose knapweed
* <i>Chodrilla juncea</i>	Rush skeletonweed
* <i>Cirsium arvense</i>	Canada thistle
<i>Crupina vulgaris</i>	Common crupina
<i>Cynoglossum officinale</i>	Houndstongue
<i>Euphorbia esula</i>	Leafy spurge
* <i>Halogeton glomeratus</i>	Halogeton
<i>Hypericum perforatum</i>	St. Johnswort/Klamath weed
<i>Isatis tinctoria</i>	Dyer's woad/Marlahan mustard
* <i>Lepidium latifolium</i>	Perennial Pepperweed
* <i>Linaria dalmatica</i>	Dalmatian toadflax
* <i>Lythrum salicaria</i>	Purple loosestrife/Lythrum
<i>Myriophyllum spicatum</i>	Eurasian or spiked water-milfoil
* <i>Onopordum acanthium</i>	Scotch thistle
<i>Potentilla recta</i>	Sulfur cinquefoil
* <i>Salsola tragus</i>	Russian thistle
* <i>Taeniatherum caput-medusa</i>	Medusahead
<i>Tamarix ramosissima</i>	Saltcedar
* <i>Tribulus terrestris</i>	Puncture vine

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF FISH AND GAME  
Inland Deserts-Eastern Sierra Region  
Bishop Field Office  
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September 25, 1999

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Mono County Planning Department  
P. O. Box 347  
Mammoth Lakes, CA 93546

Dear Mr. Burns:

The Department of Fish and Game (Department) has reviewed the Revised Bodie Hills RV Park Specific Plan and Draft EIR. The proposed project includes the construction of an RV park, motel, and campground adjacent to Clearwater Creek located on a 13-acre portion of a 155-acre parcel at the southeast intersection of U.S. 395 and S.R. 270.

Although we appreciate the effort to reduce project impacts by eliminating eleven RV spaces between Bodie Road and Clearwater Creek, we remain concerned with the proposed project's potential impacts to riparian habitat and its associated wildlife species, and to migratory mule deer. As such, our earlier comments of November 3, 1997, remain and are incorporated here by reference.

Specifically, we believe a 30-foot buffer from the riparian habitat is the minimum which should be allowed for any land-altering activities and improvements. Riparian areas have been identified as the single most critical habitat for conservation of neotropical migrant and resident birds in California. Riparian ecosystems harbor the most species-rich avifaunas found in the arid and semiarid portions of the western United States. The loss of riparian habitats has been suggested as the most important cause of population decline among landbird species in western North America. In addition to productive breeding grounds, riparian habitat provides vital overwintering and migration stopover areas (Draft Riparian Bird Conservation Plan, 1998).

The California Riparian Habitat Joint Venture (CRHJV) is a collaborative effort involving over 16 state, federal and private organizations dedicated to the conservation and protection of riparian habitat in order to protect, enhance and recover California's resident and migratory birds. One of the accomplishments of the CRHJV has been the development of the Draft Riparian Bird Conservation Plan. This plan contains an array of recommendations for use by land managers, researchers, and planners, when implementing projects that could impact riparian habitat and associated landbirds.

An additional accomplishment has been the completion of two years of a three-year study to document songbird use of riparian habitats in the eastern Sierra/western Great Basin region (Heath and Ballard, Point Reyes Bird Observatory, 1999). This study monitored songbird use at seven sites within the Mono Basin and Bridgeport area, as well as 20 additional sites in Mono and Inyo Counties. During the 1998 field season, riparian habitats in the Mono Basin and Bridgeport area supported 119 bird species. Of the fourteen species which CRHJV has identified as high priority, five were found to be breeding in Mono Basin and Bridgeport riparian areas (warbling vireo, Swainson's thrush, yellow warbler, song sparrow, and black-headed grosbeak). An additional three species were present but were not confirmed as breeders (willow flycatcher,

## **Bodie Hills RV Park SP/FEIR**

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common yellowthroat, and Wilson's warbler). These data suggest that the riparian habitat found within the project area could very likely be important to riparian associated songbirds.

Conservation of these wildlife species involves not only protection of the riparian habitat but adjacent uplands as well. The proposal to implement a ten-foot buffer between the riparian vegetation and project developments is not adequate to protect the habitat. Human disturbance adjacent to the riparian habitat can have significant impacts on bird use and breeding activity within the riparian habitat. In certain situations avian productivity of a site can decline over time due to human disturbance adjacent to the site, although vegetation structure and species presence does not change. The importance of intact secondary (also defined as nonbreeding or nonpreferred) habitats near breeding areas may be critical to the maintenance of healthy songbird populations. Adjacent habitats are often used by juveniles after fledging or for surplus by nonbreeding adults. Several riparian-preferring species, including the warbling vireo and black-headed grosbeak, will also commonly nest in upland habitats adjacent to riparian zones. In addition, areas contiguous with upland habitats may have reduced parasitism and predation (Draft Riparian Bird Conservation Plan). The Draft Bird Conservation Plan also states that campgrounds or picnic areas located within a riparian corridor or buffer zone can be detrimental to birds because they support and attract brown-headed cowbirds and predators that can then affect reproductive success. For these reasons, we continue to recommend that a minimum 30-foot buffer be established between the riparian habitat and any project-associated developments.

*This information is hereby incorporated in the EIR. See the responses under Songbirds/Migratory Birds in the previous section of this chapter. Land Use Policy 5 and Natural Resource Conservation Policy 2 have been amended to require 30 foot setbacks instead of the proposed 10 foot setbacks.*

The Department has direct authority under Fish and Game Code Section 1600 regarding any proposed activity which would divert, obstruct or affect the natural flow or change the bed, channel, or bank of any river, stream or lake. Department jurisdiction under Section 1600 often applies to lands within the 100-year floodplain of a river, stream, creek, etc. or its associated watershed. Early consultation is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. The construction crossings and installation of bridges referenced in the document all appear to require consultation with the Department.

*The Specific Plan recognizes that a Stream Alteration Permit may be required for the project and requires the completion of that permit process prior to the development of Phase I of the project (Natural Resource Conservation Policy 3; Phasing Policy 5).*

Our earlier comments regarding the allowable use within the wildlife corridor and impacts to other wildlife species stand as submitted.

Thank you for the opportunity to comment on the Draft EIR for the Bodie Hills RV Park Specific Plan. If you have any questions, please call Ms. Denyse Racine at (760) 872-1158.

Sincerely,  
Alan Pickard  
Senior Biologist Supervisor

cc: Darrell Wong  
Denyse Racine

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION, AND HOUSING AGENCY GRAY DAVIS, *Governor*

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**DEPARTMENT OF TRANSPORTATION**

DISTRICT 9

500 S. Main Street

BISHOP, CA 93514

Phone (760) 872-0659

Fax (760) 872-0678

September 1, 1999

File: MNO-270-1.0

Mr. Scott Burns, Director  
Mono County Planning Department  
P.O. Box 347  
Mammoth Lakes, California 93546

Re: Revised Bodie Hills RV Park Specific Plan and EIR

Thank you for the opportunity to review and comment on the following proposed project. Our review indicates the following:

Encroachment permits are required for all work performed inside State right-of-way, and all driveways accessing State Facilities must conform to CALTRANS standards. There should not be any fixed objects within 32' of the highway centerline and no marked crosswalks will be allowed. A minimum of 8' paved shoulders is required and a closure gate may be needed.

Please call me at (760) 872-0689 if you have any questions about these comments.

Sincerely,

Robert Ruhnke  
IGR/CEQA Review

*The Specific Plan/EIR requires the project proponent to obtain a Caltrans Encroachment Permit prior to the development of Phase I of the project (Phasing Policy 5).*

**California Regional Water Quality Control Board  
Lahontan Region**

Internet Address: <http://www.mscomm.com/rwqcb6>  
2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150  
Phone (530) 542-5400 • FAX (530) 544-2271

September 28, 1999

Scott Burns, Project Planner  
Mono County Planning Department  
P.O. Box 347  
Mammoth Lakes, CA 93546

Dear Mr. Burns:

COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE  
BODIE HILLS RV PARIC REVISED SPECIFIC PLAN, CLEARWATER CREEK  
WATERSHED, EAST WALKER RIVER HYDROLOGIC UNIT (HU# 630.00), Mono County, SCH#  
97012031

Staff of the California Regional Water Quality Control Board, Lahontan Region (RWQCB) have reviewed the above-referenced DEIR. The proposed project includes the construction of a new park, store/motel complex, rental cabins, campground, laundromat/shower building, and employee residences on portions of a 155 acre parcel adjacent to Highway 270 (the Bodie road) near the intersection of Highway 395.

General comments

The RWQCB will be a responsible agency for this project under the California Environmental Quality Act (CEQA). Staff of the RWQCB will evaluate the project for compliance with provisions of the Water Quality Control Plan for the Lahontan Region (Basin Plan). The project as described in the DEIR may require: (1) Clean Water Act Section 401 Water Quality Certification (for stream crossings and any wetlands disturbance); (2) an NPDES stormwater permit (for construction projects exceeding five acres in size); and (3) issuance or waiver of waste discharge requirements pursuant to the California Water Code (for other potential impacts to water quality). We have requested a report of Waste Discharge from the project proponents in a letter dated February 27, 1998. To date, we have not received the Report of Waste Discharge or the additional information we requested from the project proponents.

*The Specific Plan notes that the project may require a 401 permit and a NPDES permit (see Permits Required in Chapter I, Introduction) and requires the applicant to obtain any necessary permits prior to the development of Phase I of the project (Natural Resource Conservation Policy 14; Phasing Policy 5). The Report of Waste Discharge is generally prepared as part of the NPDES permitting process and will be supplied by the applicant during that permitting process.*

Water quality issues related to this project include potential impacts due to disturbance of wetlands, discharge from septic tanks and associated leach fields, erosion/stormwater discharges, disposal of well-drilling spoils and test water, and risk of spills. After carefully reviewing and considering the contents of the DEIR, we conclude that the DEIR is insufficient for our use as a responsible agency, and will need to be supplemented to constitute an adequate CEQA document. We have the following specific comments:

Specific comments

**NOTE:** *Responses to Items 1, 2, 3, 4, and 8 below were prepared with the assistance of Dennis Lampson, Mono County Environmental Health Department, Environmental Specialist IV.*

1. The project is located on both sides and immediately adjacent to Clearwater Creek a tributary to Virginia Creek, which drains into the East Walker River and Bridgeport reservoir. The DEIR needs to be supplemented to acknowledge that Bridgeport reservoir is listed, under Section 303(d) of the federal Clean Water Act (CWA), as "impaired" due to cumulative inputs of sediment and nutrients. RWQCB staff have begun the process as required by the CWA, of developing Total Maximum Daily Loads (TMDLs) for Bridgeport Reservoir. The TMDLs for Bridgeport Reservoir will likely require significant reductions in inputs of sediment and nutrients to Bridgeport Reservoir.

Bridgeport Reservoir is experiencing ongoing violations of at least eleven water quality objectives contained in the Basin Plan (e.g., ammonia, total nitrogen, total phosphorus, total dissolved solids, dissolved oxygen, turbidity, temperature, pH, biostimulatory substances, floating materials, taste & order). Many of the violations are due to accelerated eutrophication caused by cumulative nutrient inputs from the watershed. In addition to the ongoing violations of water quality objectives, significant adverse impacts to beneficial uses (i.e., fish kills, nuisance conditions associated with algae blooms, etc.) are also occurring at Bridgeport Reservoir due to the effects of accelerated eutrophication.

The DEIR needs to be supplemented to include a careful analysis of the potential for this project to contribute to the cumulative sediment and/or nutrient loading to Bridgeport Reservoir or its tributaries. Any increase in sediment or nutrient loads to tributaries of Bridgeport Reservoir should be considered cumulative impacts to water quality.

*"A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g. water quality plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency."*

*[CEQA Guidelines Section 15064 (i)(3)]*

*It is acknowledged that Bridgeport Reservoir is experiencing ongoing water quality violations as identified above. There may be multiple sources of pollution; the primary cause being, most likely, increased organic nutrients in the tributaries of Bridgeport Reservoir. The proposed Bodie Hills RV Park (i.e. the septic system design and other project design components) has been designed to comply with the Water Quality Control Plan for the Lahontan Region (Basin Plan) in order to avoid potential impacts to Bridgeport Reservoir or its tributaries, such as cumulative sediment and/or nutrient loading. Specific Plan policies (Natural Resource Conservation Policies 13, 14) require compliance with the Basin Plan:*

*"The project shall comply with all applicable water quality standards and water quality measures of the Lahontan Regional Water Quality Control Plan." (Bodie Hills RV Park SP/EIR, Natural Resource Conservation Policy 13)*

*In addition, the Specific Plan/EIR has been amended to require a Grazing Management Plan (Land Use Policy 4) should grazing occur on-site, and to prohibit recreational use of the stream*

## Bodie Hills RV Park SP/FEIR

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*corridor from 30 feet north of the top of the north bank to 30 feet south of the top of the south bank (Land use Policies 5,6; Natural Resource Conservation Policy 2). These amendments will further reduce potential impacts from the project.*

*Overall, potential impacts to water quality from the proposed project are negligible primarily because of the limited scope of the project, the eight-mile separation from the proposed project to Bridgeport Reservoir, and the insignificant impact to Clearwater Creek, a tributary of the Bridgeport Reservoir. The proposed Bodie Hills RV Park is required to comply with the Water Quality Control Plan for the Lahontan Region (Basin Plan) and thus the impacts from the discharge of sewage to onsite disposal systems will be reduced to less than significant. The project's potential incremental contribution to cumulative sediment and/or nutrient loading is not cumulatively considerable since the project will comply with adopted standards in the Lahontan Water Quality Control Plan (Basin Plan).*

2. The DEIR proposes that all sewage and wastewater generated by the development (e.g., restrooms, sewage dump stations, showers, laundromat) would be discharged to several septic tank and leach field systems. This poses the potential to increase cumulative nutrient loads to receiving waters, including Bridgeport Reservoir. The potential for cumulative nutrient loading from leach field discharges (and other nutrient sources) must be carefully evaluated. The DEIR lacks such analyses, and contains insufficient evidence to support the conclusion (p 113) that the project will not contribute to cumulative impacts. In contrast, given the proximity of probable nutrient sources to Clearwater Creek, the project may in fact pose the potential to significantly exacerbate the cumulative nutrient loading to receiving waters.

*The Bodie Hills RV Park is not located within or near a public sewer district; the use of individual septic tanks and leach fields is appropriate for the proposed uses identified in the DEIR. RV holding tank waste will not be discharged within the proposed project; campers with RV holding tank waste will be directed to discharge their waste at a RV dump station in the town of Bridgeport that is connected to a public sewer. The Mono County Health Department has been given the authority by the Regional Water Quality Control Board (RWQCB) per Memoranda of Understanding to review, process and permit land developments that only discharge domestic waste; the proposed project falls within the permitting authority of the local agency. The siting of individual sewage disposal systems for the proposed project will comply with the "Criteria for Individual Waste Disposal Systems" in the Basin Plan. The proposed sewage disposal leaching trenches will meet all minimum setbacks and will be sited in soils that comply with the Basin Plan for standard design systems. The project's potential incremental contribution to cumulative nutrient loading is not cumulatively considerable since the project will comply with adopted standards in the Lahontan Water Quality Control Plan (Basin Plan).*

3. Three of the four proposed septic leach fields are located approximately 100 feet from Clearwater Creek. It is not clear from the drawings contained in the DEIR (i.e., Figures 3 and 4) whether these leach fields comply with the minimum siting criteria contained in the Basin Plan. Because the scale of the drawings was reduced for publication in the DEIR (and no revised scale is provided), the distance of the leach fields from Clearwater Creek cannot be verified. Although the figures do identify a "creek 100' offset," the Basin Plan's minimum criteria require that leach fields be sited at least 100 feet from the line which defines the limit of the 100-year frequency flood. We will need additional information (e.g., system design information, design flows, capacity, soil test results, detailed location and floodplain maps) to determine whether the proposed leach fields meet the Basin Plan's minimum criteria for siting waste disposal systems. It is crucial to note that the criteria discussed here are minimum criteria. Because of the substantial concerns regarding cumulative impacts of nutrients on receiving waters, the potential for nutrient inputs from systems meeting these minimum criteria must also be evaluated in detail (see comments #1 and #2, above). The RWQCB may place conditions on, or prohibit the discharge of waste, if the analysis of potential nutrient inputs indicates that the proposed septic discharges

may cause or exacerbate violations of water quality objectives in receiving waters or impair present or future beneficial uses of water. Chemicals typically found in RV waste may deem the waste unsuitable for disposal or treatment in a septic/leach field system. We recommend you consider a contained holding tank and then transporting the waste elsewhere for treatment, or the installation of suitable treatment onsite.

*As noted in the response to Item 2 above, RV waste will not be disposed of on-site. Individual sewage disposal systems for domestic waste are reviewed, permitted and regulated by the local agency. Health Department staff has spent considerable time working closely with the project engineer to site individual sewage disposal systems so they meet the minimum standards identified in the Basin Plan. All proposed individual sewage disposal systems will be required to meet the minimum siting requirements of the RWQCB. The 100-year flood plain follows the stream channel and does not exceed the top of the stream bank (see Denio and Associates Engineering, Hydrology and Flood Plain Study for Bodie Hills RV Park, February, 1999). The proposed sewage disposal systems have been sited a minimum of 100 feet from the top of the banks of Clearwater Creek. The Mono County Health Officer will assure compliance with water quality standards identified in the Basin Plan and local ordinances. The impacts to water quality and tributaries of the Bridgeport Reservoir from this project will be less than significant based upon meeting minimum siting criteria identified in the Basin Plan.*

4. Potential sources of nutrients in addition to sewage and wastewater must also be evaluated in order to estimate the total cumulative nutrient loading from this proposed development. Potential sources of nutrients include sediment, fertilizers, solid wastes, pct wastes, and livestock wastes.

Sediment. Particles of sediment often contain nutrients that can be dissolved and contribute to accelerated eutrophication. Potential sediment sources include erosion of streambanks and stormwater runoff. Sediment inputs are discussed below in greater detail.

Fertilizers. Two irrigated lawns are proposed near the motel and cabin areas. Because of the proximity to Clearwater Creek, the DEIR should be supplemented to evaluate and mitigate the potential for nutrient inputs from lawn fertilizers.

Solid wastes. Solid wastes containing nutrients (e.g., trash, garbage) may become scattered and reach surface waters if trash collection facilities are not wildlife-proof. The DEIR states that, "A screened dumpster area will be provided near the general store. Fourteen garbage cans with lids will be placed throughout the RV and camping areas. All trash facilities will be designed to resist wildlife access". The term "wildlife-resistant" is not defined. Because the project area may contain habitat for black bears, and because black bears are capable of obtaining and scattering trash from many types of "wildlife-resistant" receptacles, we recommend that you consider a mandatory mitigation measure requiring that all trash facilities be "bear proof." The DEIR should also disclose where solid wastes will ultimately be disposed, and how it will be transported to the disposal location(s).

Pet wastes. Metabolic (body) wastes from pets contain nutrients that may contribute to accelerated eutrophication. We could not locate in the DEIR any discussion of where pet relief areas will be located, or how they will be designed and managed to mitigate the potential for nutrient inputs to Clearwater Creek.

Livestock wastes. Domestic stock animals can contribute nutrients to water courses via inputs of metabolic wastes and/or inputs of sediment from grazed areas. The DEIR states that livestock grazing will be permitted in the project area, but it does not provide details regarding where this activity will occur how it will be mitigated and/or limited to avoid inputs of nutrients to surface waters The DEIR should be supplemented to incorporate this information, including the location and design specifications for any proposed confined animal facilities (e.g., stables).

*"A lead agency may determine that the incremental impacts of project are not cumulatively considerable when they are so small that they make only a de minimus contribution to a significant cumulative impact caused by other projects that would exist in the absence of the proposed project. Such de minimus incremental impacts, by themselves, do not trigger the obligation to prepare an EIR. A de minimus contribution means that the environmental conditions would essentially be the same whether or not the proposed project is implemented."*

*[CEQA Guidelines Section 15064 (i)(4)]*

*Potential sources of nutrients, in addition to water and sewage, may have a limited impact. The Basin Plan does not define a standard for the sources identified as sediment, fertilizers, solid waste, pet wastes, and livestock wastes. The impacts from these sources are expected to be negligible and are not measurable. For example, the impacts from pet wastes are de minimus in comparison to the thousands of cattle grazed in the Bridgeport Valley. In addition, the Specific Plan contains policies and design measures to avoid or minimize potential impacts from the noted sources, i.e.:*

*Sediment Impacts:*

*Cut and fill is limited to specified areas and revegetation of disturbed areas with native species is required (Design Guidelines Policy 8; Natural Resource Conservation Policies 5, 15).*

*No uses, other than the proposed bridges, are allowed within the open space corridor along Clearwater Creek, from 30 feet north of the top of the north bank to 30 feet south of the top of the south bank (Land Use Policies 5, 6; Natural Resource Conservation Policy 2). Land Use Policy 6 has been amended to prohibit recreational use in the corridor.*

*The Specific Plan contains performance standards to minimize temporary impacts to the stream channel associated with bridge construction (Natural Resource Conservation Policy 3).*

*The Specific Plan contains performance standards to avoid or minimize channel and streambank erosion (Natural Resource Conservation Policy 16). This policy has been amended to allow additional measures for streambank restoration/stabilization and habitat enhancement if so desired by the applicant with appropriate permits.*

*Solid Waste:*

*Infrastructure Policy 8 requires on-site dumpsters and trash cans to be "wildlife resistant" and the waste disposal facilities to be maintained regularly. Dumpsters and trash cans will be bear proof. Solid waste will be disposed of in the Bridgeport Landfill/Transfer Facility, located approximately one mile north of the town of Bridgeport and 10 miles north of the project site. Trash cans will be emptied into the dumpsters and the dumpsters will be hauled to the landfill by a commercial waste disposal company.*

*Pet Wastes:*

*Pets on-site are expected to be an incidental uses and impacts from them minimal. No uses, other than the proposed bridges, are allowed within the open space corridor along Clearwater Creek, from 30 feet north of the top of the north bank to 30 feet south of the top of the south bank (Land Use Policies 5, 6; Natural Resource Conservation Policy 2). Land Use Policy 6 has been amended to prohibit recreational use in the corridor.*

Livestock Wastes:

*The Specific Plan has been amended to require a Grazing Management Plan (Land Use Policy 4) should grazing occur on-site. There are no planned equestrian uses on-site; equestrian use is expected to be incidental and impacts minimal.*

*It should be noted for all of the above potential impacts that the proposed use is a small-scale, seasonal use.*

5. The DEIR states that Clearwater Creek has incised 4 to 10 feet from the original elevation of the valley bottom. This downcutting has resulted in unstable sections of streambank which are overly steep and actively eroding. The typical channel response to such downcutting is to widen over time until the stream can re-establish a meandering pattern within its new channel. The DEIR should be supplemented to incorporate an analysis by an expert fluvial geomorphologist regarding the adequacy of the proposed 30-foot setback from Clearwater Creek. For example, the setback should be wider than 30 feet wherever the creek is likely to widen further in order to achieve dynamic equilibrium. Simply sloping the existing vertical banks to a 2:1 slope as proposed in the DEIR does not assure that further widening will not occur. If development activities are allowed to occur too close to the existing (or "sloped") banks, and lateral erosion threatens any newly developed areas, the project proponents will have substantial incentive to harden (i.e., riprap) the banks, which often causes additional erosion and streambank instability in adjacent and/or downstream areas. The potential for further lateral erosion (channel widening) should be carefully evaluated by a qualified fluvial geomorphologist, and adequate setbacks incorporated into the project design to ensure that development does not occur where there exists a likelihood that future channel widening will threaten developed areas, thereby encouraging the proponents to seek intensive engineering solutions that will cause further erosion problems in the future.

*See the response under Clearwater Creek/Streambank Stabilization in the previous section of this chapter. The 30 foot setback is a "floating" setback, i.e. if the creek moves, the setback will also move so that it always remains 30 feet (see Specific Plan Land Use Policy 5). The setback will be monitored annually in the spring before the resort opens and uses that intrude within the 30 foot setback will either be moved or discontinued.*

6. The DEIR proposes construction of gravel-surfaced roadways and parking areas that will drain to Clearwater Creek, but provides no specifications for gravel surfacing. The DEIR should be supplemented to specify the type and minimum depth of gravel surfacing in order to ensure adequate mitigation of potential erosion and sedimentation from road and parking surfaces. This specificity is necessary because the research literature documents little or no sediment reduction from road surfaces where thin layers of gravel (i.e., <4-6 inch lift, depending on gravel diameter) are applied.

*The applicant is proposing to utilize a 4" thick Class III aggregate base or other materials as required by stormwater requirements or the Mono County grading requirements.*

7. The "performance standards" for revegetation (p. 50) are very subjective, repeatedly relying on terms such as "where necessary" and "as soon as possible." These standards are open to wide interpretation and do not provide reasonable assurance that revegetation efforts will be successfully implemented. These performance standards should be revised and supplemented to incorporate objective specifications.

*Natural Resource Conservation Policy 6, which contains revegetation performance standards for the project, has been amended to establish revegetation compliance goals. See the discussion under Plants in the previous section of this Chapter.*

## Bodie Hills RV Park SP/FEIR

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8. Jurisdictional wetlands may exist on the site, but a wetlands delineation has apparently not been performed. Information regarding wetlands will need to be provided as discussed in our comments dated October 6, 1997, and all provisions of the Basin Plan regarding wetlands will have to be followed, as described in our comments dated January 30, 1997. In addition, Clean Water Act Section 401 Water Quality Certification will be required if the Army Corps of Engineers determines that a federal permit is necessary.

*According to the Mono County Wetlands Study (1992), there are no identified wetlands on the project site. Moreover, development activities, including the proposed construction and development of water and sewage disposal systems will not be located in any wetlands. If determined that the project will impact wetlands, full compliance with the Storm Water Act, Section 401 Water Quality Certification will be required (Natural Resource Conservation Policy 13; Phasing Policy 5).*

9. The DEIR states that indirect impacts to riparian wetlands from recreational use will be avoided by constructing a fence and placing signs saying "Please Keep Out" along unspecified sections of the banks of Clearwater Creek. However, the DEIR also calls for an unspecified number of signs directing patrons to an unspecified number of access routes to the creek. Therefore it is likely that significant levels of recreational uses will occur in the riparian area. The DEIR should be supplemented to provide an analysis of the type and level of impacts that will occur to riparian wetlands and soils due to recreational uses.

*The Specific Plan has been amended to prohibit recreational use of the creek corridor (Land Use Policy 6).*

10. The DEIR states (p. 77) that a vegetation management plan will be developed at some future unspecified date in order to "remove buildups of vegetation from the stream channel which are impeding stream flows." The potential impacts to wetland and riparian resources from such vegetation removal should be evaluated, and mitigation specified, in this DEIR. It does not seem appropriate to forego the analysis and specification of mitigation measures to some later date for an activity that poses the potential to significantly affect riparian/wetlands functions and values.

*Natural Resource Conservation Policy 16 has been amended to remove the reference to the vegetation management plan and to allow additional stream restoration and enhancement measures intended to both stabilize the streambanks and enhance riparian functions and values.*

Please supplement the DEIR as indicated in these comments, and provide copies of all environmental and decision documents to me at the letterhead address. We look forward to working with you and your staff as you plan your project to protect water quality. Please call Tom Suk at (530) 542-5419 if you have any questions regarding this letter.

Sincerely,  
Cindy Wise, Environmental Specialist IV  
Acting Lead, Southern Watersheds Unit

Cc: Mosie Boyd, State Clearinghouse  
Emily Strauss

TS/pswt: bodie-rv  
(pending (Mono Co.) Bodie Hills RV Park

**Subject:** Bodie Hills RV Park  
**Date:** Wed, 29 Sep 1999 14:06:15 -0700  
**From:** ingram@telis.org (Stephen Ingram and Karen Ferrell-Ingram)  
**To:** monocounty@qnet.com

Mono County Planning Dept.  
P.O. Box 347  
Mammoth Lakes, CA 93546

Sept. 29, 1999

Dear Planning Department,

On behalf of the Bristlecone Chapter of the California Native Plant Society, I want to thank you for addressing some of our earlier concerns with the proposed Bodie Hills RV Park Draft EIR. The additional plant surveys were critical, and the finding of a large population of Bodie Hills cusickiella within the powerline corridor necessitates avoiding the population. In addition to flagging the population and an adjacent buffer zone, we recommend monitoring the construction there to make sure this population of rare plants does not become negatively impacted.

*The Specific Plan/EIR does require monitoring during the construction period to ensure that the project is in compliance with approved conditions and mitigation measures (see Mitigation Monitoring Program, Chapter VI).*

However, even if avoiding the current population, it is likely that adjacent soil disturbance associated with the powerline construction will promote the invasion of weedy species. We recommend that the developers control weeds in all impacted areas for the next three or four years. We sincerely believe it would be in the developer's best interest to control weeds, especially at the interface with wildlands.

*The suggestions concerning weed control will be considered during the decisionmaking process on the project.*

Although the survey of Masonic rock cress near the southeastern RV spots failed to prove the 1998 occurrence of this species, it is incorrect to conclude that "that population no longer exists," nor is it right to conclude that it is "not of concern to the proposed development." Masonic rock cress was there in "poor" condition in 1996, and will possibly appear again when conditions are favorable. A wet spring is not a guarantee that all seeds in the soil seedbank will germinate and grow and be visible to a surveyor. It is obviously possible that the population here is gone, but it is definitely not a certainty. I have done surveys which have shown plant populations to fluctuate dramatically from one year to the next, and all a survey can do is represent the flora present at one point in time.

It would be prudent to treat the southeastern RV spaces as if Masonic rock cress were present, and avoid impacting the area adjacent to this population. Thank you.

*Item # 3 under Plant Life--Potential Impacts and Mitigation in Chapter IV, Environmental Analysis has been amended as follows:*

*"The project has been designed to avoid potential impacts to rare and endangered plant species, specifically Bodie Hills cusickiella and Masonic rock cress, by avoiding development in and adjacent to area with identified populations of ~~that~~ those species. The SP calls for flagging of*

*identified populations and the establishment of a buffer zone from construction activities (NRC Policy 7)."*

*The discussion concerning rock cress in the Plant Life section of Chapter IV, Environmental Analysis, of the EIR (p. 68 in the Revised DEIR) has been amended as follows:*

*"Since Although evidence of the Masonic rock cress, identified by Bagley as potentially occurring on the north-facing canyon wall above the southeastern RV spaces, was not found during more extensive surveys of that area in 1998, a year which favored the growth of herbaceous plants, ~~it may be assumed that that population no longer exists and is not of concern for the proposed development~~ the project has been designed to avoid the identified location of the rock cress."*

Sincerely,

Stephen Ingram  
Vice-President  
CNPS Bristlecone Chapter  
140 Willow Road  
Swall Meadows, CA 93514

September 28, 1999

Mono County Planning Department  
P. O. Box 347  
Mammoth Lakes, CA 93546

Re: Revised Bodie Hills RV Park Specific Plan and Draft EIR

Dear Mono County,

The California State Park Rangers Association (CSPRA) is an organization of park professionals dedicated to advancement of the highest principles of public service, and established to support, protect, and defend the integrity of California State Parks for present and future generations. CSPRA has reviewed the proposed project and recommends that Mono County adopt Alternative 1, the No Project Alternative.

Mono County, California State Parks and the Bureau of Land Management (BLM) have all protected this area for many years, recognizing the tremendous national historic value of Bodie. CSPRA has been actively involved for more than a decade in the effort to protect Bodie. CSPRA initiated the successful Save Bodie effort when the town and the surrounding area were threatened by proposed open pit mining activity. The people of Mono County, the state and the nation, responded and Bodie was saved. The proposed project, like the earlier mining project, would irreparably damage the sense of place and the inspirational value of this national historic site. Once again, it is time for the County to join with others in protecting this irreplaceable national treasure by opposing the proposed Bodie Hills RV Park.

*See responses to Bodie Experience in the previous section of this chapter.*

The General Plan requires the Specific Plan to insure that adequate permanent open space is provided; that the development will not adversely affect recreational operations; that development is clustered, concentrated or located to avoid adverse impacts to cultural resources and to maintain the visual quality of the area; and that the development protects and is compatible with the surrounding natural environment and rural character of the area. The project fails to meet these criteria. Additionally, the General Plan allows rural resort uses on private lands within the Bodie Hills Planning Area as long as the use does not detract from the Bodie Experience. This project clearly detracts from the Bodie Experience.

*See responses to Bodie Experience in the previous section of this chapter.*

The project objective is to provide a mix of over-night accommodations and services for the Bodie visitor in a rustic environment that complements the historic character of Bodie State Historic Park and the setting and natural resources in the area. CSPRA questions if this objective is needed or wanted by the Bodie visitor and knows that, if needed, it should be located near already developed areas. The project will detract from, not complement, the character and setting of Bodie State Historic Park.

*See responses to Bodie Experience in the previous section of this chapter.*

This project relies on the "unique on-site resources" to justify its location. There are many existing service providers in and near Bridgeport which currently serve the Bodie visitor without compromising the site. The "unique resource" is Bodie State Historic Park itself, a registered National Historic Landmark receiving over 200,000 visitors annually. Bodie would be degraded by the proposed project because its development would degrade the remote and

## **Bodie Hills RV Park SP/FEIR**

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desolate historic setting which is so much a part of what makes Bodie a unique and wonderful place.

*See responses to Bodie Experience in the previous section of this chapter.*

The County has responded to most comments about the Bodie Experience by stating that the project's location at the beginning of the road, in a canyon and with a rustic appearance will minimize the unmitigated aesthetic impacts to the Bodie Experience. We strongly disagree with this assessment. All Bodie visitors must travel this road, so the project, while not visible from Bodie itself, will nevertheless be viewed by every Bodie visitor. A great and extremely important part of the Bodie Experience is the sense of travelling over both time and distance to the town. If the proposed project were approved this experience would be lost.

*See responses to Bodie Experience in the previous section of this chapter.*

The rustic appearance is contrary to every concept of appropriate historic treatment of sites. It is basic to preservation of historic resources that any modern development near those resources be clearly identified as non-historic structures. To do otherwise is to take away from the significance of the original structure. No longer can the visitor distinguish what is real and what is fake. The project would bring into question the authenticity of the structures at Bodie and cheapen the site. There is no reason to recreate Bodie architecture within this project; the original exists and will always be much better. Attaching the widely known, historic name Bodie to the proposed project would confuse the visitor and further cheapen the Bodie Experience.

*The Design Guidelines section of the Specific Plan have been amended to provide a rustic modern design which is as unobtrusive as possible and which blends into the surrounding environment as much as possible. This change is intended to avoid association with Bodie and to eliminate any possible misunderstanding concerning the nature of the development. The name "Bodie" is not exclusive to the townsite or the State Park; it refers also to the surrounding Bodie Hills. The project is named the "Bodie Hills RV Park" in reference to its location in the Bodie Hills.*

We question the economic viability of the proposed project. Its size and diversity of operation and the fact that it is seasonal all seem to us to be a recipe for failure. We don't need a modern ghost town at the entrance to Bodie, for it too would greatly detract from the historic setting and value of the site. The No Project Alternative is the best and surest way to prevent this possibility.

*See response to Financial Viability of Project in the previous section of this chapter.*

We have water quality concerns for the creek from the proposed RV hookups, vehicle operation and parking near the creeks. Many novice RV users fail to hook up and disconnect their sewer lines properly, resulting in many small releases of sewage which find their way into the water supply. Additionally, fertilizers, pesticides and hydrocarbons from leaking vehicles will pollute the creek and the ground water table degrading water quality.

*See responses to water quality concerns in the comment letter from the Lahontan Regional Water Quality Control Board.*

The economic health of Bridgeport and surrounding communities could be harmed if the proposed project were approved. First, they would be in competition with the new resort, and second, the degradation of the site by the development could reduce total visitation. This economic loss must be considered under CEQA if it is directly related to the environmental effects of the project. We ask that the county consider these effects.

*It does not appear that the project's fiscal effects have an impact related to environmental effects of the project as indicated under Section 15131 of the CEQA Guidelines. Therefore, no further discussion of economic effects is provided here.*

There has been significant public and private investment in the Bodie Experience through the cooperative efforts of State Parks, BLM, Mono County and the residents of nearby towns and, indeed, all of the residents of California. This investment has paid off in an economic benefit to Mono County, Bridgeport, and all of those who rely on heavy seasonal visitation for their livelihood. This investment has also allowed one of the nation's treasures to be appropriately preserved, interpreted and experienced by so many people from around the world. This rich heritage in such a cared for setting is what makes this place special. We urge you to once again take a firm stand for the protection and preservation of Bodie, for its priceless, unique and irreplaceable heritage, by adopting the no project alternative.

*These suggestions will be considered during the decisionmaking process on the project.*

Sincerely,

Nicholas Franco,  
President

cc: Mono County Board of Supervisors  
Honorable Thomas "Rico" Oller  
Honorable Tim Leslie  
Honorable Dianne Feinstein  
Honorable Barbara Boxer  
Honorable John Doolittle

*THE DESERT PROTECTIVE COUNCIL, INC.*  
A NON-PROFIT ORGANIZATION

P.O. Box 3635 ● SAN DIEGO ● CALIFORNIA 92163-1635

Comments on REVISED Bodie Hills RV Park  
SCH # 97012031, July, 1999

The Desert Protective Council, a 45-year old, national desert-oriented organization, reiterates its opposition to the approval of the Bodie Hills RV Park at the location proposed. The DPC urges the honorable Board of Supervisors to deny the project.

*This comment will be considered during the decisionmaking process on the project.*

There are many reasons for denial.

First and foremost are the many statements and concerns put forth by agencies and experts in the review of both the original Draft Environmental Impact Report and the Revised DEIR, July, 1999. Instead of attempting to summarize or restate all of these concerns, the DPC, by reference, incorporates all letters submitted by agencies and experts such as the

Bureau of Land Management  
California State Park & Recreation Department  
Department of Fish & Game  
Lahontan Regional Water Quality Control Board  
California Native Plant Society  
Desert Survivors  
Watershed Ecologist, A. Kieth  
and, others

*The attempt to incorporate the comments of third parties is noted and is necessarily affected by the resubmission of the recirculated EIR and the County's responses thereto.*

Secondly, the Bodie area lies in the southwest section of the Great Basin, one of the country's largest deserts. In addition, Bodie Bowl and its environs have been the subject of extensive state and federal actions and financial support generated by a very concerned public.

*This information will be considered during the decisionmaking process on the project.*

The proposed fake "Bodie Experience" RV Park is neither compatible nor complimentary to the wishes of Congress or the goals of agencies and supporting organizations.

*See response to Bodie Experience in the previous section of this chapter.*

Third, the DPC finds that the responses to comments and questions has been minimal. The overall appropriateness of this commercial RV Park at this location remains the fundamental issue. Obviously, the "No Action" action alternative has been rejected, en toto. Alternative 2 is being touted as the best alternative, having been scaled back some 20 feet to a line now about 30 feet from streamside, with control and mitigation resting in the future Specific Plan and administrative permits and "ongoing compliance review".

*See responses to Project/Permit Approval Process and Comments from Previous Draft in the previous section of this chapter.*

Please keep this organization on all mailing lists for the Specific Plan, amendments, etc.

Respectfully submitted,

Douglas W. Allen, President

## **Bodie Hills RV Park SP/FEIR**

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September 30, 1999

Via E-Mail & First-Class Mail

Mono County Planning Department  
P.O. Box 347  
Mammoth Lakes, CA 93546  
e-mail: monocounty@qnet.com

Re: Comments of Desert Survivors on Revised Bodie Hills RV Park Specific Plan and Environmental Impact Report

To Whom It May Concern:

Attached hereto are the comments of Desert Survivors on the Revised Draft Environmental Impact Report ("Revised DEIR") prepared for the Revised Bodie Hills RV Park Specific Plan ("the Project"). These comments are limited in scope to new information and revised text presented in the Revised DEIR, and as such, these comments are intended to supplement the November 7, 1998 comments submitted by Desert Survivors on the Project, which are herein incorporated by reference.

The Desert Survivors is an environmental group with approximately 900 members, which is headquartered in Oakland, CA. Members of the Desert Survivors have conducted over a half-dozen hiking excursions to the Bodie Hills for both recreational purposes and to assist BLM with various land management projects such as the installation of fencing to exclude livestock from springs, and the construction of check dams to minimize erosion.

Having reviewed the above-described documentation, it is the position of the Desert Survivors that the Revised DEIR is much improved over the original DEIR, being better organized, and easier to read. In addition, the inclusion of new studies on hydrology, vegetation, and traffic make the document much more informative. However, Desert Survivors believe that the Revised DEIR still fails to comply with the mandate of the California Environmental Quality Act ("CEQA"), Pub. Res. Code §21000, et seq. In particular, the Revised DEIR fails to comply with the requirements of Pub. Res. Code §21083.3, in as much as the Project is not consistent with the Mono County General Plan, and as such, tiering off the Mono County General Plan EIR (SCH #91032012) is inappropriate. The Revised DEIR also provides an inadequate cumulative impacts analysis with respect to power line placement, wetlands, and water quality/erosion issues on Clearwater Creek, and fails to provide the type of detailed information about the effect of the Project on the environment that is required by CEQA Guideline §§15162, 15164, 15180, 15168. In light of these deficiencies, the Revised DEIR fails to provide adequate mitigation measures for the impacts of the Project. Moreover, the Revised DEIR fails to discuss why less environmentally damaging alternatives are infeasible, as required by CEQA Guideline §15126(d), Pub. Res. Code §21100.

The Desert Survivors therefore believes the Revised DEIR should again be revised and recirculated with the inclusion of additional information and analysis, as described in the attached comments, in order to reveal to the public and agencies with decision-making authority over the Project the nature and extent of the impacts of the Project on the environment. Pub. Res. Code §21092.1, CEQA Guidelines §15088.5. The Desert Survivors appreciate the opportunity to comment on the Revised DEIR, and urge the Planning Department to consider carefully these comments prior to certifying a Final EIR for the Project.

Sincerely,  
Kelly L. Drumm, Esq.  
cc: Desert Survivors

I. THE PROJECT FAILS TO COMPLY WITH THE REQUIREMENTS OF PUB. RES. CODE §21083.3 AS IT IS NOT CONSISTENT WITH THE MONO COUNTY GENERAL PLAN.

The Revised DEIR states that "[t]he project utilizes a prior EIR (Mono County General Plan EIR, SCH #91032012), as allowed by Section 21083.3 of the Public Resources Code, which provides for the use of a certified EIR for subsequent development when the proposed development is consistent with an adopted community plan." CEQA refers to such a practice as tiering, wherein the later environmental review (the Revised DEIR) focuses on the environmental issues which are relevant to the approval being considered, in this case, the Specific Plan for the Bodie Hills RV Park. Under this statutory framework, the effects of a project are not considered peculiar to the project if uniformly applied development standards have been adopted in the General Plan which will substantially mitigate environmental effects when applied to future projects. Pub. Res. Code §21083.3(d). However, the use of such tiered environmental documentation is appropriate only when the proposed project is consistent and in conformity with the development standards identified in the prior EIR. Pub. Res. Code §21083.3(d)-(f).

*CEQA expressly allows and encourages tiering so that redundancy is minimized and specificity can be tailored to the project at hand. "Tiering refers to using the analysis of general matters contained in a broader EIR (such as are prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating on the later EIR or negative declaration solely on the issues specific to the later project." [CEQA Guidelines Section 15152 (a)]. Tiering for the Bodie Hills RV project is discussed in the Environmental Analysis Chapter of the Revised EIR.*

Based upon a review of the Mono County General Plan, and its accompanying EIR, it is the position of Desert Survivors that the Bodie Hills RV Park Specific Plan ("the Project" or "Specific Plan") is inconsistent with the development standards of the Mono County General Plan ("Mono GP"). In particular, the Mono GP provides that higher intensity uses outside of existing community areas are allowable only when one of three conditions are met: 1) the proposed use cannot be accommodated in existing community areas; 2) proposed use is incompatible with existing community uses; or 3) the proposed use directly relies on the availability of unique on-site resources. See Mono County Land Use Element, Objective A, Policy 3. The Revised DEIR states that the Project satisfies condition 3, stating that it "depends on its unique location on the primary access road to Bodie State Park, near its junction with Hwy. 395, where it is strategically located to provide services to the Bodie visitor and travelers on Hwys. 395 and 270." It is the position of Desert Survivors that the Project does not satisfy condition 3, in as much as the success of the Project does not "directly rely" upon the roadway to Bodie as a "unique on-site resources" as required by Mono GP, LU, Obj. A, Pol. 3, Condition 3. This is because other resorts located in Bridgeport, which is less than 25 miles away from Bodie (such as the Willow Springs Motel and Trailer Park, the Virginia Creek Settlement) already provide services (public showers, RV park and dump stations, laundry facilities, motel, restaurant) to Bodie visitors. These resorts, while not along the primary access road to Bodie, are successful enterprises which adequately serve Bodie's visitor/recreational needs. More importantly, however, is that the location of the Project site to Bodie is not the type of "unique on-site resource" contemplated by the Mono GP as being necessary to allow higher intensity uses outside of existing community areas. If such a characterization were true, any developer could request permission to build outside of existing established communities by simply claiming that the proximity of his property to some desirable destination justified such an approval. The purpose of the requirements established by Mono County Land Use Element, Objective A, Policy 3 is to protect existing land use patterns in established communities and to urban sprawl within the Mono GP area. This purpose will be effectively thwarted if the phrase "unique on-site resource" is defined to include proximity to roadways and destinations.

## **Bodie Hills RV Park SP/FEIR**

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Moreover, even if the proximity of the Project site to Bodie could be considered a "unique on-site resource," the Mono GP prohibits approval of the Project outside of an existing community area unless the all of the following minimum findings are made:

1. Permanent open space preservation is provided;
2. The development would not adversely affect existing or potential farming, ranching, or recreational operations;
3. Development is clustered, concentrated or located to avoid adverse impacts to cultural resources;
4. Development is clustered, concentrated or located to maintain the visual quality of the area;
5. Adequate public services and infrastructure for the proposed development are available or will be made available;
6. The development protects and is compatible with the surrounding natural environment and rural character of the area;
7. Housing is limited to that necessary to maintain the development; and
8. The development avoids or mitigates potential significant environmental impacts as required by Mono County General Plan policies and the California Environmental Quality Act (CEQA).

See Mono County Land Use Element, Objective A, Policy 3, Action 3.1. As will be demonstrated below, these findings cannot be made. Therefore, the use of tiered environmental documentation is inappropriate, and a full EIR should be prepared prior to approving the Project.

*Considering whether a project is "consistent" or "inconsistent" with a general plan is often very subjective and necessarily requires consideration of all the general plan policies as opposed to considering just a selected policy or small group of policies. In theory, it might be argued that any proposed change to a general plan is "inconsistent" with that general plan, otherwise there would be no need to apply for a general plan amendment. This argument fails, however, in that once a general plan is adopted, no amendment could ever be processed because any such amendment would be considered "inconsistent" and therefore not approvable.*

*Comment # 1 of the Desert Survivors letter appears to focus on Mono County General Plan Land Use Element, Objective A, Policy 3 as the guiding policy upon which to determine "consistency" or "inconsistency" of the project with the General Plan. A more thorough review of General Plan policies reveals a much broader viewpoint for consideration of General Plan consistency. For example, Mono County General Plan Land Use Element Objective B reads "Provide a balanced and functional mix of land uses." Mono County General Plan Land Use Element Objective D states "Provide for commercial development to serve both residents and visitors." Mono County General Plan Land Use Element Objective D, Policy 4, indicates "Allow for the integration of small scale commercial uses with associated residential uses, such as employee housing."*

*The point of this discussion is that using only a single policy or group of policies to "prove" consistency or inconsistency does not result in full consideration of the General Plan. All General Plan policies must be considered.*

*Proposing a Specific Plan (versus another land use description) for the subject site is the prescribed process for the applicant to follow pursuant to the General Plan. The decision makers (i.e. Mono County Board of Supervisors) must consider all relative information, policies, and environmental factors in approving, disapproving, or modifying the project application.*

A. The Project Fails Provide An Adequate Amount of Permanent Open Space.

The term "open space" is a term of art in California land use planning, referring to areas which are designated in a General Plan for the purpose of "comprehensive and long-range preservation."

Gov't Code §65563. The primary purpose of an open space designation is "[t]o assure that cities and counties recognize that open-space land is a limited and valuable resource which must be conserved whenever possible" and to discourage "premature and unnecessary conversion of open-space land to urban uses ... and non-contiguous development patterns." Gov't Code §65562(a), (b).

Pursuant to the Mono GP, approval of new development outside of an existing community area is prohibited unless the proposed Project preserves an adequate amount of land designated as permanent Open Space. In furtherance of this requirement, LU Policy 5 of the Specific Plan designates the Clearwater Creek Channel as Open Space/Natural Habitat Protection (OS/NHP). According to LU Policy 6, permitted uses for areas designated as Open Space/Natural Habitat Protection (OS/NHP) is restricted to recreational use of Clearwater Creek (e.g. fishing), the construction of three (3) roadway bridges and one pedestrian bridge, and two temporary crossings of the Clearwater Creek channel which are to be removed after construction is completed. Pursuant to LU Policy 6, "no other uses shall be permitted."

This designation of Open Space is not sufficient to meet the requirement of the Mono County Land Use Element, Objective A, Policy 3, Action 3.1. This is because the designation fails to include the remaining 142 acres of property as Open Space, choosing instead to designate that property as Rural Resort/Resource Conservation Passive Recreation (RU/RCPR). This distinction is significant in as much as the use of areas designated as RU/RCPR far exceed those permitted on lands designated as Open Space. Specifically, LU Policy 4 states that permitted uses in areas designated as RU/RCPR shall include the construction of leachfields and overhead utility lines, signage, two (2) single family residences and necessary accessory structures (e.g. corrals, stables, garages), and access roads to the site. While the Revised DEIR states that these limitations on land use will result in the "remainder of the parcel being designated as permanent open space," this statement is misleading in as much as the RU/RCPC allows for considerably more disturbance of the site than the Open Space designation. Moreover, the RU/RCPR designation fails to include a restriction that "no other uses shall be permitted," similar to that included in the LU Policy 6 applicable to areas designated Open Space.<sup>1</sup>

Clearly the development limitations imposed on lands designated as RU/RCPC are significantly less restrictive than those imposed on lands designated as Open Space, and are not consistent with the Government Code's stated definition of and purpose behind an open space designation. As such, the portions of the 142 acres which are not slated for specific development under this Project should be re-designated as Open Space, thereby assuring that they will be subject to the same protection against future development as the Clearwater Creek channel, and to fulfill the mandate of the Mono County Land Use Element, Objective A, Policy 3, Action 3.1.

*Permanent open space is provided by designating the Clearwater Creek channel as Open Space/Natural Habitat Protection (Land Use Policies 5, 6; Natural Resource Conservation Policy 2). That designation has been amended so that recreational use of the creek is no longer allowed. The only uses allowed are bridges and temporary stream crossings. Permanent open space is also provided by designating the remainder of the parcel not used for development (approximately 142 acres) as Rural Resort/Resource Conservation Passive Recreation (Land Use Policy 4). A limited number of uses specified in the Specific Plan are allowed in that designation; Land Use Policy 4 has been amended to allow no other uses in that designation, thereby preserving the remainder of the parcel for natural habitat and open space uses.*

B. The Project Will Adversely Affect Existing Recreational Operations.

Under the Mono County Land Use Element, Objective A, Policy 3, Action 3.1, the County is prohibited from approving new development outside of an existing community area unless it is determined that "the development would not adversely affect existing or potential farming, ranching, or recreational operations." The Specific Plan and Revised DEIR fails to include the

## **Bodie Hills RV Park SP/FEIR**

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information necessary to make this required finding. This is because, as discussed in Section I(D), below, these documents include analysis of the impact of the Project on the natural viewshed.

Recreational use in and around the Project site is limited almost exclusively to hiking, fishing and horseback riding, and off-road driving due to the areas naturally rugged terrain. A major component of these recreational uses is the enjoyment of expansive views, unimpeded by development, and the opportunity to view wildlife in their natural environment. While the documentation provided on this Project discusses the impact to views along established roadways associated with the construction of structures on the Project site, no similar analysis is included which assesses the impact of the Project on views along trails and hiking paths or to the nearby Wilderness Study Area. Moreover, there is no analysis of the impacts associated with the Project's potential to reduce the number of wildlife sightings (specifically bird-watching, i.e. sage grouse) in the area due to increased human activity. In the absence of such information, it is impossible to make the required finding that the Project will not adversely affect existing or potential recreational operations. The Revised DEIR should therefore be rewritten to include this important information and to comply with the requirements of the Mono County Land Use Element, Objective A, Policy 3, Action 3.1 and Section 21083.3 of the Public Resources Code.

*This comment misinterprets "recreational operations" to include passive recreational uses such as hiking or fishing. There are no farms or ranches in the area that would be affected by the project and the only "recreational operation" in the vicinity is the Willow Springs RV Park; no environmental impacts are anticipated on the Willow Springs development due to the proposed project.*

*Existing or potential dispersed recreational activities (hiking, wildlife viewing, etc.) will continue to be available in the project vicinity, especially on the approximately 111,500 acres of public lands in the Bodie Hills managed by the BLM and the Toiyabe National Forest. Recreational automobile travel along the Bodie Road and the enjoyment of scenic views from the road will continue to be available along the approximately 12 miles of the road which are east of the project site.*

### **C. The Project Is Not Clustered So As To Avoid Adverse Impacts To Cultural Resources.**

The Mono County Land Use Element, Objective A, Policy 3, Action 3.1, also prohibits the approval of new development outside of an existing community area unless there is evidence in the record which supports a determination that the proposed development "is clustered, concentrated or located to avoid adverse impacts to cultural resources." It is clear from the cultural resources report prepared for the Project that the property is extremely rich in archeological resources. In particular, the report identified 22 individual sites, 17 of which were determined to meet CEQA's "significance" criteria. While the Project, as originally proposed, was sited to avoid these sites, the Project has changed significantly since the preparation of the cultural resources report and it is now unclear whether these sites will still be avoided.

More importantly, however, is the fact that the Project is not sufficiently "clustered" as required by Mono County Land Use Element, Objective A, Policy 3, Action 3.1, to avoid impacts to cultural resources. While the Project proposes developing only approximately 13 acres out of the 155-acre parcel, those 13 acres are not clustered, but are spread out along approximately a mile of Clearwater Creek. Therefore the configuration of the Project has not been designed to minimize its impact. This is because by allowing the Project site to be spread-out, significant archeological sites become more easily assessable and vulnerable to predation by "collectors." In order to satisfy the requirements of Mono County Land Use Element, Objective A, Policy 3, Action 3, the Project should therefore be sited more compactly. Or, at a minimum, the Revised DEIR should discuss why and/or how the proposed Project configuration is designed so as to make it as

"clustered" as possible, thereby avoiding, to the maximum extent practicable, any adverse impacts to cultural resources.

*The project is clustered in one portion of the 155 acre parcel. The important aspect of the Specific Plan is that "adverse" impacts to cultural resources must be avoided. A cultural resource survey was conducted on the project site by a qualified archaeologist (see Farrell and Burton, An Archaeological Survey of the Proposed Bodie Hills RV Park, Mono County, California, in Appendix B). Approximately 130 acres of the 155 acre site were examined; the only areas not examined were "... cliffs at the western and eastern ends of the project area, judged too steep to safely examine" and "... the small area [of the parcel] which lies west of Highway 395, within the Dogtown site" (Farrell and Burton, p. 11). Twenty archaeological sites (including 3 previously recorded sites) and 43 isolates were recorded within the survey area (Farrell and Burton, p. 11). Two other previously recorded sites extend into the parcel but would not be affected by the project (Farrell and Burton, p. 11). The survey concludes the following:*

- 1. Five sites and the 43 isolates do not meet the CEQA definition of a significant cultural resource; these require no further archaeological work under the CEQA guidelines. Two additional sites likely meet the CEQA definition of significant but would not be affected by the project.*
- 2. "The remaining 15 sites would require further work to allow a fair assessment of their data potentials and hence significance. However, further work is recommended only for those sites susceptible to damage as a result of the proposed project" (Farrell and Burton, p. 25). The sites potentially impacted by the project, either directly or indirectly, are limited to five sites, primarily north of Clearwater Creek and Hwy. 270.*

*Based on the information included in the Archaeological Survey, the project was redesigned to avoid impacts to identified cultural resource sites. Specific Plan Natural Resource Conservation Policy 10 requires additional testing prior to development where development may cause direct or indirect impacts to cultural resources; that policy has been amended to clarify that the testing shall be conducted by a qualified archaeologist. If the testing determines that the identified sites qualify as significant sites under CEQA, the Specific Plan requires the project proponent to fund the preparation of a mitigation plan; thus, "adverse" impacts will be avoided.*

*Natural Resource Conservation Policy 11 requires the project proponent to stop work and notify appropriate entities if additional archaeological evidence is discovered during earthwork activities. The proponent must then fund an archaeological resource mitigation plan.*

D. The Project Location Impairs the Visual Quality of the Area.

In addition, the Mono County Land Use Element, Objective A, Policy 3, Action 3.1, prohibits the approval of new development outside of an existing community area unless it is determined that the "development is clustered, concentrated or located to maintain the visual quality of the area." As discussed in Section I(C), above, the Revised DEIR fails to include any information in support of its conclusion that the Project is adequately "clustered" so as to avoid or minimize impacts to cultural resources. The Revised DEIR similarly lacks such an analysis regarding whether the Project is sufficiently clustered so as to minimize visual impacts. This is because the visual analysis is incomplete for a number of reasons.

First, the visual analysis does not include any photographs or visual renderings of the impact of the Project on views from above the Project site. Specifically, all of the photos/analysis (Fig. 13 and 14 plus photos) focus on the viewshed from within the canyon, along established roadways. See Discussion in Section I(B), above. Because views from both the Bodie Hills and the Sierras could be visually impacted as a result of the Project, the Revised DEIR should include an analysis

## Bodie Hills RV Park SP/FEIR

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of the scope and effect of these potential impacts. Thus, while there is evidence in the record that the Project "will not impact the sweeping and desolate views found higher on the access roads," the record lacks any evidence to support a conclusion that the Project will have no impact on views from the Bodie Hills and the Sierra.

*Visual analysis in any environmental document is often the most subjective issue considered. For environmental documents, the important factor is whether the decision makers and public are provided with "adequate" information in the EIR to make an informed decision. Visual analysis in the EIR was conducted to assess the project from the vehicular travel routes (i.e. Hwys. 270 and 395). This included views from nine (9) different viewpoints along these routes; however, it is possible that other viewpoints could have been included, such as suggested by the comment. For example, the comment suggests that a view "... from above the project site..." could have been included but such a viewpoint (say from a nearby hilltop) would be a very unusual point from which to view the project. Further, topographic evidence suggests there is little likelihood that a viewpoint from "... the Bodie Hills and the Sierra..." (as the comment suggests) would provide a reasonable point from which to view the project; the site would be blocked by topography in most instances. Such a viewpoint would be very infrequently visited and lend little additional information for decision makers or the public.*

Secondly, the Revised DEIR fails to include any analysis of the potential negative visual impact associated with the possible reduction of the Mono Basin deer herd and other wildlife species and resources in the area as a result of the Project. In the absence of such an analysis, there is a lack of evidence in the record to support a finding that the Project complies with the requirements of the Mono County Land Use Element, Objective A, Policy 3, Action 3.1 and Section 21083.3 of the Public Resources Code.

*The Draft EIR concludes that no unmitigated significant impacts will be present with respect to deer and wildlife. Therefore, it is speculative to assert that there would be negative visual impacts on wildlife viewing.*

Lastly, and most importantly, since the Revised DEIR recognizes that the Project will result in an unmitigatable negative impact to the viewshed associated with the overhead telephone and electrical lines, it is impossible for the Project to meet the requirement of Mono County Land Use Element, Objective A, Policy 3, Action 3.1 and Section 21083.3 of the Public Resources Code. It is therefore inappropriate to rely on "tiered" environmental documentation for the Project. Pub. Res. Code §21083.3

*From the perspective of the General Plan, this policy can be met by the project because the project is a) clustered on the 155 acre site and not located along the ridgelines, b) has comparatively minimal grading, c) blends as much as possible with the surrounding terrain (e.g. rustic architectural style and natural colors), d) is relatively close to similar development (e.g. Willow Springs), e) has reduced light and glare effects (e.g. low intensity lighting), and f) includes restoration of segments of the creek corridor.*

*(Note: The last sentence of the comment, "It is inappropriate to rely on 'tiered' environmental documentation for the Project," does not seem to relate to the remainder of the paragraph; no further response is provided.)*

E. The Project Neither Protects Nor Is Compatible with the Surrounding Natural Environment and Rural Character of the Area.

In order for the County to approve a Project outside of an established community, the facts must demonstrate that the proposed Project "protects and is compatible with the surrounding natural environment and rural character of the area." The Revised DEIR and the Specific Plan fail to provide the information necessary to make this required finding.

With respect to the rural character of the area, the Project site is located at the "gateway" to Bodie (junction of Bodie Road/ Highway 395). This gateway is considered to be wild and scenic and lends to the experience of visiting the Park by giving the visitor the feeling that he is approaching extremely remote place. There is no information presented in the Revised DEIR which indicates that the Project will not irreparably impact the "gate," and destroy the isolated spirit which draws visitors to Bodie. In addition, as acknowledged in the Revised DEIR, a proposed BLM Wilderness Study Area (Bodie Mountain WSA) exists on most of the northern perimeter of the Project site. The Bodie Mountain WSA consists of 25,944 acres and is considered to have moderate to high wilderness values. As presently drafted the Revised DEIR fails to include a full analysis of the impacts to the Bodie Mountain WSA associated with the Project, as it would seem that the construction of an RV Park and mini-mall in a completely undeveloped area would adversely impact the wilderness value of the study area. Especially since the BLM will not designate an area as "wilderness" if the area is accessible by motor vehicle. Because this Project will encourage increased visitors to the area, there is the potential that the additional roadways may be introduced, thereby jeopardizing the integrity of the WSA. Unless the impact of the Project on the WSA is analyzed, there is a lack of evidence in the record to support a finding that the Project will not adversely affect the rural character of the area.

In addition, as will be further discussed in Section II, below, the Revised DEIR fails to include sufficient analysis to conclude that the Project will Project outside of an established community, the facts must demonstrate that the proposed Project "protect" and be "compatible with" the surrounding natural environment. A portion of the surrounding environment is comprised of a WSA, however, there is no discussion in the Revised DEIR as to whether Project is "compatible with" or whether the WSA will be "protected" once the Project is implemented. In addition, because the Revised DEIR fails to include an analysis of the impact of the Project on the Mono Basin deer herd and other wildlife resources, it is impossible to determine whether the Project will protect these species. Moreover, water quality problems caused by increased erosion, livestock, construction, leach fields, potential sewage leaks from tank sites and sewage connection (RV hook-ups), and vehicle operation and parking have not been adequately analyzed to assess whether they will degrade Clearwater Creek, Virginia Creek, and Bridgeport Reservoir. Also, because the Project has not received a wetland delineation, it is impossible to assess whether it will have a significant impact on wetland resources. On the basis of the above-described inadequacies in the environmental analysis of the Project, there is a lack of information which would allow the decision-making body to determine that the Project will protect and be compatible with the surrounding natural environment. As such, a finding of consistency required by Mono County Land Use Element, Objective A, Policy 3, Action 3.1 cannot be made. Therefore the Revised DEIR fails to comply with the requirements of §21083.3 of the Public Resources Code.

*From the perspective of the General Plan, the project site is located at the far western edge of the Bodie Planning Area and many miles from the Bodie Bowl Area of Critical Environmental Concern. It is: a) designated on the General Plan Land Use Map as Resource Management (RM) which provides for "resort development subject to the Specific Plan process," b) located on and near a highway junction (Hwys. 270 and 395), c) provides visitor services anticipated in the General Plan, d) is clustered on approximately 13 acres of a 155 acre site, e) provides amenities compatible with the surrounding environment (e.g. rustic architecture, natural colors, limited paving, low intensity lighting, etc.), f) is low intensity in nature (e.g. dispersed campsites, RV sites with limited urban amenities) which maintains a rural character, and g) is nearby to similar rural development (e.g. Willow Springs).*

*In addition, the EIR analyzes potential impacts to the deer herd, other wildlife, and water quality. See responses in the previous section of this chapter to Bodie Experience, Wilderness Study Area (WSA), Water Quality, Riparian Corridor, Impacts to the Deer Herd, and Other*

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*Wildlife. See also the response to the comment letter from the Lahontan Regional Water Quality Control Board.*

F. There is No Evidence That The Proposed Housing is Necessary to Maintain the Project.

The Project proposes the construction of two single-family homes with an approximate square footage of 4,000 sq. ft. Neither the Revised DEIR nor the Specific Plan include a discussion of the floor plan for the homes so it is impossible to ascertain the true nature and purpose of these homes. While the Revised DEIR states that these homes are for the use of Project employees, there are no restrictions on their use contained in the Specific Plan. As such, there is no evidence in the record that the Project will fill the requirement of Mono County Land Use Element, Objective A, Policy 3, Action 3.1 by demonstrating that the "housing is limited to that necessary to maintain the development."

*Housing is limited to that necessary to maintain the development. The applicant estimates that 11 employees will be required for the project at buildout. The 2 two-bedroom single family residences and 2 RV spaces reserved for employees will provide space for 6 employees. See the discussion under Employee Housing in the previous section of this chapter.*

G. The Project Fails to Avoids and/or Mitigate Potential Significant Environmental Impacts as required by Mono County General Plan policies and the California Environmental Quality Act (CEQA).

As discussed in Section IV, below, the Project fails to avoid and/or mitigate many of the significant environmental impacts identified in the Revised DEIR attributable to the Project. Because Mono County Land Use Element, Objective A, Policy 3, Action 3.1 requires that a finding be made that "the development avoids or mitigates potential significant environmental impacts," in order to approve a development outside of an established community area, and the impacts of the Project have neither been adequately studied or mitigated, this Project fails to comply with the requirements of the Mono County General Plan. As such, the use of tiered environmental documentation, pursuant to Section 21083.3 of the Public Resources Code, is inappropriate and a full EIR should be prepared for the Project.

*In accordance with CEQA, all environmental issues associated with the project have been addressed in the Draft EIR and the Response to Comments. Where potentially significant impacts could be present, revision to the project or mitigation measures have been delineated (either through Specific Plan requirements or separate mitigation measures). The only potential significant environmental impact identified as unavoidable is visual impacts. All reasonable visual quality mitigation measures have been applied to reduce these impacts to the lowest feasible levels (e.g. increased setbacks, rustic architecture, natural colors, limited paving, low intensity lighting, etc.). See Chapter IV, Environmental Analysis, and Chapter V, Impact Summary, in the Specific Plan/EIR.*

II. THE REVISED DEIR FAILS TO ADEQUATELY DISCUSS THE IMPACTS OF THE PROJECT

The Desert Survivors believe that the Revised DEIR fails to comply with the requirements of CEQA to provide enough information to allow for meaningful evaluation and review of the Project's impacts. See CEQA Guideline §15124. Specifically, CEQA requires that the an EIR identify and focus on the possible significant environmental impacts of the Project, with the greatest emphasis being placed on those impacts that are most significant and most likely to occur. See CEQA Guidelines § 15126(a), Pub. Res. Code §21100(b)(1). As will be discussed below, the Revised DEIR does an inadequate job at identifying Project impacts and evaluating the severity of those impacts. In the absence this required analysis, the Lead Agency lacks the information necessary to impose proper mitigation measures or to select the most feasible project

alternative. The Revised DEIR should therefore be revised and recirculated, pursuant to the requirements of Pub. Res. Code §21092.1, CEQA Guidelines §15088.5.

*Based on scoping comments and comments received on the previous Draft EIR, the Revised Draft EIR has specifically focused on and discussed the issues related to the project in the various sections of the EIR such as the water, wildlife, and visual impact analysis sections. The comment suggests disagreement with the conclusions reached in the Revised Draft EIR and with the depth of analysis. However, CEQA requires a "reasonable" level of analysis, not exhaustive analysis (CEQA Guidelines Section 15204 a). The principal issue is whether the decision makers have been presented with adequate information upon which to render a decision.*

Environmental Analysis - Water - Table 1(A)

Table 1(A) in this section states that the total water demand for the Project is projected to be 12,430 gallons per day. This appears to be an underestimate for two reasons. First, the amount of water estimated for use by the Laundromat is based on 50 spaces (20 Phase II, and 30 Phase III), yet, even if only one person stayed in each RV site or motel room a night, there would be 64 people. As such, it appears as if the water consumption estimate is about 30% less than what may actually be consumed. Additionally, this chart fails to take into consideration the 2 "employee" homes, which will generate a minimum of 600 gallons per day (if they are two bedroom homes). As such, the Revised DEIR water supply analysis fails sufficiently to identify the possible impacts of the Project.

*Table 1A--Estimated Water Demand and Table 1B--Estimated Water Usage have been amended to correct the usage figures for the RV Park, to include the 2 employee residences, and to clarify the figures for all proposed uses. See Water Quantity in the previous section of this chapter.*

Environmental Analysis - Water - Demand

This section fails to discuss the daily production capacity of the well. Moreover, comparing the demand of the Project to 5 family homes is misleading as this demand occurs on a seasonally intensive basis, thereby having the potential to "spike" the ground-water table resulting in impacts associated with inadequate water supply for species.

*See responses to Water Quantity in the previous section of this chapter.*

Environmental Analysis - Water - Supply

This section fails to provide any information as to the capacity of the proposed well and provides no analysis of the impact of ground water pumping on the water table and creek water supplies (de-watering). In addition, a water quality study should be prepared and the information from the study included in the Revised DEIR. This study is particularly warranted in light of the fact that upstream of the proposed project are several old mines, including Little Bodie Mine, and a prospect in Cinnabar Canyon, which might have contaminated the groundwater with mercury or other mining by-products that would make the water unsafe for public use. Deferring the water quality analysis until after Project approval thwarts the intent of CEQA to disclose all environmental impacts prior to Project approval. Moreover, due to the potential for human health and safety impacts associated with ground-water contamination, CEQA Guideline §15065 requires that the potential impact be considered significant and therefore adequately assessed in an EIR.

*See the response to the comment letter from the Lahontan Regional Water Quality Control Board.*

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This section must also be revised to include stream gauging data on Clearwater Creek for both wet and dry years, and should include a complete study of groundwater resources across a similarly varied series of hydrological events in order to determine how much water would be lost to instream use from evapotranspiration from landscaping, and evapotranspiration from the leach field. In the absence of the addition of the above-described information, agencies with discretionary review over this Project will not have the necessary information to adequately consider whether to approve and/or how to condition the Project so as to minimize impacts.

*See the response to the comment letter from the Lahontan Regional Water Quality Control Board.*

### **Environmental Analysis - Surface Water**

This section states that Clearwater Creek "...supports a small population of trout but has little significance as a fishery..." This statement of "little significance" is not substantiated by sufficient analysis in the Revised DEIR. This is because the Revised DEIR fails to contain a complete fisheries study. In the absence of such a study, it is impossible to determine the full impact of the Project. In particular, in the absence of a fisheries study, there is no information as to whether the Project will significantly impact other major fisheries in the region by eliminating or by degrading a major source of fish to those fisheries. The conclusion that the existence of other fisheries in the area does not diminish the significance of Clearwater Creek as a fishery, is also unsupported, especially since it is not stocked, and thereby may support a native population. A such, an electro-shocking survey should be prepared which provides information regarding fish population and size estimates. This independent fish survey needs to be completed so that the reviewer has information about the impacts of the Project on surface water resources, and so that Fish and Game will have the appropriate information to consider whether to approve a Streambed Alteration Agreement for the Project.

*See the responses under Other Wildlife in the previous section of this chapter.*

### **Environmental Analysis - Plant Life**

The plant survey prepared for the Project identified the existence of two rare plant populations were in the Project site: the Bodie Hills cusickiella (*Cusickiella quadricostata*) and Masonic rock cress (*Arabis cobrensis*). Both are former federal candidate (C2) species, which are now considered to be species of special concern by the US Fish & Wildlife Service. The analysis concludes that these species will not be directly impacted by the Project, however, one of the populations of Masonic rock cress is less than 15' from a proposed RV site. While siting components of the Project away from plant species will avoid direct impacts, it will not avoid indirect impacts associated with runoff patterns from the RV pads and trampling by unsuspecting humans. As such, this section fails to adequately disclose the potential impact of the Project on species of special concern.

*This opinion will be considered during the decisionmaking process on the project. Although this plant species is a species of special concern, it is not protected as an endangered species would be. Nevertheless, the Specific Plan contains policies which require the project to avoid disturbance to identified populations of sensitive plant species (Natural Resource Conservation Policy 7).*

Moreover, in light of the fact that this section admits that the Project has the potential to impact jurisdictional wetlands, the Revised DEIR is required to analyze the impact of the Project on wetland resources. See CEQA Guideline §15065. In the absence of such an analysis, it will be impossible for the Army Corps of Engineers to assess whether the Project will impact §404 lands, and if so, to determine whether a feasible and prudent alternatives exists. The Revised DEIR is therefore insufficient in its role as an "informational document" upon which decision-makers

must rely. Moreover, it should be pointed out that simply siting development away from the riparian corridor does not necessarily eliminate or reduce the impacts of the Project on wetlands, since the Project proposed to install rip-rap which will have a dramatic impact to creek wetlands.

*The Revised Draft EIR does not "admit" that wetlands will be impacted by the project. According to the Mono County Wetlands Study (1992), there are no identified wetlands on the project site. Moreover, no development will occur within the Clearwater Creek Open Space corridor (Land Use Policies 5, 6; Natural Resource Conservation Policy 2) which runs from 30 feet north of the top of the north bank to 30 feet south of the top of the south bank. Land Use Policy 6 has been amended to allow no recreational use of the Clearwater Creek Open Space corridor. In addition, Natural Resource Conservation Policy 16 has been amended to allow stream restoration and enhancement measures (such as riparian revegetation measures) which are intended to enhance existing conditions. These design features and mitigation measures will avoid impacts to wetlands and minimize impacts to the creek corridor to a less than significant level.*

#### Environmental Analysis - Aesthetics

As discussed in Section I(D), above, the visual impact analysis of the Revised DEIR is inadequate in its assessment of impacts to views from roadways above the Project Site, specifically in from the Bodie Hills and the Sierras. In the absence of this information, the record lacks any evidence to support a conclusion that the Project will have no impact on views from the Bodie Hills and the Sierra. The Revised DEIR also fails to include an analysis of the potential negative visual impact associated with the possible reduction of the Mono Basin deer herd and other wildlife species and resources in the area as a result of the Project. Since viewing wildlife, in association with hiking, is one of the primary recreational uses of the area, the Revised DEIR must evaluate whether the Project has the potential to reduce the frequency of wildlife sightings, and the associated impact to recreational uses of the area. Moreover, this section fails to include any discussion of the visual impact of the Project on the adjacent Bodie Hills WSA, as discussed in Section I(E).

*See the response to this same comment in a previous section of this letter.*

Lastly, this section fails to include a discussion of the visual impacts associated with the massive parking lots associated with the Project. This section should include a discussion of the visual impact of the 116 spaces proposed by the Project. This section needs to be revised accordingly.

*The parking section of the Specific Plan/EIR accurately notes that there will be 77 parking spaces provided for the project. If the RV spaces were included with the parking, there would be a total of 109 spaces (not 116) since the number of RV spaces has been reduced to 32 from 39 (as proposed in the previous draft). These are not considered "massive parking lots" and are spread throughout the project site, interspersed with undisturbed areas. In addition, they will be gravel surfaced not paved, further reducing potential visual impacts.*

#### Environmental Analysis - Exposure to Risk

This section concludes that the location of the Project near Clearwater Creek will not have a significant impact on human health and/or safety since "during the winter, the RV park would be closed, minimizing the risks to people and property," and "during a major summertime flash flooding event, RV park users would have the ability to vacate the premises in a relatively short time." This statement fails to take into consideration that fact that in order for summertime users of the resort to vacate the premises during a flash flood, they would have to use the bridge crossings, which may be washed out. In addition, this statement fails to take into consideration the fact that some users of the Project site (senior citizens and disabled persons) may be unable to

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rapidly respond in an emergency event. This section therefore fails to adequately assess whether the Project poses a potential threat of harm to its users.

*Potential impacts from flooding were a concern during the comment period on the previous draft. In response to those concerns, a Hydrology and Flood Plain Study (Denio and Associates, 1999) was completed to "... investigate the existence and severity of flood hazards in and near (the project area) ..." (Denio, p. 3) and to evaluate the flood hazards associated with the proposed RV Park. The Hydrology and Flood Plain Study determined flows for floods with recurrence intervals of 10, 25, 50 and 100 years and determined the 100 year flood plain boundaries using flood elevations calculated at a series of cross-sections on Clearwater Creek. The results of the flood plain boundary calculations were checked against historical information and physical evidence. The Study determined that the 100 year flood would stay within the main channel banks of Clearwater Creek; the main impact from high flow events would not be overtopping of the banks into the existing floodplain area, but hazards resulting from channel erosion and streambank instability. As a result of those conclusions, streambank stabilization measures were included in the revised DEIR. In addition, Land Use Policy 5 and Natural Resource Conservation Policy 2 have been amended to require a 30 foot setback from the top of the bank instead of the proposed 10 feet. The Hydrology and Floodplain Study determined that the proposed development is not within the floodplain and no unreasonable risks of flood damage to people and/or property would result from the project.*

In addition, this section fails to include an analysis of the increase risk of harm users of the Project site might experience due to collision with Mule Deer. This is because due to the development, the Mule Deer will have to use a more narrow travel corridor across the highway, thereby concentrating the number of animal crossings in one area. This impacts should be disclosed and analyzed.

*Impacts to the mule deer are discussed on pages 69-71 of the Revised Draft EIR; that analysis included consideration of direct mortality (see Revised Draft EIR, Appendix B). The comment appears speculative in that there is no evidence that migrating deer will be concentrated in the 150 foot Wildlife Movement Corridor. The opposite may be true; as discussed in the Revised Draft EIR, the project may disperse and/or discourage use of the immediate area by deer.*  
Environmental Analysis - Animal Life

The Revised DEIR fails to indicate what portion of the 155-acre parcel was surveyed. This is because the footprint of the project has been changed since the 1997 surveys and it is now unknown whether the direct impacts of the Project on wildlife has been adequately assessed. *The wildlife survey area is clearly indicated by the project area map shown in Figures 1, 2a, and 2b of the wildlife report.*

This section also contains incomplete information as to the impact of the Project of wildlife, and in some places conflicts with information provided in the wildlife report (Taylor). In particular, the Revised DEIR inexplicably excludes several key wildlife species which are California Species of Special Concern (yellow warbler, northern harrier and loggerhead shrike (all are California Species of Special Concern). In addition, this section fails to include information about the Owens valley vole (*Microtus californicus vallicola*) (California species of special concern) which may be present at the Project site because it is (a) a wetlands-associated species for which habitat may be present on the project site, and (b) it has recently been reported from the Mono Basin and evidently can be found much farther north than originally expected. Surveys should also be conducted for the western white-tailed hare (*Lepus townsendii*) and pygmy rabbit (*Brachylagus idahoensis*) (California species of special concern).

*The wildlife analysis section of the EIR summarizes the wildlife report contained in the Appendix. Also, further discussions with the consulting wildlife expert indicate that the species*

*noted in this comment will not be significantly impacted and/or suitable habitat is not present on the site (e.g. no identified wetlands are on the project site and, therefore, there is no suitable habitat for the Owens Valley vole).*

Moreover, the nest surveys conducted for the Sage grouse should have also been conducted in the Spring and Summer months both at and upstream of the Project site in order to assess whether nesting and chick rearing occurs within the Project site. This is because a lek has been sighted within 2 miles of the Project site by a BLM biologist and grouse are highly mobile species.

*See responses under Sage Grouse in the previous section of this chapter.*

The Revised DEIR analysis regarding Mule Deer is also inconsistent with statements made in the wildlife study. Specifically, the wildlife study states that "some of the impacts to mule deer resulting from development of the project site can be mitigated, but impacts from habitat removal and alteration are unavoidable consequences of the project that cannot be mitigated to less than significant levels" In light of this statement of the Project Sponsor's own expert, why does the Revised DEIR conclude that "Implementation of the suggested mitigation measures will minimize mule deer impacts to a less than significant level" The wildlife study also notes that Mule Deer were observed using a 560' wide corridor. However, the Revised DEIR only sets aside 150' for a "wildlife movement corridor," within which current Project design schemes shows that two roads will intersect, and three RV sites and the proposed single-family residences will encroach upon. How can these two documents be reconciled?

*Subsequent to the preparation of the wildlife report, this conclusion was changed based on the revised project plans and mitigation measures involved (e.g. creek setbacks, reduced intensity of development, seasonal variations of use, etc.). More recent consultation with the wildlife expert indicates that the 150 foot wide Wildlife Movement Corridor is not ideal and that a 560 foot wide corridor would be better for deer migration purposes. How deer will respond and adjust to this reduced corridor width is uncertain; however, if an undisturbed corridor is maintained, then a portion of the deer population will continue to migrate through the project area, while others will cross the area at other dispersed locations. Although this is a very important potential impact, and a wide corridor is desirable, it is not considered an unavoidable, unmitigable significant adverse impact of the project (Taylor, personal communication, Dec. 1999). Whatever corridor width is adopted, the wildlife expert states it should be absolutely free of human development and disturbance, especially during the period of deer migration. The project has been revised to provide a 30 foot setback from Clearwater Creek, instead of the proposed 10 foot setback. This revision will require minor modifications to the site plan; it may be possible to eliminate any development in the wildlife movement corridor except for a small portion of gravel roadway.*

*It should be noted that the project site is a small area; the 13 acre development is clustered along Clearwater Creek) within the much larger Bodie Hills Planning Area (approximately 128,500 acres--111,500 acres of public lands, 17,000 acres of private lands). No development is proposed for 142 of the 155 acres owned by the project proponent. The "Impacts and Mitigation" section of the wildlife report provided a detailed discussion of indirect impacts to wildlife on adjacent, undisturbed areas. These impacts included decreased use of habitat within and adjacent to the project area, increased use of marginal habitat types, and abandonment or alteration of traditional travel routes and a corresponding shift of home ranges. The project site is surrounded on all sides by undisturbed public lands. While there may be impacts in a small area on-site, there is ample surrounding habitat for the portion of the deer herd that utilizes the site to shift its traditional travel routes.*

The Revised DEIR also fails to include an analysis of impacts to the Sierra Nevada Mountain Beaver, presumably based upon the conclusion of the wildlife study that the "project area does

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not provide suitable habitat." However, the wildlife study indicates that the Project site was surveyed during the day, and the beaver is primarily a nocturnal species. In addition, the Revised DEIR fails to discuss the impact of the Project on the Sierra Nevada Red Fox, even though one was sighted in the reaches of Dechambeau Creek, located in close proximity to the Project site. The Revised DEIR also provides no analysis of the impact of the Project on the Band-thigh Diving Beetle, which has been observed in Clearwater Creek, in light of the rip-rap/slope cutback which are proposed to be installed in the Creek.

*The habitat description in the wildlife report (Taylor, 1997) indicates that mountain beaver, a California species of special concern, "occupy steep, high-elevation areas characterized by flowing water next to meadows or dense riparian thickets." Most mountain beaver nests are constructed three or more feet below ground in a well-drained, dome-shaped chamber, packed with vegetation. From the single nest chamber, a series of tunnels (each about six inches in diameter) radiate out to underground food caches and fecal chambers. The tunnels closest to the surface parallel the ground and are used for travel, with openings every three or four feet. As indicated in the report, "... the project areas does not provide suitable habitat for mountain beaver because it lacks the high elevations and steep gradients required for adequate soil drainage, and succulent meadow vegetation required for foraging."*

*Surveys involving sage grouse were conducted with a dog; the dog did not accompany the investigator during surveys for other wildlife. Furthermore, the chance of observing a mountain beaver with or without a dog, even in the best habitat conditions, is very small. Mountain beavers are primarily nocturnal; therefore, little attempt was made to sit creekside waiting for an observation. Instead, the investigator inspected the project area for any mountain beaver sign (e.g. burrows in the creek bank and "haystacking", the storage of dried plants near the burrow system). The investigator also surveyed the project area for suitable mountain beaver habitat. These surveys were based on personal knowledge gained from observations of suitable habitat made elsewhere in the eastern Sierra Nevada. The suitability of habitat for the red fox is discussed in the Revised Draft EIR Appendix B (i.e., "... marginally suitable habitat..."). (Taylor, personal communication, Dec. 1999).*

*A survey for the band-thigh diving beetle was conducted by David Herbst. The results of that survey are included in the Wildlife Survey portion of the appendices. That survey "... found no evidence of the presence of this beetle ... If occurring on Clearwater Creek this species is not present in the proposed project area or potentially affected downstream reaches" (Herbst, 1996). Lastly, the Revised DEIR has an inadequate analysis of impact to endangered species for several reasons. First, some of the surveys for threatened, endangered and sensitive (TES) species listed in the wildlife report (Table 1) were conducted at the wrong time of year (for example, surveys conducted in November and December are inappropriate for assessing the presence of willow flycatchers, bank swallows, dusty-flycatchers and other neo-tropical species which reside in Mono County from April to September.)*

*This opinion is noted and will be conveyed to the decision makers via this response document. Subsequent consultation with the wildlife expert reaffirms the Draft EIR conclusions that suitable habitat is not present for these species, or that project impacts on these species will not be significant, or mitigation measures have been applied to reduce potential impacts on these species to less than significant levels. (Taylor, personal communication, Dec. 1999).*

### No Environmental Analysis of Impact Associated with Livestock Grazing

Specific Plan - Land Use Policy 4 states that livestock grazing is a permitted use in the 142 acres of the Project site designated as RU/RCPC . In the Project Setting section of the Revised DEIR it is stated that the Project site is currently ungrazed. The Environmental Analysis section of the Revised DEIR, however, includes information on the impact of potential grazing on the Project

site, even though it is a permitted use under LU Policy 4. In the absence of such analysis, there is no way for the reader to assess the effect of the proposed grazing, since no information is given on numbers or type of livestock, whether fencing would be required. In fact, the wildlife assessment (Taylor 1997) clearly states that "no solid or wire fences of any kind will be constructed along project area boundaries." So long as grazing is identified as a permitted use on lands designated RU/RCPC, the Revised DEIR must be modified to include this information.

Moreover, because the wildlife assessment states that no fencing of any kind is proposed along the Project boundaries, it is impossible for the reader to assess what impact grazing will have along the Open Space areas of the Project site, in which no grazing is allowed. It is well documented that livestock hooves chisel banks, trample and compact the soil, and browse seedlings. These effects lead to increased peak runoff and erosion downstream, channel incision, channel widening, and higher water temperatures (Kondolf et al. 1996). The impacts of grazing will reduce forage and cover for deer and other species, increase sedimentation in the creek, and potentially escalate an already serious problem with erosion and incision of the creekbed, and negatively impact fisheries downstream from the project (i.e. Virginia Creek). It is also unknown whether grazing would potentially impact rare and endangered plant species, since only a small portion of the project was surveyed for these species.

*Although the project proponent has no plans to graze livestock on the property at this time he wishes to retain the option to do so in the future. Land Use Policy 4 has been amended to require a Grazing Management Plan, should grazing occur, which will avoid impacts to the stream corridor and riparian areas and will enhance habitat for the sage grouse.*

#### No Environmental Analysis of Impact Associated with Increased Use of Adjacent Public Lands

The Revised DEIR fails to address the effect of spillover use on public lands as a result of increased visitation to the Project site. Additional cultural resource and wildlife surveys should be conducted on adjacent BLM lands and impacts to sites from arrowhead and obsidian chip gathering must be recognized, as well as increased disturbance to wildlife. The BLM also supported this view in its scoping letter dated Feb. 1997). In addition, recreational impacts to sportfisher-persons and hunters on adjacent public trust lands on Virginia Creek must be addressed in the final EIR.

*As shown in Figure 2 of the Revised Draft EIR, the 13-acre project is focused along the central part of the applicant's 155-acre site. Because there is applicant-owned open-space land between the project's 13-acre development and adjacent public land, a buffer is provided that will tend to reduce "spillover" effects of the project. Again, CEQA requires adequate analysis and not the "exhaustive" analysis on off-site lands suggested by the comments.*

### III. THE REVISED DEIR FAILS TO INCLUDE AN ADEQUATE CUMULATIVE IMPACTS ANALYSIS.

CEQA requires that draft EIR's consider the cumulative impacts of the proposed project. CEQA Guideline §15130(a). Cumulative impacts are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guideline §15355, Pub. Res. Code §21083. An adequate cumulative impact analysis is therefore one that views a particular project over time in conjunction with other related past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the project at hand. See *EPIC v. Johnson*, (1985) 170 Cal.pp.3d 604. The cumulative impact analysis prepared for the Project fails to meet CEQA's requirements for several reasons, and as such, the Revised DEIR must be revised and recirculated in order to include the omitted information. Also, new projects are slated for the Bodie Hills (Paramount Mine; contact

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BLM), and a train ride has been proposed from Bodie to the Mono Basin. Pub. Res. Code §21092.1, CEQA Guidelines §15088.5.

As a preliminary matter, the Revised DEIR fails to identify two reasonably foreseeable projects proposed for the Bodie Hills, the operation of the Paramount Mine, and a train ride proposed from Bodie to the Mono Basin. These two projects, when considered with the Project, may result in cumulatively considerable impacts to aesthetics, cultural resources, rare-threatened-endangered species, plant species, and wildlife corridor movement. The mining operation may also contribute to cumulatively considerable water quality impacts. Moreover, the Revised DEIR describes potential additional diversion channels or armored berms along Clearwater Creek which may result in cumulatively considerable impacts to wetlands. These impacts should be addressed in the Revised DEIR.

*As stated in the EIR, there are no other known projects proposed for the Bodie Hills at this time and little existing development in the vicinity (DEIR, Impact Summary). In essence, the Revised Draft EIR concludes that the project's contribution to cumulative effects is less than cumulatively considerable due to mitigation measures proposed in the project and as listed in the Final EIR. There is no development plan or project application for the train ride to Bodie. It is currently only in the conceptual stage. The Paramount Mine is on public lands managed by the BLM in an area that is currently designated as a Wilderness Study Area. The mine applied for a permit to conduct additional exploration activities after a seven-year hiatus. The BLM reviewed the project and denied the permit. The Cumulative Impact analysis in the EIR adequately addresses cumulative impacts since there are no other proposed projects in the area.*

IV. THE MITIGATION MEASURES PROPOSED FAIL TO REDUCE THE IMPACTS OF THE PROJECT TO A LEVEL OF INSIGNIFICANCE.

As will be discussed below, the various policies of the Specific Plan which have been proposed to mitigate the impacts of the Project, are inadequate as presently drafted, and must be revised accordingly.

Land Use - Policy 2

The statement that "Horses. ...shall be confined to existing roads, trails and other existing developed areas," fails to take into account that at present, there are no existing trails directly adjacent to the site, and established roadways are narrow and will already be significantly congested due to the increased traffic associated with the Project. As such, no horse-back riding should be allowed on the parcel. Horses will have to be taken off-site to an appropriate road or trail.

*Land Use Policy 2 (k) has been amended as follows:*

*"Horses owned by patrons of the project shall be confined to existing roads, trails, and other existing developed areas. The project proponent shall refer patrons with horses to more appropriate off-site locations for equestrian activities."*

Land Use - Policy 6

This policy states that fishing is a permitted use of Clearwater Creek, however this statement clearly contradicts plans to fence and sign portions of the creek as a "fragile environment." Not only should fishing be prohibited, but also the entire reach of Clearwater Creek in the parcel should be clearly posted as an "Ecologically Sensitive--Do Not Enter" zone. Areas of the creek with shallow banks will be subject to degradation because of trampling effects on vegetation. If the purpose of the Open Space designation is to be effectuated, this policy must be revised.

*Land Use Policy 6 has been revised to prohibit recreational use of the creek.*

Design Guidelines - Policy 13

This policy states that the purpose of the fuel modification plan is to "reduce volume and density of flammable vegetation." Implementation of this policy, however, could result in impacts to wetlands and creek values if riparian vegetation is significantly reduced. This section should be modified to provide protections to riparian vegetation. A qualified wildlife biologist and botanist should review all fuel modification plans.

*The fuel modification plan in Design Guideline Policy 13 (j) and the Preliminary Fuel Modification Plan in Figure 12 focuses on the developed portions of the property away from the creek and the areas of riparian vegetation. Policies in the Specific Plan (Natural Resource Conservation Policies 1 and 2) protect the stream corridor and the riparian vegetation from development, including removal for fuel modification purposes.*

Natural Resource Conservation - Policy 1

This policy states that "potential impacts to the stream channel and associated riparian vegetation shall be avoided." However, the proposed mitigation measures fail to achieve this goal. The engineering of the creek with rock rip-rap or slope cutback, as well as trampling by people and livestock will cause significant impacts. As stated in the Hydrology and Flood Plain Study prepared for the Revised DEIR, three other streambank mitigation alternatives were explored. Alternative 1 included a proposal to slope the banks back to about 2:1 in the area of proposed development; rock slope protection to the super-elevated level of a 100 year flow in areas of impingement flow against curved banks with thicker rock protection extending under the water

## **Bodie Hills RV Park SP/FEIR**

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surface at the toe of the bank; and rock slope protection at the toe in non-impinging bank sections. This alternative also recommended erosion control blankets above the rock slope protection until the slopes have revegetated. Such sloping banks will enhance revegetation success, as vegetation cannot become established on the existing unstable vertical banks. This selection of this mitigation alternative has been recognized as providing the "best protection for the RV Park improvements and the highest degree of life safety in the event of a major storm event" (Denio, p. 12).

### **Natural Resource Conservation - Policy 3(c)**

This policy states that "during construction... the number of times vehicles will drive across the creek will be limited" in order to protect Creek resources. This mitigation measure is inadequate as does fails to define "limited." Moreover, it fails to address the fact that most sections of the creek are impassable due to extreme down-cutting and erosion. Therefore the construction of bridge-crossings should not be allowed, and either a crane or a temporary bridge (or both) should be used to eliminate need for vehicles to cross the creek.

*This suggestion will be considered during the decisionmaking process on the project. The Specific Plan requires the crossings to be located to minimize the impacts on vegetation and bank stability and contains mitigation for restoration of the temporary stream crossings (see Natural Resource Conservation Policy 3).*

### **Natural Resource Conservation - Policy 6(I)**

This measure proposes to monitor revegetated areas. However, monitoring is not enough to achieve the stated goal. Specific success criteria must be established. Also, a written monitoring plan must be prepared each year, and all monitoring activities must be conducted by a qualified botanist.

*Revegetation compliance goals have been established (amended Natural Resource Conservation Policy 6). See Plants in the previous section of this chapter.*

### **Natural Resource Conservation - Policy 8**

This policy states that "domestic animals shall be restrained..." This mitigation measure is insufficient to minimize adverse impacts associated with the presence of domesticated animals on the Project site. Dogs and cats should not be allowed on the site, either before, during or after construction because of impacts to wildlife.

*Natural Resource Conservation Policy 8 (a) has been amended as follows:*

*"Domestic animals shall be restrained at all times, either through the use of leashes or other means, in compliance with Mono County Code requirements (MCC Chapter 9, Animals)."*

*This was done to ensure that domestic animals do not impact wildlife on-site.*

### **Natural Resource Conservation - Policy 8(c)**

While the establishment of a construction windows to protect the migratory deer herd is helpful in reducing impacts, the construction window should also be limited by the Migratory Bird Treaty Act, to protect nesting birds. As such, no construction activity should occur from March 15 through July 15.

*This information will be considered during the decisionmaking process on the project. Significant impacts to migrating birds are either avoided or reduced by mitigation to less than significant levels. See the responses under Songbirds in the previous section of this chapter.*

Natural Resource Conservation - Policy 9

Generators should not be allowed because they disrupt wildlife, especially migrating deer. Turning the generators off at 10 p.m. is not sufficient mitigation. Outside electricity will be available on-site, so RVs should be mandated to use the power hookups.

*Natural Resource Conservation Policy 9 has been amended as follows:*

*"To minimize potential noise impacts, use of RV generators shall be prohibited after 10 p.m. and before 8 a.m. and shall be discouraged at other times. Generator use shall be allowed in the case of emergencies."*

*Prohibiting generator use during the night and early morning hours will minimize impacts to wildlife and to other patrons of the project. Generator use may be necessary during emergencies, such as power outages; the policy makes a provision for such emergencies.*

Natural Resource Conservation - Policy 11

An archeologist should be present during all phases of construction to identify any critical sites, artifacts or burials. This Policy proposes to have the Project proponent, and not an archaeologist, conduct monitoring during Project construction. Such a policy is not appropriate.

*Specific Plan Natural Resource Conservation Policy 10 requires additional testing prior to development where development may cause direct or indirect impacts to cultural resources; that policy has been amended to clarify that the testing shall be conducted by a qualified archaeologist. If the testing determines that the identified sites qualify as significant sites under CEQA, the Specific Plan requires the project proponent to fund the preparation of a mitigation plan. It should be noted that if, after the additional testing discussed above, the cultural resources on-site are determined not to be significant under CEQA, they may not require the suggested on-site monitoring.*

V. THE DISCUSSION OF ALTERNATIVES TO THE PROJECT FAILS TO COMPLY WITH THE REQUIREMENTS OF CEQA.

CEQA requires that the DEIR include "a range of reasonable alternatives to the project...which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." CEQA Guideline §15126(d), Pub. Res. Code §21100. This section is incomplete because it does not include an option to relocate the project away from the Bodie Hills. The BLM has considerable a land exchange with property located near Bridgeport, and an Alternative which explores a land exchange should be prepared. Desert Survivors, as well as the Dept. of Parks and Recreation in its scoping letter dated January 29, 1997, urges the drafters of the Revised DEIR to investigate this option. Moreover, in light of the fact that a significant unavoidable impact of the Project is the aesthetic impact associated with the placement of utility lines in the scenic highway corridor, the Revised DEIR is required to consider an Alternative which locate the power lines underground. Such an alternative was discussed in the section of the Revised DEIR entitled "Environmental Analysis - Aesthetics," however, a discussion of this alternative was omitted from the Alternatives Section of the document. In addition, the Relocated Project Alternative is inadequate, since it fails to disclose where in the Bodie Hills it might be sited. Such disclosure is necessary so that the overall impacts of the Project Alternative on views, wildlife, and water quality can be assessed. This Alternative should therefore be revised to include a more explicit description of this proposal.

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CEQA requires that the project decision-makers select an environmentally superior alternative unless that alternative is found to be infeasible on the basis of substantial evidence in the record. Because the SDEIR fails to provide an adequate range of alternatives, and because the alternatives described fail to include sufficient information as to their location, the Revised DEIR fails to comply with the requirements of CEQA. Unless the Revised DEIR is modified to include the required range of alternatives and analysis of alternatives, the decision-making agencies with discretionary authority over the Project will have insufficient information to support the approval of the Project. The Revised DEIR should therefore be revised and recirculated for comment and review prior to the approval of a Final EIR for the Project.

*The discussion of whether the powerline should be undergrounded is not considered a true project alternative but an alternative design feature of the project.*

### **VI. MISCELLANEOUS**

This section is intended to address several inconsistencies or mistakes identified by Desert Survivors in the Revised DEIR and Specific Plan.

#### **Land Use Policy 6**

This policy provides that areas designated as "Open Space/Natural Habitat Protection" may be used for recreational use, such as fishing. However, the Specific Plan requires that signs be posted which state that people are required to stay out of creek areas in order to prevent erosion and to promote public safety. This inconsistency must be reconciled.

*Land Use Policy 6 has been amended to prohibit recreational use of the creek.*

#### **Land Use Policy 7**

While Desert Survivors supports establishment of the proposed wildlife movement corridor, it appears from Figure 4 that the corridor is proposed to be 50' wide rather than the designated 150'. Figure 4 must therefore be revised to reflect the 150' set forth in the Revised DEIR and Specific Plan.

*The Wildlife Movement Corridor is 150 feet wide.*

#### **Natural Resource Conservation Policy 2**

Provisions for no fishing, no construction within 100' of the creek, and no grazing should be added to clarify the fact that this is designated as "rural resort."

*The Specific Plan has been amended to require a Grazing Management Plan (Land Use Policy 4) should grazing occur and to prohibit recreational use of the creek (Land Use Policy 6).*

#### **Design Guidelines Policy 1, item "e"**

The statement re: final building and landscaping plans should be revised to state that the plans will be reviewed by State Parks.

*This suggestion will be considered during the decisionmaking process on the project.*

#### **Project Description - Design, paragraph 2, second sentence.**

The language "may be" should be replaced with "will be".

*The referenced sentence (p. 23, Revised DEIR) has been amended to read "Buildings will be designed ..."; the second half of the sentence is left as is.*

Natural Resource Conservation Policy 15

Desert Survivors appreciates the inclusion of bonding to ensure site remediation. However, the amount of the bond must be specified in the final EIR.

*Phasing Policy 7 has been added to the Specific Plan to clarify the bonding requirements. See Financial Viability of the Project in the previous section.*

VIII. CONCLUSION

Based upon the inadequacies discussed above, the Revised DEIR and Specific Plan fail to meet the requirements of CEQA unless substantially revised to include additional information and analysis. CEQA precludes the Lead Agency, in this case the Planning Department, from updating the DEIR with the above-described information and analysis unless that revised document is recirculated. Pub. Res. Code §21092.1, CEQA Guidelines §15088.5. Only then will the opportunity for meaningful public review of the Project be provided, as required by CEQA. Desert Survivors are grateful for the opportunity to submit these comments and hopes they are useful in the evaluation of the adequacy of the Revised DEIR.

*This opinion will be submitted to the decision makers via this response document. It should be noted that the lead agency is Mono County and not the Planning Department. There have been no substantive changes to the project or to the environmental setting or to the conclusions in the EIR or the presentation of any additional information that would warrant the recirculation of the DEIR.*

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1 See also LU Policy 8 establishing the designation of a Wildlife Movement Corridor (WMC), which also contains the prohibition that "[n]o other uses shall be permitted," other than those specifically enumerated in the Policy.

## **Bodie Hills RV Park SP/FEIR**

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September 27, 1999

Mono County Planning Department  
POB 347  
Mammoth Lakes, CA 93546  
Attn. Scott Burns

Re: Bodie RV Park Draft Specific Plan and EIR

Dear Mono County Planning Department,

Thank you for the opportunity to provide comments on the Bodie RV Park Draft Specific Plan and EIR. The official Desert Survivors comments are being prepared by Kelly Drumm of the California Environmental Law Project. However, I will make a few collective comments on behalf of the group. We appreciate receiving the document via e-mail, and also being able to use the hard copy on file at the Berkeley Public Library. We also appreciate the efforts of Mr. Scott Burns and Ms. Gwen Plummer in answering questions and providing documents.

I am a former Mono County resident, and spend most of my vacation time in the County. I have hiked extensively in the Bodie Hills. In addition, I have been employed for over a dozen years as a wildlife biologist and environmental planner (four of these years in the Eastern Sierra).

Desert Survivors appreciates the many improvements in the current draft EIR. It is much better organized and easier to read than earlier versions. We are also appreciative of the inclusion of new studies on hydrology, vegetation, and traffic. (Comments on flood potential are being prepared by Mr. Brendan DeTemple).

Below I have outlined some concerns organized in the order in which they appear in the draft EIR: (Please note that the page numbers of my hard copy of the document do not conform with all versions).

1. Comments on draft EIR and Specific Plan organized by page number

Conformance with Mono Co. General Plan (GP)

The EIR does not conform with the Mono County GP.

(The document states that ) "The GP allows for higher intensity uses...if it can be demonstrated that the use cannot be accommodated in existing community areas"--EIR, p. 7

This project could and should be accommodated somewhere near the town of Bridgeport if an environmentally-sound parcel could be located. A resort at the roadway to Bodie would not be "unique" as stated in the draft EIR. Other resorts (Willow Springs Motel and Trailer Park, the Virginia Creek Settlement, etc.) already provide services (public showers, RV park and dump stations, laundry facilities, motel, restaurant) to the Bodie visitor. Interesting museums already exist in the towns of Bridgeport, Bodie, and Lee Vining (two: Forest Service Visitor Center and Lee Vining Historical Society Museum).

I do not agree to the response to my comments provided in the revised draft EIR. A resort with a unique Bodie experience could be developed near already-developed sites if unique architecture was incorporated.

The GP states that "development would not adversely affect existing or potential ... recreational operations".

Adverse impacts from this development to recreation must be acknowledged. Water quality problems caused by increased erosion, livestock, construction, leach fields, potential sewage leaks from tank sites and sewage connection (RV hook-ups), and vehicle operation and parking will degrade Clearwater Creek, Virginia Creek, and Bridgeport Reservoir.

The GP states that "development protects and is compatible with the surrounding natural environment and rural character..." (p. 7) and "should not dominate the natural environment".

It is completely incompatible to put an RV Park and "mini-mall" in a completely undeveloped area of which the northern border is a proposed Wilderness Area. Due to the enormous size of this project, it will visually dominate the natural viewshed, and produce less obvious negative impacts from reduction in the Mono Basin deer herd and other wildlife resources.

*For responses to the above series of comments, see responses under Bodie Experience and General Plan Consistency in the previous section of this chapter.*

Thank you for including the section on required contents of an EIR, and table of contents. This is very helpful.

Conformance with the Draft BLM Cooperative Management Plan for the Bodie Hills Planning Area (MP)

The EIR does not conform with the MP. The MP calls for projects to "not detract" from the Bodie Experience (p. 7). This project cumulatively impacts wildlife, viewshed, and water quality on a previously undeveloped and near-pristine parcel.

*See responses under Bodie Experience in the previous section of this chapter.*

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Related Environmental Review (page 9.)

Cumulative impacts are not fully addressed in the draft EIR. Neither the power line placement, or the wetland delineation have been determined, so there is not adequate information to assess full impacts. Other cumulative impacts that are not fully addressed include potential diversion channels or armored berms as described on page 13 of the Draft EIR, and potential armoring (rip-rap) or slope cutback on Clearwater Creek, proposed fuel reduction and flood control plans to remove vegetation from the creek, and impacts to cultural resources and wildlife.

*See the Cumulative Impact section in Chapter V, Impact Summary. No wetlands have been identified on the site (Mono County Wetlands Study, 1992) (see also response to wetlands issue in the comment letter from Desert Survivors/Drumm). The project has been amended to allow restoration of some of the creek as called for in the BLM's Resource Management Plan for the area (see Clearwater Creek/Streambank Stabilization in the previous section of this chapter and Natural Resource Conservation Policy 16). Also, "soft" engineering methods will be needed to protect the bridge abutments (see Figure B--Stream Cross-Section in the previous section of this chapter).*

Project Setting (p. 10)

The Project Setting is incomplete because it does not fully acknowledge potential impacts to public lands. As stated in the revised EIR, a proposed BLM Wilderness Study Area (WSA) is present on most of the northern perimeter of the parcel. The Bodie Mountain WSA consists of 25,944 acres and is considered to have moderate to high wilderness values. The EIR must contain a full analysis of all cumulative impacts to surrounding public lands.

*See discussion under Wilderness Study Area (WSA) in the previous section of this chapter. The Project Setting section of the Specific Plan/EIR describes the existing environment; potential impacts are discussed in the Environmental Analysis and Impact Summary chapters of the EIR.*

Single Family Homes (pp. 10-11)

According to the draft EIR, the total square footage for the ENTIRE business (RV Park, motel, etc.) is 6,000 plus square feet (SF) <sup>1</sup> and the two single family homes will require over 4,000 SF. <sup>2</sup> Are these going to be mansions? There are no elevations, plan views or cross-sections provided in the document for the reader to get any information on evaluating the visual impact of these dwellings; nor is there ANY information on the barns and corrals also mentioned. The single family homes are not represented on any maps except for a small sketch that they will appear somewhere on the north bluff (the driveway is indicated but are the unlabeled squares the proposed residences?(Fig. 11)). Fig. 11 implies that the single family homes will be on top of the hills. If so, they will have a significant impact on the viewshed from adjoining peaks in the Bodie Hills. The visual analysis is incomplete because it does not indicate any photographs of this area. All of the photos/analysis (Fig. 13 and 14 plus photos) focus on the viewshed from within the canyon, not from any vantage points above the site. Both the Bodie Hills and the Sierra could have viewshed impacts.

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<sup>1</sup> Neither the County's notice (that the EIR was available) or the Draft EIR (p.2, 10-11) summarizes the square footage of the proposed RV sites! This quantity must be calculated in the Final EIR.

<sup>2</sup> Furthermore, Figure 4A indicates that the "employee housing envelope" will consist of approximately 11,000 square feet! The inconsistencies between these calculations must be explained in the final EIR, and all details of the "employee housing envelop" disclosed.

*Land Use Policy 4 also requires the residences to be located within the 11,000 square foot building envelope identified in Figure 4A. A number of the development standards in Land Use Policy 4 are intended to minimize the potential visual impact of the residences (e.g. they shall be single story, colors and materials which blend into the surrounding area, etc.). In addition, the residences have been carefully sited so that topography and existing vegetation will shield them to the greatest extent possible. In response to the statement that the visual analysis is incomplete, see the discussion under Visual/Scenic Values in the previous section of this chapter.*

Parking (p. 23) -- 116 parking spaces

The parking section is misleading. It neglects to include the RV parking spaces. It only lists spaces for tent cabins, RV shower facilities, and camping cabins but not for the RV park itself. Additionally, all cumulative impacts should be revealed by totaling all parking spaces (RV spaces = 27 + 12; other spaces listed on p. 15 = 77 for grand total of 116 spaces). The 116 parking spaces should be addressed under the parking section to fully assess cumulative impacts.

*The parking section of the Specific Plan/EIR accurately notes that there will be 77 parking spaces provided for the project. If the RV spaces were included with the parking, there would be a total of 109 spaces (not 116) since the number of RV spaces has been reduced to 32 from 39 (as proposed in the previous draft). These are not considered "massive parking lots" and are spread throughout the project site, interspersed with undisturbed areas. In addition, they will be gravel surfaced not paved, further reducing potential visual impacts.*

Design (page 23), paragraph 2, second sentence.

The language "may be" should be replaced with "will be".

*The referenced sentence (p. 23, Revised DEIR) has been amended to read "Buildings will be designed ..."; the second half of the sentence is left as is.*

Project financing p. 25

"According to the project engineer, the project proponents have the capability to finance the project". Any engineer hired to work on a large project such as this would have a tremendous conflict of interest and is an inappropriate source for information on the proponents' financial resources.

The amount and guarantees of the bond(s) must be specified in the Final EIR.

*The Specific Plan (Phasing Policy 7) has been amended to more thoroughly address the issue of Bonding. See the discussion under Financial Viability of the Project in the previous section.*

Signs

I appreciate the inclusion of signs to encourage people to keep out of the creek. This conflicts with information presented later in the EIR (under "Policies") that fishing will be permitted. However, I am dismayed about the size and number of highway signs to be constructed as part of the project. These signs will seriously degrade the viewshed both along Highway 395, and along Highway 270. I appreciate the fact that the signs along Highway 395 will not be illuminated. This should be the case for the signs on Highway 270 as well.

*Land Use Policy 6 has been amended to allow no recreational use of the creek. The comments about the signs will be considered during the decisionmaking process on the project.*

## **Bodie Hills RV Park SP/FEIR**

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### Policy 2

"Horses..shall be confined to existing roads, trails and other existing developed areas." (p.33)

As there are no existing trails directly adjacent to the site, and roads will be narrow and congested, NO riding should be allowed on the parcel. Horses will have to be trailered off-site to an appropriate road or trail.

*Land Use Policy 2 (k) has been amended as follows:*

*"Horses owned by patrons of the project shall be confined to existing roads, trails, and other existing developed areas. The project proponent shall refer patrons with horses to more appropriate off-site locations for equestrian activities."*

Policy 4 (page 33) line C3.

The single family residences shall be sited to minimize their visibility from Highway 270, but what about their visibility from Wilderness Study Areas and other public lands?

*The single family residences have been sited to minimize their visibility. However, the EIR recognizes that there will be significant unavoidable visual impacts from the project. Also, see the discussion under Visual Quality in the letter from Desert Survivors/Drumm.*

Policy 4 (p. 33)

"Horse corrals and stables..."

The document is incomplete because it does not include complete plans or figures for these structures. It does not indicate that these structures will be located away from the wildlife movement corridor.

*Land Use Policy 4 permits corrals and stables as accessory uses for the single-family residences and requires them to be located in the 11,000 square foot building envelope indicated on Figure 4A of the Specific Plan. The building envelope is not located in the area designated for the wildlife movement corridor which is located in the central portion of the project adjacent to Clearwater Creek. However, the single-family residences have been located to avoid impacts to plants and wildlife.*

"Livestock grazing." (p.34, d)

In the Project Setting section, it is stated that the parcel is currently ungrazed. There is no way that the reader can analyze the effect of the proposed grazing since no information is given on numbers or type of livestock. There is no information provided on fencing required for livestock, which could have a significant impact on migrating deer. There are no assertions that livestock will be kept within corrals. The wildlife assessment (Taylor 1997) clearly states that "no solid or wire fences of any kind will be constructed along project area boundaries" (p. 23).

It is imperative that livestock be kept away from the creek. Livestock chisel banks with their hooves, trample and compact the soil, and browse seedlings. These effects lead to increased peak runoff and erosion downstream, channel incision, channel widening, and higher water temperatures (Kondolf et al. 1996). The impacts of grazing will reduce forage and cover for deer and other species, increase sedimentation in the creek, and potentially escalate an already serious

problem with erosion and incision of the creekbed, and negatively impact fisheries downstream from the project (ie. Virginia Creek).

Grazing will lead to an increase of the brown-headed cowbird, a species closely associated with livestock. Cowbirds lay their eggs in other species' nests, which usually causes a decline in the host species' ability to raise their own young (De Groot 1997). In Texas, removal of cattle resulted in a reduction of the parasitism rate from 90% in 1987 to 22% in 1996 (Eckrich and Koloszar 1997), which resulted in higher nesting success for native species.

*In the event that grazing is proposed by the applicant, the Specific Plan (Land Use Policy 4) has been amended to require a Grazing Management Plan which will avoid impacts to the stream corridor and riparian areas and will enhance habitat for sage grouse. See the sections on Sage Grouse and Songbirds in the previous section of this chapter.*

"The areas immediately north and south of the proposed development shall be maintained as natural buffer zones..."

What is the definition of "natural buffer zone"? These areas should be designated as permanent open space.

I do not agree to the response to my comments provided in the revised draft EIR. The natural buffer zones should be mapped.

The response comment indicates that the "natural buffer zone" is synonymous with "undeveloped natural open space." Please define the term "natural buffer zone" in the Final EIR to avoid confusion.

*Permanent open space is also provided by designating the remainder of the parcel not used for development (approximately 142 acres) as Rural Resort/Resource Conservation Passive Recreation (Land Use Policy 4). A limited number of uses specified in the Specific Plan are allowed in that designation; Land Use Policy 4 has been amended to allow no other uses in that designation, thereby preserving the remainder of the parcel for natural habitat and open space uses. This area of undisturbed natural habitat provides a natural buffer zone between the developed portions of the subject parcel and surrounding public lands. This is mapped on the Land Use Map in the Specific Plan (Figure 9).*

Policy 5--Open Space/10' setback (pp. 34-35)

The 10'/30' setbacks are not adequate. The development should be situated away from the creek. (See Calif. Dept. of Fish and Game letter dated Nov 3, 1997, p. 1).

For rural development, Contra Costa Co. requires a fifty-foot setback on either side of the creek, and Sacramento Co. requires a one-hundred foot setback (Ed Pancoast, Director, Urban Creeks Council, pers. comm.).

*This information will be considered during the decisionmaking process on the project. (Note: The setback from the creek has been increased to 30 feet instead of 10 feet).*

Policy 6 --fishing (p. 35)

Fishing should not be allowed on the parcel. Fishing clearly contradicts plans to fence and sign portions of the creek as a "fragile environment" (p.24.) Not only should fishing be prohibited, but the entire reach of Clearwater Creek in the parcel should be clearly posted as an "Ecologically Sensitive--Do Not Enter" zone. Areas of the creek with shallow banks will be subject to

## **Bodie Hills RV Park SP/FEIR**

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degradation because of trampling effects on vegetation. Paths should not be constructed down to the creek.

*Land Use Policy 6 has been revised to prohibit recreational use of the creek.*

"No other uses shall be permitted" ..

According to the response comments, the specific Plan states that no other uses shall be permitted in the creek. The signage should note this. To prevent confusion, the reach of stream that runs through the project should be closed to human entry.

*The Specific Plan/EIR has been amended to allow no recreational use of the creek. There will be no paths to the creek. Fencing will be placed all along the 30' setback from the top of the streambank and "Do Not Enter" signs will be placed along the fencing.*

Policy 8 (p. 35)

"Three RV vehicle spaces..."

This is not enough to mitigate impacts. All development should be routed away from the wildlife movement corridor.

According to Figure 4, the wildlife movement corridor encompasses all of sites 13, 14 and 15, and bisects portions of 12 and 16. All five of these sites should not be built within the Wildlife Movement Corridor.

There will be significant impacts resulting from this project to the Mono Basin deer herd. Policy 7 (p. 30) should have been included.

*See responses to Potential Impacts to the Deer Herd in the previous section.*

"Existing vegetation shall be retained..."

This statement is not true in light of pressures from increased bank trampling from fisherpersons, and unspecified grazing pressures.

*As noted above, in the event that grazing is proposed by the applicant, the Specific Plan has been amended to require a Grazing Management Plan and to prohibit recreational use of the creek. Additionally, proposed streambank restoration should offset any losses due to construction (such as bridge construction).*

Policy 11 (p. 35).

The qualifications for Deer Biologist mentioned in this policy must be spelled out in the final EIR.

*During the decisionmaking process for the project, the Board of Supervisors must decide to adopt, reject, or modify mitigation measures such as the one noted above.*

Design Guidelines (page 40) policy 1, item "e".

The language should read that final building and landscaping plans will be reviewed with State Parks.

*During the decision-making process for the project, the Board of Supervisors must decide to adopt, reject, or modify mitigation measures such as the one noted above.*

Policy 13 (p. 47)

Re: fuel modification plan ("reduce volume and density of flammable vegetation"). This could result in significant impacts if riparian vegetation is reduced. This section should be modified to provide protections to riparian vegetation. All fuel modification plans should be reviewed by a qualified wildlife biologist and botanist.

*The fuel modification plan in Design Guideline Policy 13 (j) and the Preliminary Fuel Modification Plan in Figure 12 focuses on the developed portions of the property away from the creek and the areas of riparian vegetation. Policies in the Specific Plan (Natural Resource Conservation Policies 1 and 2) protect the stream corridor and the riparian vegetation from development, including removal for fuel modification purposes.*

Natural Resource Conservation

Policy 1 (p. 47)

"Potential impacts to the stream channel..."

Potential impacts to the stream channel are not being avoided. Engineering of the creek with rock rip-rap or slope cutback, as well as trampling by people and livestock, will cause significant impacts.

*For a discussion of streambank stabilization methods see Clearwater Creek/Streambank Stabilization in the previous section of this chapter. As noted above, the Specific Plan has been amended to prohibit recreational use of the creek and to require a Grazing Plan should grazing occur.*

Policy 2 (p. 47)

Provisions for no fishing, no construction anywhere near the creek, and no grazing should be added to clarify the fact that this is designated as "rural resort."

*See above.*

Policy 3 (p. 48)

"During construction.. number of times vehicles will drive across the creek will be limited".

The document is incomplete because it does not fully address alternative temporary creek crossing methods, not does it designate where temporary creek crossing will occur or what mitigation will be required. Most sections of the creek are impassable due to extreme downcutting and erosion. Major grading will be necessary to install the temporary crossings. Either a crane or a temporary bridge (or both) could eliminate need for vehicles to cross the creek.

*This suggestion will be considered during the decision-making process on the project. The Specific Plan requires the crossings to be located to minimize the impacts on vegetation and bank stability and contains mitigation for restoration of the temporary stream crossings (see Natural Resource Conservation Policy 3).*

Policy 6, page 49, item "i".

I highly approve of plans to monitor revegetated areas. However, this is not enough. Specific success criteria for % live plants, etc. need to be established. Also, a written monitoring plan must be prepared each year and circulated to the resource agencies, and representatives of the Calif. Native Plant Society. The monitoring must be conducted by a qualified botanist. *Revegetation compliance goals have been established (amended Natural Resource Conservation Policy 6). See Plants in previous section of this chapter.*

Policy 8 (p. 50)

"domestic animals shall be restrained..."

Dogs and cats should not be allowed on the site, either before, during or after construction because of impacts to wildlife.

*Natural Resource Conservation Policy 8 (a) has been amended as follows:*

*"Domestic animals shall be restrained at all times, either through the use of leashes or other means, in compliance with Mono County Code requirements (MCC Chapter 9, Animals)."*

*This was done to ensure that domestic animals do not impact wildlife on-site.*

Policy 8, line "c".

I commend the draft EIR for establishment of construction windows to protect the migratory deer herd. The construction window should incorporate the Migratory Bird Treaty Act, to protect nesting birds. No construction activity can occur from March 15 through July 15. For example, in 1998, I observed a pair of belted kingfishers nesting within the project area in the bank of Clearwater Creek.

*See the response under Songbirds in the previous section of this chapter.*

"...valuable wildlife features...shall be protected" (line h.)

These should be mapped and identified to ensure that this takes place. This section should also be included under the fuel modification policy.

*This suggestion will be considered during the decision-making process on the project.*

Policy 9 (p. 50)

Generators should not be allowed because they disrupt wildlife, especially migrating deer. Turning the generators off at 10 pm is not sufficient mitigation. Outside electricity will be available on-site, so RVs should be mandated to use the power hookups.

*Natural Resource Conservation Policy 9 has been amended as follows:*

*"To minimize potential noise impacts, use of RV generators shall be prohibited after 10 p.m. and before 8 a.m. and shall be discouraged at other times. Generator use shall be allowed in the case of emergencies."*

*Prohibiting generator use during the night and early morning hours will minimize impacts to wildlife and to other patrons of the project. Generator use may be necessary during emergencies, such as power outages; the policy makes a provision for such emergencies.*

*Policy 11 (p. 47)*

An archaeologist and local Native American should be present during all phases of construction to identify any critical sites, artifacts, or burials. Using the proponent as a monitor is not adequate.

*This suggestion will be considered during the decision-making process on the project.*

*Policy 12 (p. 51)*

Regarding line "b", the adequacy of ground water supply, both quantity and quality, should be determined as part of the final EIR.

*For a discussion of water quality and quantity, see Water Quantity and Water Quality in the previous section.*

Policy 12 (p.43) is not adequate – these projections should have been included in the Draft EIR. There was no watershed management plan completed, as proposed in my scoping letter. As you know, Virginia Creek is an important fishing area. Destruction or reduction of the Virginia Creek fishery would impact existing development at several motels located between the Bodie Road and Bridgeport. Incorporated in the final EIR or as a stand-alone document should be a watershed management plan which would include basic background data such as current turbidity loads in Clearwater Creek and Virginia Creek, current fish populations and associated invertebrates, expected impacts of the proposed development on fish populations, and expected impact of sewage leachate from the proposed project on fish populations. It should also include post-construction monitoring of invertebrates as outlined in the letter from David Herbst (dated November 12, 1996).

*See the response to the comment letter from the Lahontan Regional Water Quality Control Board. As noted at the beginning of this chapter:*

*"... CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR." [CEQA Guidelines Section 15204 (a)]*

*Policy 15 (p. 52, also p. 54).*

I appreciate the inclusion of bonding to ensure site remediation. However, the amount and guarantees of the bond must be specified in the final EIR.

*Phasing Policy 7 has been added to the Specific Plan to clarify the bonding requirements. See Financial Viability of the Project in the previous section.*

*Traffic and Circulation, Policy 2, page 52.*

Paving of parking areas must not be permitted. The County should require the project to adhere to their original plan to keep gravel on the surface.

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*This suggestion will be considered during the decision-making process on the project.*

Phasing (page 53).

Regarding Policy 4, any "minor modifications" that shall occur must be subject to full public review.

*Phasing Policy 4 states the Planning Commission has the authority to make "minor modifications" to the project. Planning Commission actions are subject to public review.*

Water (p. 58)

A water quality study should be included in the Final EIR, especially since upstream of the proposed project there are several old mines, including Little Bodie Mine, and a prospect in Cinnabar Canyon, which might have contaminated the groundwater with mercury or other mining by-products that would make the water unsafe for public use. Additionally, it must provide stream gauging data on Clearwater Creek across both wet and dry years and a complete study of groundwater resources across a similarly varied series of hydrological events. How much groundwater would be extracted at the proposed well? How much water would be lost to instream use from evapotranspiration from landscaping, and evapotranspiration from the leach field? Again, Policy 12 is not adequate.

*See the response to the comment letter from the Lahontan Regional Water Quality Control Board.*

Water Demand (page 58).

The engineer used an estimate of 4 households of 5 people, or approximately 20 people. Even if only 1 person stayed in each site, or motel room, or single family residence, there would be 66 people per night. The calculations used in the draft EIR seems to be a gross underestimate.

*Table 1A--Estimated Daily Water Demand and Table 1B--Estimated Water Usage have been amended to correct the usage figures for the RV Park, to include the 2 employee residences, and to clarify the figures for all proposed uses. See Water Quantity in the previous section of this chapter.*

P. 9 Surface water (p. 59)

"...supports a small population of trout but has little significance as a fishery due to the small population and the proximity of other well-stocked fishing areas."

The draft EIR is incomplete because it does not contain a complete fisheries study. There are no citations to indicate the source of this sentence.

According to Curtis Milliron, CDFG Fisheries Biologist (Bishop office) (pers. comm. 9/21/99, 9/29/99), electro-shocking surveys showed that Clearwater Creek supports a "fairly decent" fish population with some reasonably large fish. The trout population in Clearwater Creek consists of wild rainbow and brown trout. Wild trout populations are generally held in higher esteem by anglers than hatchery stock.

The final EIR should include a complete fisheries study. This should be used as baseline information, and mitigation should include post-project surveys to ensure that the fishery has not been impacted. If impacts occur, than appropriate fish habitat restoration must be conducted. *See Other Wildlife in the previous section of this chapter.*

Plant life (p. 58)

The project description indicates that rare plants have been identified, but that direct impacts to these populations will be avoided. However, rare plant populations can be destroyed by indirect impacts such as changes in runoff patterns from poorly planned development, trampling by humans, etc. One of the populations of Masonic rock cress is only 15' from an RV site (p.67, para.2)

*This information will be considered during the decision-making process on the project.*

Table 2 ( page 61).

According to this table, 6.45 acres of land will be disturbed. Therefore an NPDES permit will be required.

*The Specific Plan notes in several places that an NPDES permit will be required (see Natural Resource Conservation Policy 14) and requires the applicant to obtain that permit prior to the development of Phase I of the project (Phasing Policy 5).*

Page 62, paragraph 2.

Where is this monitoring program located in the document? The final EIR should contain a reference to the appropriate section or include a complete monitoring program.

*The mitigation monitoring program for the EIR is located in Chapter VI of the document.*

Page 65, paragraph 2.

This section indicates that 22 acres of Big Sagebrush scrub will be lost. This directly contradicts information on page 61, which states that only 6.45 acres of surface disturbance will occur.

*The reference to 22 acres of Big Sagebrush is misleading and has been removed from the document.*

Wetlands (p. 9)

Para. 1--no wetland delineation conducted, as discussed in my scoping letter. The document is extremely incomplete. With most other construction projects, the wetland delineation is conducted first rather than last. Without this critical piece of information, there is no way to assess if there are impacts to 404 lands, and, if so, if mitigation measures are suitable. The Army Corps of Engineers requires that all feasible and prudent alternatives must be explored if wetlands fill is to occur, but there is no way to analyze this without a delineation.

The final EIR must contain a wetland delineation approved by the Army Corps of Engineers, as well as a complete mitigation and long-term monitoring plan if impacts are unavoidable.

I do not agree to the response to my comments provided in the Revised Draft EIR. Potential impacts to wetlands have not been avoided by siting development away from the riparian

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corridor, as stated in the draft EIR comments to our letter, because the proposed rip-rap or slope setback will have dramatic impacts to creek wetlands, as well as trampling, etc.

*There are no identified wetlands on-site (Mono County Wetlands Study, 1992). Moreover, no development will occur within the Clearwater Creek Open Space corridor (Land Use Policies 5 and 6) which runs from 30 feet north of the top of the north bank to 30 feet south of the top of the south bank. Land Use Policy 6 has been amended to allow no recreational use of the Clearwater Creek Open Space corridor. In addition, Natural Resource Conservation Policy 16 has been amended to allow stream restoration and enhancement measures (such as riparian revegetation measures) which are intended to enhance existing conditions. These design features and mitigation measures will avoid or minimize potential impacts to the riparian corridor to a less than significant level.*

Plant surveys (p. 60)

Two rare plant populations were discovered: Bodie Hills cusickiella (*Cusickiella quadricostata*) and Masonic rock cress (*Arabis cobrensis*). Both are former federal candidate (C2) species, which are now considered to be US Fish & Wildlife Service species of concern.

I am very concerned about the large population of Bodie Hills cusickiella located in the power line area (Botany Appendix (BA), p. 5). All impacts must be avoided (direct and indirect) to this population.

*Natural Resource Conservation Policy 7 contains specific measures to avoid impacts to the population of Bodie Hills cusickiella located in the power line area.*

Also, it is unclear if the "employee housing envelope" was fully surveyed during the initial rare plant surveys by Mark Bagley (BA Figure 3); it is difficult to match this to Figure 4A given the different scales of the map. Additional surveys to fully analyze this area must be conducted.

*The employee housing envelope was fully surveyed by Bagley (see Figure 3 in the Botanical Study in Appendix B).*

The mitigation measures (to avoid direct destruction of the rare plant populations) are insufficient because livestock grazing and human trampling may cause significant negative impacts.

*In the event that grazing is proposed by the applicant, the Specific Plan (Land Use Policy 4) has been amended to require a Grazing Management Plan which would avoid impacts to sensitive plant species.*

Animal life (p. 61-64)/ Comments on "Wildlife Assessment Survey at the Bodie Hills RV Park"

The draft EIR is inadequate because it does not address cumulative impacts to deer, threatened, endangered, and sensitive wildlife and plant species, acknowledge increased impacts to wildlife from additional presence of humans and their pets, or recognize impacts to local songbird populations due to use of bird feeders and livestock grazing (both factors encourage brown-headed cowbird populations). Furthermore, it was based on incomplete and inadequate wildlife surveys.

The importance of riparian corridors to wildlife, especially those in the Great Basin, is not acknowledged. In the nearby Inyo National Forest, for instance, riparian areas constitute less than 0.4% of the land area but are essential for at least one phase of life for about 75% of local wildlife species (Kondolf et al., 1996).

Regarding the response to my letter: I suggest that you either a) incorporate the information from Taylor 1997 into the final EIR, or b) refer to the page numbers in your response in the final EIR. To most readers, this information is buried in a technical appendices that they will not read as it was not available electronically.

*The Animal Life section in Chapter IV, Environmental Analysis, of the EIR has been amended to direct reviewers to information included in the Wildlife section of the Appendices to ensure that reviewers and decision makers fully understand the habitat value for wildlife on-site. See also the responses under Songbirds in the previous section of this chapter.*

#### Analysis of Wildlife Study

##### Survey Methods (p. 3)

It is unclear what part of the 155-acre parcel was surveyed. This section reads that Mr. Taylor met with Mr. Lampi to "agree on the exact boundary of the area to be included in the surveys". The survey area must be designated on a map in the Final EIR; also, the entire 155-acre parcel must be surveyed for use by migrating mule deer to allow a complete analysis of cumulative impact. The impact area will be larger than the specific project footprint (see discussion of p. 8, para. 3 below). Also, the footprint of the project has been changed since the 1997 surveys. The surveys were conducted for a proposed 10-ft, rather than a 30-ft. setback. These changes must be incorporated into all parts of the Final EIR.

P. 8, para. 2; draft EIR p. 81

"Vicinity" (re: "24% of the (mule deer herd) moves through the project vicinity") should be defined and mapped. The dictionary defines vicinity as "being near or close by".

P. 8, para. 3; draft EIR p. 81

Taylor points out that "residential development...in the migration corridor" is one of several factors adversely affecting deer population numbers.

Additional sources that discuss impacts to mule deer by residential development include Wallmo, Reed, and Carpenter (1976) and Nicholson, Bowyer and Kie (1997). Wallmo, Reed, and Carpenter (1976) state that housing development is one of the main causes for the decline of mule deer. "...Developments, with their accompanying increases in automobiles, snowmobiles, other motorized vehicles, dogs, and human activity, affect large areas beyond the actual boundary of the specific housing development. As a result, the overall effect of housing developments on mule deer habitat is greater than indicated by analysis of only the actual land area impacted" (p. 45). Nicholson, Bowyer and Kie (1997) studied mule deer in the Santa Ana River drainage and other portions of the San Bernardino Mountains of southern California, an area with many habitat types that included pinyon pine and sagebrush. They noted that "Deer avoided human developments in all seasons" (p. 483). (They defined development as roads, as well as cabins and campgrounds (p. 487)). "Human disturbance is a significant factor that affects deer in the drainage of the Santa Ana River. Indeed, all deer were observed farther than expected from human developments. Mule deer used areas near human development less than similar undisturbed sites. Clearly, human disturbance reduced the value of habitat for mule deer" (p. 501).

*For responses to the above issues, see Potential Impacts to Deer Herd in the previous section of this chapter and the responses concerning the deer herd in the letter from Desert Survivors/Drumm.*

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Loft (1998) notes that in northeastern California "deer hunters accounted for an estimated \$2.1 million in local expenditures (p. 1)" during the 1997 hunting season. "Improvement of wildlife habitat on a large scale is needed to reverse the long-term declines in populations of mule deer" (Loft, p. 1).

*Thank you for the information. This information is, however, non-site specific and its applicability to the project area is unknown.*

### P. 9, Sage grouse

I respectfully acknowledge the opinion of Ron Thomas, CDFG Biologist, (in Addendum) regarding sufficiency of full sage grouse surveys. However, I feel that brood surveys should be conducted both at and upstream of the project at an appropriate time of year. According to Mr. T. Blankinship, CDFG Upland Game Division, Sacramento, there is a possibility that conservation groups will petition CDFG to list sage grouse as threatened or endangered in the near future (pers.comm, 9/24/99). Such a listing could radically disrupt construction timelines and in effect "shut down" the project if adequate surveys were not conducted. Although the addendum states that a lek is within 4 miles of the site (Addendum, p. 2), there are actually two leks less than 2 miles from the project site (Joy Fatooh, pers. comm.,9/30/99). Sage grouse are a highly mobile species that use areas far from their lek sites. In the Mono Basin, for example, to the best of my knowledge, there are no leks within 4-5 miles of the west-central basin, yet observers have reported 25 sage grouse on 1/19/98, and 32 on 1/26/98 in this area. The Bishop Resource Management Plan Record of Decision (1993) adopted a policy to seasonally limit certain types of human activity on public land within a 2-mile radius of sage grouse leks.

*See the response under Sage Grouse in the previous section of this chapter.*

### P. 12, Sierra Nevada Mountain Beaver

It is unclear to me why the site was deemed unsuitable for mountain beaver-- the habitat description states that they use "meadows or riparian thickets". Further info. on habitat must be included to substantiate Mr. Taylor's decision that the "project area does not provide suitable habitat". The fact that mountain beaver were not observed during the site visits seems hardly surprising, since this shy animal is (a) primarily nocturnal, and (b) not likely to make an appearance considering Mr. Taylor was surveying with a dog.

*The 1997 Addendum to the Wildlife Survey notes that "The project area does not provide suitable habitat for mountain beaver because it lacks the high elevations and steep gradients required for adequate soil drainage, and succulent meadow vegetation required for foraging." (Taylor, 1997 Addendum, p. A-2). In addition, see the response concerning mountain beaver in the letter from Desert Survivors/Drumm.*

### P. 13, Sierra Nevada Red Fox

Although the wildlife report states that human disturbance precludes presence of Sierra Nevada Red Fox, there are many reaches of Dechambeau Creek (where one was sighted) that are somewhat impacted by cabins, roads, etc.

*The suitability of habitat for the red fox is discussed in the Revised Draft EIR Appendix B (i.e., "... marginally suitable habitat ..."). (Taylor, personal communication, Dec. 1999).*

### P. 16, Band-thigh Diving Beetle

Mr. Russi of BLM has observed this species in Clearwater Creek. What effect will riprap/ slope cutback have on this species?

*A survey for the band-thigh diving beetle was conducted by David Herbst. The results of that survey are included in the Wildlife Survey portion of the appendices. That survey " ... found no evidence of the presence of this beetle ... If occurring on Clearwater Creek this species is not present in the proposed project area of potentially affected downstream reaches" (Herbst, 1996).*

P. 19, para. 2

The important discussion of the significance of willow-riparian to wildlife should be in the final EIR! Many readers will not have access to the appendices. There is only a very brief mention of this located in the Surface Water Section, p. 70.

*The Animal Life section in Chapter IV, Environmental Analysis, of the EIR has been amended to include the information noted above.*

P. 21, Mitigation Measure 4

"With the exception of bridge crossings, willow-riparian habitat along Clearwater Creek shall be preserved..."

This ignores the proposed riprap/ slope cutback.

*These are mitigation measures suggested by Mr. Taylor, prepared before the Specific Plan/EIR was revised to include proposed streambank stabilization measures. They are not part of the proposed Specific Plan.*

P. 23, para. 2

Mr. Taylor rightly points out that "Some of the impacts to mule deer resulting from development of the project site can be mitigated, but impacts from habitat removal and alteration are unavoidable consequences of the project that cannot be mitigated to less than significant levels".

I agree with this statement. Why does the draft EIR, p. 82, state that "Implementation of the suggested mitigation measures will minimize mule deer impacts to a less than significant level".

*Subsequent to the preparation of the wildlife report, this conclusion was changed based on the revised project plans and mitigation measures involved (e.g. creek setbacks, reduced intensity of development, seasonal variations of use, etc.). More recent consultation with the wildlife expert indicates that the 150 foot wide Wildlife Movement Corridor is not ideal and that a 560 foot wide corridor would be better for deer migration purposes. How deer will respond and adjust to this reduced corridor width is uncertain; however, if an undisturbed corridor is maintained, then a portion of the deer population will continue to migrate through the project area, while others will cross the area at other dispersed locations. Although this is a very important potential impact, and a wide corridor is desirable, it is not considered an unavoidable, unmitigable significant adverse impact of the project (Taylor, personal communication, Dec. 1999). Whatever corridor width is adopted, the wildlife expert states it should be absolutely free of human development and disturbance, especially during the period of deer migration. The project has been revised to provide a 30 foot setback from Clearwater Creek, instead of the proposed 10 foot setback. This revision will require minor modifications to the site plan; it may be possible to eliminate any development in the wildlife movement corridor except for a small portion of gravel roadway.*

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*It should be noted that the project site is a small area within the much larger Bodie Hills Planning Area (approximately 128,500 acres--111,500 acres of public lands, 17,000 acres of private lands). No development is proposed for 137 of the 155 acres owned by the project proponent. The "Impacts and Mitigation" section of the wildlife report provided a detailed discussion of indirect impacts to wildlife on adjacent, undisturbed areas. These impacts included decreased use of habitat within and adjacent to the project area, increased use of marginal habitat types, and abandonment or alteration of traditional travel routes and a corresponding shift of home ranges. The project site is surrounded on all sides by undisturbed public lands. While there may be impacts in a small area on-site, there is ample surrounding habitat for the portion of the deer herd that utilizes the site to shift its traditional travel routes.*

Curtis Milliron, CDFG Fisheries Biologist (Bishop office) (pers. comm. 9/21/99, 9/29/99) stated that surveys should be conducted for all amphibian species, and mountain yellow-legged frogs. He said that it is unlikely that mountain yellow-legged frogs are present, but an unlikely population occurs nearby at Mono Lake.

*This information is hereby incorporated in the EIR.*

Figure 3

This figure is dated from 1997. It must be updated to show the new site configuration.

*Figure 3 in the Wildlife Assessment shows the location of the proposed wildlife movement corridor. The wildlife movement corridor is shown on the updated site configuration in the Specific Plan (see Figure 4 in the Specific Plan).*

Wildlife addendum

Desert Survivors appreciates the special attention to our comments.

Addendum, p. 1, last para.

The table in the first part of the appendix should be updated and consolidated to include these species. Surveys must be conducted for mountain quail, yellow warbler, western white-tailed hare, and pygmy rabbit; as well as mountain yellow-legged frog, and other amphibians.

*The Animal Life section in Chapter IV, Environmental Analysis, of the EIR has been amended to include the information presented in Table 1 in the Wildlife Addendum. As noted at the beginning of this chapter:*

*"... CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR." [CEQA Guidelines Section 15204 (a)]*

Addendum, Para. 3--Audubon surveys

Was Audubon consulted? The contact is Mr. and Mrs. Jim Parker, Bishop, CA. Their survey results should be included in the Final EIR.

*See the comment letter from the Eastern Sierra Audubon.*  
Wildlife Addendum, p. 2

I agree with the response that presence or absence of habitat is very important. However, it is still important to do surveys at the correct time of year, even if the habitat is marginal. As stated in my original comments, some of the surveys for threatened, endangered and sensitive (TES) species listed in Taylor (1997) Table 1 were conducted at the wrong time of year. Surveys were conducted in November and December (Taylor 1997, p. 3), which was an inappropriate time to survey for willow flycatchers, bank swallows, and other neo-tropical species which reside in Mono County from April to September. Therefore, it is inappropriate to state that no bank swallows and no willow flycatchers were observed (Taylor 1997, pp. 13 and 15).  
Impacts, P. A-4

"Yellow warblers would not be affected because most of the riparian corridor would remain as open space." Riprap, slope cutback, and flood control vegetation removal will impact yellow warbler habitat.

*This statement was provided before the Specific Plan/EIR was revised to include streambank stabilization measures. The Specific Plan/EIR has been further revised to include stream restoration and enhancement measures which are intended to preserve and enhance the riparian corridor and its habitat value.*

Mitigation Measures, p. 2 (last part of Wildlife Appendix)

LU 4J--"No more than 10% of the entire parcel may be disturbed".

The entire disturbance plan must be revealed to fully evaluate cumulative impact.

*This is the old mitigation monitoring program from the previous draft of the Specific Plan/EIR. It is no longer applicable and was erroneously included here. The revised Mitigation Monitoring Program is included in Chapter VI of the Specific Plan/EIR.*

MM, Wildlife Appendix, P. 14, DG6

Mr. Taylor (p. 40) proposes shielding the lights of the development. Why is this excellent suggestion not implemented elsewhere in the Draft EIR?

*See response to previous comment. In addition, Design Guidelines Policies 5 and 6 require shielding of lights and the use of low intensity lighting. This is also discussed in the Light and Glare section of the Environmental Analysis (Chapter IV).*

Taylor points out that deer were observed using 560' wide corridor but only 150' was set aside for "wildlife movement corridor". The current design shows three RV sites in the 150' corridor and 2 roads go through the so-called corridor! Although the three RV sites are allegedly not to be occupied during key migratory period (draft EIR, p. 44) this will be patently hard to enforce. Additionally, two sites intrude into the Wildlife Movement Corridor (WMC). These five sites should not be built; the closure period should also be indicated on the maps. The site should not be spread out throughout the entire canyon; the WMC should be a discrete, non-developed zone and expanded to contain the 560' of critical deer use. Finally, on Figure 4 the WMC is not clearly indicated beyond the RV area. Interpolation suggests that the single-family residences intrude onto the WMC! They must be relocated outside of a 560-ft. wide WMC. Also, will the single-family residences (SFRs) be occupied year-round? At the very least, the SFR's must be unoccupied during the deer migration period if they are to remain in the WMC.

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*See the previous response concerning the width of the wildlife movement corridor.*

Comments on main portion of Draft EIR, continued  
Aesthetics (p. 72)

As mentioned in the scoping letter, I have probably visited Bodie at least 50 times from approximately age seven onwards. The Desert Survivors frequently hike and provide volunteer support to projects in the Bodie Hills. One of my family's most cherished memories is a set of photographs my parents took at Bodie before it was designated as a State Park. Currently, the "gateway" to Bodie (junction of Bodie Road/ Highway 395) and the Bodie Road itself is extremely wild and scenic. It provides a critical setting in which to visit the Park: that you are approaching an extremely wild, remote place. Because it is a narrow, two-lane road that has a relatively low traffic volume. This atmosphere allows the harried east-side visitor (one day to visit Yosemite, three hours to visit Mono Lake, etc.) a chance to relax and unwind. The proposed R.V. Park will irreparably impact the "gate", and destroy the isolated spirit which brings visitors back year after year to Bodie. The "Bodie Experience" starts at the turnoff from Highway 395.

*See responses under Bodie Experience in the previous section of this chapter.*

No acknowledgment is made of the impact to the viewshed from overhead telephone and electrical lines. These lines should all be placed underground.

*The Specific Plan/EIR does acknowledge, in several places, that the proposed overhead powerlines will create a significant visual impact (see Potential Impacts in the Aesthetics Section of Chapter IV, Environmental Analysis, and Significant Unavoidable Environmental Effects in Chapter V, Impact Analysis). The EIR states that significant unavoidable visual impacts would result as a result of implementing the Bodie RV Park Specific Plan.*

*"Although the project has been designed to avoid or minimize potential visual impacts, any new development on the floor of the existing canyon, the proposed overhead powerline, and/or the single family residences will result in visual impacts. A number of policies and design features have been incorporated into the Specific Plan to avoid potential visual impacts and to mitigate potential impacts to a less than significant level; however, the project will still result in significant visual impacts. Visual impacts will be significant and unavoidable because any development in the currently undeveloped project area will have some visual consequences."*

*(Bodie RV Park Specific Plan/EIR, Significant Unavoidable Environmental Effects in Chapter V, Impact Analysis)*

"no significant impacts"

The document does not address significant impacts to the viewshed. The elevations provided in the document clearly indicate that the project will resemble a rustic mini-mall. It will irreparably alter the appearance of the Gateway to the Bodie Hills, and because the project is spread out across a long distance the impacts will be even more noticeable. Additionally, the visual impacts of two single family residences on top of the north bluffs is not addressed. These homes will have a significant impact on the viewshed from adjoining peaks in the Bodie Hills.

*See previous comment.*

Cultural resources (p. 97)

It is clear from the cultural resources report that the parcel is an extremely rich archeological site (22 identified sites; 17 which meet CEQA criteria). As acknowledged in the Specific Plan Project Description provided by Mono County Planning Dept., increased human presence will greatly reduce lithic scatter. The draft EIR is incomplete because none of this language was included.

*The Specific Plan/EIR has been amended to address potential impacts to lithic scatter resulting from increased human presence. See Cultural Resources in the previous section of this chapter.*

Mono County should not have revealed the site locations to the general public in the Archeology Appendix. This is considered to be a negligent action because pothunters can capitalize on this sensitive information.

*This was done in error and the maps were removed from undistributed copies as soon as the error was discovered.*

Due to changes in project design after baseline studies were conducted, the cultural resources section is incomplete and additional surveys will have to be conducted.

*The Archaeological Survey (Farrell and Burton, 1996) notes that approximately 130 acres out of the total 155 acre parcel were surveyed (p. 11). Figure 3 (p. 12) shows the areas not surveyed; these include cliffs at the far western and eastern ends of the project area, "... judged too steep to safely examine" (p. 11), and " ... that small area which lies west of Highway 395, within the Dogtown site." All of the unsurveyed areas are well away from any area proposed for development.*

The cultural resources section is also incomplete because only the first phase of the analysis process (the site inventory) was completed, but Phase II (site evaluation) was not conducted. There is a significant density of cultural properties on this property. All sites must be evaluated for their significance, as recommended by the Archeology Appendix. There will be primary impacts from construction, as well as secondary impacts from increased human use of the area.

*The Archaeological Survey notes that 15 sites would require further work to allow a fair assessment of their data potentials and hence significance. However, further work is recommended only for those sites susceptible to damage as a result of the proposed project" (Farrell and Burton, p. 25). The sites potentially impacted by the project, either directly or indirectly, are limited to five sites, primarily north of Clearwater Creek and Hwy. 270.*

*Based on the information included in the Archaeological Survey, the project was redesigned to avoid impacts to identified cultural resource sites. Specific Plan Natural Resource Conservation Policy 10 requires additional testing prior to development where development may cause direct or indirect impacts to cultural resources; that policy has been amended to clarify that the testing shall be conducted by a qualified archaeologist. If the testing determines that the identified sites qualify as significant sites under CEQA, the Specific Plan requires the project proponent to fund the preparation of a mitigation plan.*

*Natural Resource Conservation Policy 11 requires the project proponent to stop work and notify appropriate entities if archaeological evidence is discovered during earthwork activities. The proponent must then fund an archaeological resource mitigation plan.*

One site (Site 6) overlaps onto BLM lands. There could be secondary impacts from casual collecting and increased use of the area by humans. This represents an impact to public lands. Furthermore, the powerline corridor was not evaluated as part of this process, and must be fully analyzed by a BLM archeologist before a final alternative is chosen.

## **Bodie Hills RV Park SP/FEIR**

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*BHRV # 6 is not identified as a site that will be impacted by the proposed development. Infrastructure Policy 6 states "...Prior to initiation of Phase I, the project proponent shall obtain right-of-way clearance from the BLM for the overhead powerline installation, if necessary." The County and the applicant are aware that the BLM would require a cultural resource assessment of the proposed corridor.*

### Alternatives

This section is incomplete because it does not include an option to relocate the project away from the Bodie Hills. The BLM has considerable acreage near Bridgeport, and a land exchange should be arranged at an environmentally appropriate site near existing development. I urge the proponent to contact the BLM to investigate this option.

"The Resource Management Plan identifies 9,000 acres of BLM land (in the eastern Sierra) that might be better suited in private ownership...having large acreages of both disposals and acquisitions on the table will enable us to have a flexible land exchange program that can take advantage of exchange opportunities as they arise...We cannot force a landowner into an exchange. ...Mono Co,...and the public will have the opportunity to review all land exchange proposals, and will plan an important role in deciding whether or not we proceed with specific exchanges. A site-specific Environmental Assessment will be required for each exchange...We desire a win/win situation: we can free up isolated tracts for private use, while acquiring key inholdings for public protection under BLM stewardship" (BLM 1991, pp. 5-9 to 5-10).

The Dept. of Parks and Recreation in a scoping letter dated January 29, 1997 also states the opinion that "alternative project sites should be identified and evaluated" (p. 3). BLM provided testimony at the Board of Supervisors hearing on this project encouraging the proponents to approach them for a land exchange. The fact that the proponents were not encouraged by BLM to swap land ten years ago is not an adequate response to my comments.

### Preferred Alternative

I agree that the environmentally superior alternative is the No Project Alternative or to relocate the project to a less environmentally-damaging site outside of the Bodie Hills.

### 2. Miscellaneous topics not addressed in draft EIR

#### Growth-inducing impacts

The topic of sprawl, which was brought up in my scoping letter, was not addressed in the draft EIR. This project is incompatible with the surrounding undeveloped lands. High impact projects such as this one should be clumped in other already-developed areas. "Sprawl" developments such as this will eventually make Mono County less desirable as a tourist attraction, and greatly escalate impacts to wildlife, wetlands, cultural resources, etc. The rationale given for this development (eg. that some development already exists several miles away) will only lead to continued piecemeal development of other inholdings in the Bodie Hills or along the 395 corridor.

*See responses under Undesirable Precedent for Development in Undeveloped Area in the previous section of this chapter.*

Additionally, because there is no commitment to open space on the parcel it is unclear if this project is intended to be the first stage of an even larger project. This must be addressed in the final EIR. (The document states that the stream corridor will be designated as open space, but this

is (a) undevelopable, and (b) already has de-facto designation as open space by virtue of the Public Trust Act and regulations of the State Lands Commission).

*See previous responses concerning the Rural Resort/Resource Conservation Passive Recreation land use designation.*

#### Cumulative impacts

Cumulative impacts to the viewshed, cultural and wildlife resources, and water quality are not adequately addressed in the draft EIR.

*See the Cumulative Impact section in Chapter V, Impact Summary.*

#### Impacts to Adjacent Public Lands

The draft EIR did not address spillover effects from increased visitation to adjacent public lands. Additional cultural resource and wildlife surveys should be conducted on adjacent BLM lands and impacts to sites from arrowhead and obsidian chip gathering must be recognized, as well as increased disturbance to wildlife. The BLM also supports this view (scoping letter dated Feb. 1997).

Recreational impacts to sportsfisherpersons and hunters on adjacent public trust lands on Virginia Creek, Bridgeport reservoir, and in the Bodie Hills must be addressed in the final EIR.

*As shown in Figure 2 of the Revised Draft EIR, the 13-acre project is focused along the central part of the applicant's 155-acre site. Because there is applicant-owned open-space land between the project's 13-acre development and adjacent public land, a buffer is provided that will tend to reduce "spillover" effects of the project. Again, CEQA requires adequate analysis and not the "exhaustive" analysis on off-site lands suggested by the comment.*

#### 3. Summary statement

The draft EIR is incomplete and does not fully recognize cumulative impacts, especially from potential and undisclosed impacts to wildlife, potential and undisclosed impacts to wetlands, and impacts to surrounding wilderness study areas.

Sincerely,

Emilie Strauss  
Chair, Bodie Task Force  
Desert Survivors

## **Bodie Hills RV Park SP/FEIR**

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### Literature cited

BLM. 1991. Bishop Resource Management Plan and Environmental Impact Statement: Volume II. Bakersfield District; Bishop, CA.

De Groot, K.L. 1997. The Effects of Long-term Removal of Brown-headed Cowbirds on Communities of Breeding Songbirds. Programs and Abstracts of Conference on the Research and Management of the Brown-headed Cowbird in Western and Eastern Landscapes 23-25 October. Sacramento, CA.

Eckrich, G.H. and T.E. Koloszar. 1997. Effective management of brown-headed cowbirds on the Fort Hood Military Reservation. Programs and Abstracts of Conference on the Research and Management of the Brown-headed Cowbird in Western and Eastern Landscapes 23-25 October. Sacramento, CA.

Gaines, D. 1995. Birds of Yosemite and the East Slope. Artemia Press, Lee Vining, CA.

Kondolf, G.M., R. Kattelman, M. Embury, and D.C. Erman. 1996. Status of Riparian Vegetation in Status of the Sierra Nevada (Vol. II): Assessments and Scientific Basis for Management Options. Sierra Nevada Ecosystem Project. Wildland Resources Center Report No. 37, U.C. Davis.

Loft, E.R. 1998. Economic contribution of deer, pronghorn antelope, and sage grouse hunting to northeastern California and implications to the overall "value" of wildlife. State of California Dept. of Fish and Game Calif. Wildlife Conservation Bulletin No. 11. Available from 1416 Ninth St., Sacramento, CA 95814

Nicholson, M.C., R.T. Bowyer, and J.G.Kie. 1997. Habitat selection and survival of mule deer; Tradeoff's associated with migration. *Journal of Mammalogy* 78 (2): 48-504.

U.S. Fish and Wildlife Service. 1996. Draft Owens Basin Wetland and Aquatic Species Recovery Plan, Inyo and Mono Counties, California. Portland, OR.

Wallmo, O.C., D.F. Reed, and L.H. Carperter. 1976. Alteration of mule deer habitat by wildlife, logging, highways, agriculture, and housing developments. In "Mule Deer Decline in the West: A Symposium" (Utah State University, Logan Utah)

Eastern Sierra Audubon Society  
P.O. Box 624, Bishop, CA 93514

Mr. Scott Burns  
Project Planner  
Mono County Planning Department  
P.O. Box 347  
Mammoth Lakes, CA 93546

September 29, 1999

Dear Scott Burns:

These are Eastern Sierra Audubon Society's (ESAS) comments on the Bodie Hills RV Park Specific Plan and Draft Environmental Impact Statement, Revised, July 1999.

ESAS has a membership of 250 with most living in Mono and Inyo Counties. Our group's focus is the protection of wildlife, especially birds, and the natural systems they utilize.

It is not reasonable to consider this proposal without considering the serious probability that it would lead to many more such proposals along Highway 270 in the future. And if this project is approved, what rationale will there be to deny any future development on the other private parcels? This project would mean the start of the degradation of a major deer migration route and a large undeveloped area of good wildlife habitat. If this project is acceptable, why not others? Would it be fair to deny permission to a second RV Park if this one were already allowed? The cumulative effects of this project could easily be a major change from agricultural and wildlife use of the area to a strip of commercial development. In this light, it seems fair to ask that the impacts of such a change on sage grouse and the Mono Lake deer herd be adequately analyzed.

*See the discussion under Undesirable Precedent for Development in Undeveloped Area in the previous section.*

The Wildlife Assessment Survey at the Bodie Hills RV Park (Wildlife Assessment) does not adequately portray the importance of the canyon for sage grouse using the Bodie Hills etc. As representatives of ESAS, we are often asked by visiting birders where they can go to see sage grouse. Many times this is a life bird for them and a big deal. The first place that comes to mind is Bodie Canyon, the Bodie Hills and Bodie State Park. Sage grouse leks (strutting grounds where the males and females get together initially before nesting) are located throughout the Bodie hills and in 1989, a small one was within two miles south of this proposed project (personal knowledge of the authors). Leks in the canyon and hills could be significantly affected by this and future development. Also, the US Department of Fish and Wildlife Service (USFWS) is considering a formal listing of sage grouse. If this first development leads to more commercialization of the canyon, then it could be a significant impact to the sage grouse.

*See the discussion under Sage Grouse in the previous section of this chapter.*

The second important point we would like to make also concerns the Wildlife Assessment. Your response to Emilie Strauss' comments on the dates Mr. Taylor did the bird surveys is not accurate and might prolong the EIR process if this is not done correctly to everyone's satisfaction. You say on page 228 Revised Draft July 1999, of Emilie's comments, "We acknowledge that wildlife surveys for neotropical migrants (e.g. willow flycatcher and bank swallow) were conducted too

## **Bodie Hills RV Park SP/FEIR**

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late in the year to detect the presence of individual birds. The wildlife report has been revised to include this as a potential reason why these species were not observed in the project area."

Neither willow flycatchers nor bank swallows will be found in Bodie Canyon in November or December. It is not an adequate assessment of whether these species use this section of Bodie Canyon to merely state that, "this is a potential reason" why these species were not observed.

We quote more of your response to Emilie's points in the same paragraph:

"A search of the CNDDDB revealed no records of willow flycatchers and/or bank swallows in the project area or vicinity, indicating that the chance of detecting either of these species at the project site was rather remote, even during migration."

It is not adequate merely to search the California Natural Diversity Database for records of willow flycatcher or bank swallow in or near the project area. If no past bird survey was done in this area, there will be no data in the CNDDDB. Migrating willow flycatchers are seen regularly each spring and fall moving through Inyo and Mono Counties to nesting areas in the northern states of Washington and Oregon. Most of this information on migrating bank swallows and willow flycatchers does not get put into the database. Usually only nesting information for these two species (and California species of special concern in general) would be recorded in the CNDDDB. This search does not constitute evidence that "the chance of detecting either of these species at the project site was rather remote, even during migration."

We need to question Ron Thomas's opinion that was paraphrased by Mono County Planning responding to Emilie Strauss, on page 228, "Furthermore, it was the opinion of CDFG wildlife biologist Ron Thomas (pers. Comm.) that the project area provided poor quality habitat for ... willow flycatcher...". This might possibly apply to nesting habitat, but not migration habitat, which we feel this area definitely provides. We see a number of willow flycatchers each year in Inyo and Mono Counties and the Clearwater Creek area is perfectly fine for a migrating bird. In fact, with wetlands in remote areas diminishing due to development, Clearwater Creek would be sought after by willow flycatchers and other bird life.

We disagree that a "wildlife habitat suitability survey" for these species is adequate to indicate that these birds wouldn't use the area. As mentioned above, we feel that willow flycatchers probably do use the Clearwater Creek willow corridor during migration. We feel that, as it presently stands, the Wildlife Assessment, isn't a complete assessment. A bird biologist needs to survey the project area according to standard survey methods at the proper times of the year to detect which birds actually use the area. The times of the year would be in May, June and even early July.

*See the discussion under Songbirds/Migratory Birds in the previous section of this chapter.*

Jim and Debby Parker have been doing a volunteer Breeding Bird Survey route through this area for 5 years. This survey data is available from USFWS at the below website. Or feel free to contact us and we'll get you the information. We have survey data for the Bodie Road up to Bodie beginning at Hwy 395 and SR270.

<http://www.mp2-pwrc.usgs.gov/bbs/bbs.cfm>

Thank you for the opportunity to comment on the project. You can contact us at the above address.

Sincerely,

Jim and Debby Parker  
Eastern Sierra Audubon Board Members

III-118  
FEIR  
March 2000

The Toiyabe Chapter of the Sierra Club  
Nevada and Eastern California  
PO Box 8096, Reno NV

September 30, 1999

Mr. Scott Burns  
Mono County Planning Department  
PO Box 347  
Mammoth Lakes, CA 93546

Dear Mr. Burns:

Thank you for the opportunity to comment on DEIR and Draft Specific Plan for the Bodie RV Park. The July DEIR contains some significant improvements over the previous version; however, many of the significant issues raised by the commenters (who almost to a person or organization thought the project either ill advise, poorly designed or both), were either ignored or simply dismissed by a "comment noted" statement. There appear to be enough policy and land use reasons to demand a no project alternative. If it is decided to proceed with the project in spite of the overall questions as to whether such a project should be allowed at this location, then significant redesign analysis and evaluation seem to be required to come up with a project that meets the minimum requirements of Mono County and the other entities involved in the review and approval process.

Violates Mono County General Plan.

The DEIR does not "demonstrate the use cannot be accommodated in existing community areas, that the use is incompatible with existing community uses, or that the use directly availability of unique site resources." Simply being on the road to somewhere should not be a justification to override the Counties plan to keep things centralized and not scattered over the landscape. The location is 12 miles from the historic town of Bodie, and only 8 miles from the town of Bridgeport. Bridgeport already contains most of the type of facilities described in the DEIR and areas in or near in to Bridgeport could accommodate a facility of this type without violating the Counties planning principals. A convenient location in the middle of a sensitive area should not in itself be a sufficient justification to make an exception to the Counties General Plan. The proposed development will clearly "adversely affect existing or potential .... recreation opportunities" as prohibited in the Counties General Plan. Degrading effects on Clearwater Creek caused by erosion and pollution from the project will extend down Virginia Creek and into Bridgeport Reservoir.

*See the discussion under General Plan Consistency in the previous section of this chapter.*

Violates the Draft BLM Cooperative Management plan for the Bodie Hills Planning Area.

The proposed project will clearly detract from the "Bodie Experience". The misguided attempts to make the project look wild westy do not disguise the reality that it is an RV park and a mini mall, with a couple of large houses predominately displayed on a ridgetop, dropped in the middle of a remote area. It will destroy the sense of remoteness that is a key feature of the Bodie experience. Although the DEIR now makes mention of the Wilderness Study Area (WSA), it does not adequately address the what should be an apparent conflict between this 25 thousand acre WSA and the proposed project.

*See discussion under Bodie Experience and Wilderness Study Area in the previous section of this chapter.*

## **Bodie Hills RV Park SP/FEIR**

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The above issues alone should be sufficient to call for a No Project Alternative. However; if it is decided to proceed with a project of this nature at this location. The following issues should be addressed and the project adjusted accordingly.

### Single Family Homes (Employee Housing?).

The two 2050 sq. ft residences on the top of the ridge at the end of an approximately one quarter mile road about 200 ft above the main project violate all of the County and Bodie Experience plans and guidelines. Since two trailer spaces are reserved for employees and these residences complete with corals seem a little posh for trailer park employees, we have concluded that these are actually resort homes, probably for the owners of the property. Since the location of these homes is not adequately described in the DEIR their total impact is impossible to evaluate. It appears from their approximate location that they will be visible from many points both from the two highways and from the hills and plains surrounding the area. This will be particularly true at night as discussed in the following discussion on lighting. It appears that the houses would be about in the middle of the skyline on figure 20 view 9. Twice in the DEIR reference is made to approximately two percents of the land still available for development (pages 221 and 214). At two residences per 11000 sq. ft that would leave room for twelve similar large houses in the development. If the project is approved it should be amended to make the residential area fit the size and location of the rest of the project. As a minimum the DEIR should accurately describe the location of these houses and a viewshed impact analysis of the houses should be performed. It should be made clear that further development is not allowed. Any off season use of these residences should be prohibited and corrals and any other amenities not in keeping with employee housing should be eliminated.

*See the discussion under Employee Housing and Visual/Scenic Values in the previous section of this chapter. Land Use Policy 4, which lists the permitted uses for the Rural Resort/Resource Conservation Passive Recreation (RU/RCPR) land use designation, has been amended to state that no other uses will be allowed beyond those specified in Policy 4. This clarifies that the remainder of the parcel not identified for development in the Specific Plan will remain as undisturbed natural open space and will provide a buffer between the development and surrounding public lands.*

### Lighting.

The 119 light posts shown are not indirect as required by the County codes. They will shine directly in the viewers eyes rather than the area needing illumination. Given enough wattage (unspecified) they will have all the charm of a roman candle. They should be changed to truly indirect lights that do not shine in the eyes of passing motorists or contribute to sky glow. The biggest difficulty with lighting is the standard phrase " as necessary for health and safety reasons..." (this requirement seems to be phrased slightly differently each time it is used in the DEIR). This loophole seems to be used in other areas of the county to justify large yard flood lights, very excessive parking area flood lights, and security lights that blink on and off with every passing coyote. Any poorly designed lighting will be particularly damaging if it occurs at the houses on the ridge. Since the sense of isolation is a key feature of the Bodie experience, this project should require a complete lighting plan and a thorough evaluation and design review prior to project approval. If the effects of the lighting cannot be mitigated then the project should not be approved.

*Nineteen (19), not 119, light posts are proposed for the project. See the discussion under Visual/Scenic Values in the previous section of this chapter.*

Impacts On Water Quality:

Some of the facilities north of Clearwater Creek have proposed berms and pollution control equipment to minimize the pollution runoff to Clearwater Creek. It seems the RV area south of the creek with sewage hookup and discharges and spillage from vehicles is the most probable source of pollution to the creek. Because these areas are mostly unpaved it will take pollution longer to reach the creek than it would from a parking lot; however sooner or later the creek is where the pollution will end up. Some may seep through the ground and some may go with the spring runoff. A way of mitigation this pollution should be required prior to approval of the project.

*See responses to the comment letter from the Lahontan Regional Water Quality Control Board.*

Cultural Resources

Since the project will admittedly directly impact at least several archeological sites, potential impacted sites should be fully tested, evaluated, and mitigation measures proposed prior to approval of the EIR. The DEIR essentially admits that the area has not been adequately evaluated and therefore specific mitigation measures are not proposed. Since the area is so rich in archeological sites it would be best not to have development in this location. If the project proceeds the archeological richness of the location should make it essential that a qualified archeologist and a Native American monitor be in attendance during any earth disturbing activities as per NEPA and CEQA regulations. Training should also be given all earth disturbing workers and equipment operators on the identification and protection of artifacts and on the state and federal antiquity laws. Since the survey work to scope the mitigation work has not been done it does not seem proper to limit the cost of mitigation to one half of one percent of the project.

*See the discussion under Cultural Resources in the previous section of this chapter.*

Grazing

Grazing is mentioned as a permitted activity. If grazing is allowed where is the analysis of the associated fencing, stream degradation, plant and wildlife degradation, and the other myriad of effects that come with grazing. We suggest that grazing not be allowed or that if it is its impacts and appropriate mitigations be adequately addressed.

*The project proponent does not intend to have grazing onsite but wishes to retain the option to implement grazing on-site in the future. The Specific Plan (Land Use Policy 4) has been amended to require a Grazing Management Plan should grazing occur.*

Wildlife Corridor

It seems unreasonable to expect that closing three RV parking spots through a lighted area with running generators and restrained dogs will result in an effective wildlife corridor. The reasonableness of this corridor should be supported by analysis and scientific studies.

*See the discussion under Potential Impacts to Deer Herd in the previous section of this chapter.*

Noise

Generators being allowed to run until 10 PM does not seem consistent with the "Bodie Experience". With electrical hookups, why allow any generator at all? Or at a minimum, generators should be restricted to between noon and 2 PM.

*Natural Resource Conservation Policy 9 has been amended as follows:*

*"To minimize potential noise impacts, use of RV generators shall be prohibited after 10 p.m. and before 8 a.m. and shall be discouraged at other times. Generator use shall be allowed in the case of emergencies."*

*Prohibiting generator use during the night and early morning hours will be beneficial to wildlife and to other patrons of the project. Generator use may be necessary during emergencies, such as power outages; the policy makes a provision for such emergencies.*

#### Traffic Safety

Although the July version of the DEIR shows some improvements in term of traffic and pedestrian safety, the fundamental characteristic of the site will always present a safety problem. The project is spread out along a state highway and all of the aspects of the project, motel/store, RV park, camping area etc., depend on the state highway to interconnect. Given the size of most RVs and the historical speeds on the highway serious accidents are sure to result. If the historical speed on the highway is 40 mph, a significant portion of the traffic will be doing 50 or even 60 mph.

*See discussion under Traffic in the previous section of this chapter.*

I am sure others will address in detail some of the other areas of concern which we have noted and due to insufficient time will not address such as the inadequacy of a 10 ft setback from the creek, flooding probabilities in a narrow canyon, stream erosion, and effects on endangered plants.

Because of the conflicts with the Mono County Master Plan and the Bodie Plan, We feel that the no project alternative is the only responsible decision. If it is decided to proceed with the project, a new DEIR should be required to adequately address the issues we and others have raised. A new DEIR should be based on more detailed plans, and analyses and mitigation measures that responsibly address the issues raised.

Sincerely

John Walter  
Conservation Chair: Range of Light Group

**REPRODUCTION OF LETTERS FROM INDIVIDUALS**

The following section reproduces all the comment letters received from individuals. The comments presented in these letters are responded to in the previous section of this chapter labeled "Responses by Topic".

## **Bodie Hills RV Park SP/FEIR**

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**Subject:** Bodie  
**Date:** Fri, 17 Sep 1999 17:57:37 EDT  
**From:** LEAJKA@aol.com  
**To:** monocounty@qnet.com

As a frequent visitor to the ghost town of Bodie, a former resident of California and current resident of Nevada I would like to say my wife and I are opposed to placing an RV campground in or near the vicinity of Bodie.

Bodie is such a unique and interesting as well as educational place it would be a great injustice to mar the surroundings with any commercial ventures.

Please consider long and hard before you allow any commercial ventures to prostitute the natural surroundings and beauty of Bodie.

Sincerely,

Larry E. Adams

September 30, 1999

Harriet Allen  
3750 El Canto Drive  
Spring Valley, CA 91977

Re: Revised Specific Plan/EIR for Bodie Hills RV Park

Dear Mr. Higa,

The opportunity to comment is deeply appreciated.

Mono County appears to continue its support of a minimally revised specific Plan and EIR for this commercial RV Park to be located in a vital and irreplaceable section of Clearwater Creek watershed. In so doing, the County repudiates the legislative mandates of numerous local, state and federal agencies.

For the record, the SP/EIR is inadequate, incomplete and internally conflicting and should not be approved.

The comments below are based on the data provided in the letters printed in the document and a review of the County's responses to the issues raised. My comments are presented in no priority or chronological order.

The publication of archeological and cultural sites and contents is an open invitation to looting and poaching and may be illegal under state and federal laws. Such publication compromises and jeopardizes the Bodie Hills Planning Area, Open Space, Habitat and other plans and programs.

The project, as a whole, is out of scale with the environs. Furthermore, the process for completing the project places an unnecessary burden on the public to review and monitor each phase as well as the numerous permits and plans which are yet to be approved.

Apparently, Mono County is authorizing the exploitation of the Historic State Park Bodie and its "Bodie Experience." There appears to be no comprehension of the extensive public, state and congressional support in perpetuation of the REAL Bodie and the new Bodie Bowl during the past few years.

Damage to the federally approved wilderness adjacent to the project has not been properly or completely analyzed under the Wilderness Act, FLPMA, NEPA or CEQA itself.

The funneling of the migratory deer herd thru a 150-foot wide corridor (half the length of a football field) is unacceptable and unrealistic. The 650-foot corridor should be authorized.

The protection of other native fauna, and even native plant species, is treated in the same cavalier fashion. The question of pets (resident or visitors) has not been considered in full, nor have lawns (exotics) been precluded.

The legitimacy and usefulness of maps to "no scale" must be questioned. The numerous 'no scale' maps are a direct insult to agency and individual reviewers, each and every one.

## **Bodie Hills RV Park SP/FEIR**

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There is the question of financial viability of the project. How long will it take the perpetrators to recoup the costs of a single bridge piling? In six months (roughly May thru October), what revenue will be generated by 32 RV spaces, 10 motel rooms, 8 cabins (without water or electricity) 10 camping spaces, a 600 square foot museum, laundry and store?

Remember, there are at least two vehicle bridges (pg. 13), maybe three (pg. 2) plus a pedestrian bridge that must be paid for. Will the employees be required to pay rent for their 2,000 square feet houses?

As to water extraction, distribution and disposal: an engineer will make a technical report. Period. There is no public review or Board action. BLM's request for copy was met with a "comments noted" (page 232).

Mono County appears oblivious to desert/mountain storm episodes and consequences. Will Mono County pick up the tab for Clearwater Creek-related problems, especially those related to a more than 20-year flood: Mono County hides behind FEMA for all of its responses.

The County, also, appears to hide behind future permits, plans and the ubiquitous "ongoing permit review." Chapter VI.

The issue of traffic has been lightly addressed but not the definitive decision of who pays for road kills (wildlife and/or people), road blocks/clearing, delays, etc.

Advertising this RV project as a "Bodie Experience" is fraudulent and misleading with no public benefits. Such statement may be actionable.

Probably, the most offensive aspect of the project is the gauntlet that visitors to the REAL Bodie will have to will have to endure....the bridges, the motor homes and buildings looming above Clearwater Creek and the directional signs relating to fake Bodie and not the 26-mile away Historic State Park.

### **Summary:**

I respectfully urge the Board of Supervisors to deny approval of the RSP/EIR and adopt the No Action Alternative. Failing this, Alternative 2 should be contingent upon strict conditions: (these are suggested by data in the record)

- No pets, resident or visitor.
- No exotic animals in any category within the parcel.
- No exotic flora within the parcel, including a ban on lawns.
- No signs or advertising such as "Bodie Experience".
- Only agency engineers to sign off on construction, grading, water, etc.
- Mandated sheriff monitoring and enforcement of archeological and cultural regulations.
- Posting of significantly appropriate and separate bonds for completion and for restoration.
- Require state, local and federal review of the engineers well water technical report.

Thank you for the opportunity to submit these brief comments. Please keep my name on the mailing lists for the Bodie Hills RV Park or its successor.

Harriet Allen

B750 El Canto Drive  
Spring Valley, CA 91977  
September, 1999

Stephan Higa, Senior Planner  
Planning Department, Mono County  
P.O. Box 347  
Mammoth Lakes, CA 93546

Re: Appendix B  
Bodie Hills RV Park, Revised Specific Plan and DEIR

Dear Mr. Higa,

I was surprised to find that Appendix B, An Archaeological Study of the Proposed Bodie Hills RV Park, Mono County, California, not only included maps of sites, but included object descriptions and photographs.

Is it now legal to publish this information in public documents? If so, please cite the authority. The integrity of the sites appears to be seriously compromised by the County's disclosures.

Respectfully,

Harriet Allen

## Bodie Hills RV Park SP/FEIR

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September 21, 1999

Mr. Frederick Andres  
2413 Carlson Blvd.  
Richmond, CA 94804-5705

Dear Planning Department:

I support the no-project alternative for the proposed "Bodie Hills RV Park Project." I am very concerned about this project. It is essentially unchanged from the previous project - the modifications are minor and fail to address the adverse impacts to the view shed, wildlife and riparian corridor.

The project, with its new 30' set-back from Clearwater creek will involve massive grading. Additionally, there are 22 known Native American archeological sites within the project boundaries. 5 of these sites will be paved over for the projects. There are not mitigation measures for tourists removing found artifacts from the site. The project will still have impacts on the adjacent WSA that have not been addressed. This project still represents an extremely undesirable precedent for development in pristine desert habitat and valuable riparian area. It will also disturb a pristine viewshed.

The measures suggested for mitigating impacts to Clearwater Creek involve outdated methods such as paving the creek banks with riprap.

I urge the Board to look at the need for a no-project alternative, or at least a reduced project alternative moved to the opposite side of Hwy 270 (The Bodie Road).

The feasibility of a land swap with BLM should also continue to be explored.

Sincerely,

Fred Andres

George Appleton, 3400 Florrie Ave., Las Vegas NV 89121  
appletonlv@juno.com

Saturday, Sept. 11

Oh, my---what do I call you? "Dear Mono"? "Dear Mr. Ms.) County" How about just Hello?

Tried to e-mail you, but the local *Review-Journal* got your address wrong, so:

We haven't been to Bodie for some years--tho, as a high school Anguish teacher, I used the story about the little girl leaving Aurora for there many times to show the importance of punctuation to the kiddies.

And, when we traveled about the boonies, for some while we had a big camper on a 4WD pickup, so could pretty much just go up any dirt trail, get out of the way, and camp.

But now we have a 2WD GMC cargo van (with dirt tires on the back) and a 21' Towlite (collapsible) trailer. Have to be a bit more careful what I get it into. So, yes, I am very much in favor of an RV park near Bodie. Most of us coming there wouldn't need many amenities (please don't use the word "Resort" as the R-J headline, and the story, did. That gives entirely the wrong picture to most of your critics), just a reasonably level place to pull (or back) into, where we can enjoy both a dark desert night and the company of other RVing folk for sitting around and talking.

What the idea sounds like is a great way to give people a fine 2 or 3 day getaway experience! We'll come!

Sincerely,

George Appleton

## **Bodie Hills RV Park SP/FEIR**

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September 11, 1999

John R. Aurich Jr.  
Historic Building of Goldfield Nevada  
PO Box 83  
Goldfield, NV 89013

To whom it may concern;

The proposed RV park in or around Bodie is a great idea. Bodie is not a true ghost town anymore, since rangers live there everyday.

True ghost towns are Fay, Treasure City, Hamilton, Dan-D-Ville and Palmetto, all are in Nevada. Bodie is one of the best small mining towns with few people and good condition buildings.

As an historian and restorer of old buildings in Goldfield, Nevada, I feel that more tourists would come to the town if they had a good place to put their RV.

If done right, the state and private companies could do well, if somebody want to put in a real nice RV park and museum outside of Bodie then "let them". It would be a mistake not to.

Very Truly,

Jon R. Aurich JR.

Mr. Scott Burns  
Mono County Director of Planning  
PO Box 347  
Mammoth Lakes, CA 93546

28 September 1999

Dear Mr. Burns,

My husband and I are deeply concerned about the proposed plans for developing a "Virginia-City-esque" RV Park on the road to Bodie state park.

Others will be writing to you about the importance of the proposed 13 acres as a natural habitat for local wildlife, including birds, small mammals, antelope, etc. They will also be writing of the importance of a complete and unbiased study of water resources of the area. It is hoped that the results of this study will be made public, due to the importance of Bodie in the history of California mining.

My husband and I wish to attract attention to another concern which is of the most importance to us. Four generations of our family have known Bodie, since my grandfather Barry provided the mines with salt which he mined on salt marsh land on the Nevada-Utah border. My husband and I, since Bodie was made a state park, have proudly taken our children and grandchildren to visit this remarkable place. The access roads perfectly illustrate how remote and wild Bodie was in the past and is today. The trip to Bodie is a "step back in time" to another era, with no modern commercial interests to dilute the feeling of the history of the place. The Bodie experience would certainly be lessened with a "theme-like" modern park taking away the remoteness of the Bodie experience.

Please include these remarks in your Draft EIR.

Sincerely,

Eleanor J. and William G. Bade  
2699 Shasta Road  
Berkeley, CA 94708

## **Bodie Hills RV Park SP/FEIR**

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P.O. Box 224  
Bridgeport, CA

Mono County Planning Department  
Bridgeport, California  
RE: BODIE HILLS RV PARK

This is written as a response to a report which I recently heard on KOLO TV station in Reno which said a resort was to be built in Bodie, causing much concern to residents of Bridgeport, and any comments Concerning such a venture would be appreciated by county officials.

As a Bridgeport resident for over 50 years I would like to say that I am not upset about the proposed park, but I am upset over the misrepresentation of the facts about such a plan.

In the first place, the RV park will be at least 11 miles from the entrance to Bodie and for the life of me I cannot understand why this can possibly be a threat or detraction to the "Bodie Experience" (whatever that is). As I have heard expressed by both my in-laws and husband, all natives and residents of Bodie, "How is it possible to have such an experience until or unless you've lived there." A one time drive up and walk through, which is the norm for most visitors, certainly doesn't qualify for much of an "experience". Surely a convenient RV Park with amenities of food and other accommodations would be an incentive for visitors to extend their stay, take another tour of Bodie and have a better grasp of the "experience".

Also it is difficult for me to understand why the BLM and California Department of Parks and Recreation expressed no interest in the purchase or possible land exchange when approached by the owner in the early 90's but waited until he had invested thousands of dollars trying to meet all requirements and restrictions set forth by various state and county departments.

Isn't -this case of the cart before the horse and quite unfair?

It has been mentioned that there are a sufficient number of campgrounds and motels already in this area. This is evidently not such the case, as there are many disappointed visitors who are unable to find either campgrounds or a motel during the summer months without a reservation made months in advance. Surely more tourists remaining in the area is good for the economy.

To sum this up, it is my opinion that the proposed Bodie Hills RV Park should be considered as a definite asset to the Bodie State Park, Bridgeport, and surrounding areas both economically and recreationally. Most importantly, that this project be allowed to develop so the owner is not denied the use of his land.

Sincerely,

Jeanne E. Bell  
(Mrs. Gordon Bell)

Sept. 27, 1999 cc: Brd. of Supervisors

9/30/99

Scott Burns  
Mono County Planning Department

Dear Scott:

The following comments concern the proposed Bodie RV park. I am familiar with the site, having driven by it in both directions, and skied past it when the Bodie Road was closed.

I am opposed to the proposal for the following reasons:

- 1) Vehicular safety- Access to 395 from the road is perilous for automobiles, and would be more dangerous for large RV's.
- 2) The sites proximity to riparian habitat and the Bodie Hills WSA's;
- 3) Spot commercial development (private is-land) surrounded by public lands.
- 4) Has a thorough investigation been made of a trade with BLM for a site that is more appropriate and closer or in Bridgeport?

Sincerely,

Phyllis Benham

## **Bodie Hills RV Park SP/FEIR**

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**Subject:** Bodie resort  
**Date:** Wed, 01 Sep 1999 20:40:19 -0700  
**From:** bberry@pyramid.net (Bryan Berry)  
**Organization:** self  
**To:** monocounty@qnet.com

Hi,

I read the article in the Nevada Appeal today regarding the proposed resort on highway 270 near Bodie. I just wanted you to know that we consider Bodie to be one of a kind in the United States and that we feel that the drive from Highway 395 to Bodie is part of the joy of Bodie. I believe that it puts you in the right frame of mind for spending a great time in the ghost town of Bodie itself. I believe that if resort(s) are allowed to be put on the road to Bodie that it diminishes the experience of the town itself somewhat. Bodie is too much of a prize to cheapen by allowing anything near it. My wife and I plan to purchase a travel-trailer this fall and as much as we enjoy Bodie, I will find other places to leave a recreational vehicle rather than at the entrance to Bodie. Please protect Bodie from becoming simply a part of some other experience. We would like to see the area remain as it is.

We also enjoy many of your other great places in Mono County. We spent last weekend in the Masonic area, dry camping, no fires of any kind including lanterns (because we did not want to take any chances), and we had a great time. We will be back to enjoy Mono County in the future.

Thanks

Bryan and Darlene Berry  
29 Christy Court  
Carson City, Nevada 89701

September 17, 1999

Mono County Planning Dept.  
P.O. Box 347  
Mammoth Lakes, CA 93546

Re: EIR on Proposed Bodie RV Park

Dear Sirs:

As a frequent visitor to the Bodie/ Bridgeport/ Lee Vining area, I am familiar with the routes into Bodie. I have reviewed the new EIR for the proposed RV park on the Bodie Road. The proposed modifications are relatively minor. It is obvious that the project would still have adverse unmitigable impacts on mule deer and other wildlife, visual and scenic values, Native American artifacts, and the riparian habitat along the creek.

This corridor is currently unspoiled. It would be a shame to mar the entryway to Bodie with a project of this nature, which would undoubtedly lead to further development schemes in the area.

The "no project" alternative is clearly the best alternative. I urge you to reject the RV park proposal and maintain the excellent scenic and habitat values of the area.

Sincerely

David Burch  
959-B Noe  
San Francisco, CA 94114

## **Bodie Hills RV Park SP/FEIR**

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September 27, 1999

Alan Carlton  
715 Santa Ray Ave  
Oakland, CA 94610

I oppose the Bodie Hills RV Park. It will have many unmitigatable impacts on the land and the creek. It is also too big, and unneeded. Finally, it will have disastrous effects on the nearby adjacent wilderness areas. The Project should not be permitted.

Alan Carlton

September 14, 1999

Mono County Planning Department  
Bridgeport, CA 93517

To Mono County Planners re proposed Bodie Hills RV park:

I strongly oppose this proposed RV Park and urge the Mono County Planning Department to turn down this ill-advised development.

I learned of the proposal a few days ago through the Monterey County Herald's September 5 republication of an article by Christy Chalmers in the Gardnerville (Nevada) Record Courier.

The RV park would jeopardize historic Bodie's present (and appropriately so) status as a **true ghost town preserved in a condition of "arrested decay,"** as decided by the state years ago, and protected under the aegis of the California State Park System. Bodie is a unique and interesting treasure; it should be retained as is for the education and enjoyment of future generations.

Whether approaching Bodie from California or from the Nevada side, one is struck by its remoteness and isolation in the mountainous countryside an experience not often found as our civilization becomes increasingly urbanized and commercialized. This bucolic approach to the town is an integral part of the Bodie experience; it should not be allowed to be spoiled by the necessity to drive past an RV park and the inevitable signs directing traffic to the RV park.

My affinity for Bodie goes back more than 10 years. I first visited Bodie by driving over Lucky Boy Pass, through Aurora, Nevada, and was impressed by Bodie's old mining relics and memories. My next visit to Bodie was as a writer, following a conversation in Bridgeport with Ella Cain, whose family then owned the land on which Bodie was situated. The Cains gave Bodie to the state for Bodie State Park.

As the state park system subsequently pondered its options for the future of Bodie State Park, I was among those who received the state's survey questionnaire asked whether Bodie should be "developed" with facilities for visitors or merely preserved as is, in a state of "arrested decay." I strongly recommended the latter option. So, presumably, did the majority of others whose views were solicited, because the state decided in favor of retaining Bodie in "arrested decay" for the benefit of the people who seek a true view of the Old West. It was the correct decision then, and remains so today.

That glimpse of the past should be preserved without compromise, without being jeopardized by a commercial venture close by. As I stated on the state's questionnaire decades ago, people's commercial needs can be filled elsewhere and should not be a focus of the Bodie area. Just enjoy Bodie as it is, for what it is and was.

That RV park, if one must be built, would be better located in Bridgeport or along US 395.

If the Mono County Planning Department would like any additional comment from me, please communicate with me immediately, as I will be departing about September 21 for extended travels to visit other historic areas.

## **Bodie Hills RV Park SP/FEIR**

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May wisdom guide you Mono planners as you deliberate on the RV development proposed for the Bodie area. The Old West is being overrun with so-called "progress"; please don't let it happen to Bodie, a true western treasure whose future rests in your hands.

Sincerely,

Lester A. Carpenter  
P. O. Box 2684  
Arnold, CA 95223-2684  
209/795-0886

**Subject:** The proposed Bodie RV park  
**Date:** Wed, 29 Sep 1999 20:48:01 -0700  
**From:** Anja C Crickmore <acrickmore@juno.com>  
**To:** monocounty@qnet.com

Mono County Planning Department  
POB 347  
Mammoth Lakes, CA 93546  
Attn. Scott Burns

Dear Mono County Planning Department,

I am writing to comment on the Bodie RV Park Draft Specific Plan and EIR. I am a frequent visitor to Mono County, which I consider to be one of the most beautiful areas I have ever encountered. I am very disturbed by many aspects of the proposed Bodie RV Park.

First of all, let me say at the outset that I am appalled by the idea of an RV park in such a pristine, beautiful site. It is much too big a development for such a small, narrow canyon. However, in addition to my initial, and continuing, revulsion towards such a plan, there are specific areas addressed by the EIR that disturb me; I mention two of these below.

First, I understand that deer in this area migrate along a corridor more than 500 ft wide, and yet the wildlife movement corridor allowed by the plan is only 150 ft wide, and even then some of the trailers would impinge on that! This is completely unacceptable. Mule deer are declining across Eastern California already; I hardly think an RV Park worthy of risking further decline.

Secondly, the wildlife surveys were not even complete. There were no spring or summer surveys conducted for many species: sage grouse, willow flycatchers, pygmy rabbits to name just a few.

There are many other aspects of the EIR that I found upsetting (including the potential harm to Bridgeport Reservoir due to runoff from a variety of human and animal waste sources as a result of the project). Please consider the shortcomings of this draft EIR, which neglects to recognize completely the effects the Bodie RV Park will have on the wildlife and the wetlands of the area. I strongly urge you to vote against any development in this beautiful area!

Thank you for your consideration.

Sincerely,  
Anja Crickmore  
2362 Bancroft Way  
Berkeley, CA 94704  
(I am also sending you a hard copy of this letter)

## Bodie Hills RV Park SP/FEIR

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Ingrid C. Crickmore  
1290 Hopkins St. apt. 37  
Berkeley, CA 94702  
9/29/99

Mono County Planning Dept.  
P.O. Box 347  
Mammoth Lakes, CA 93546  
Attn. Scott Burns

Dear Mono County Planning Department,

I am writing in response to the draft EIR on the proposed Bodie RV Park/Motel/Store/Museum/plus associated private residences on Clearwater Creek at the turnoff to Bodie State Park. I have written before on this issue and I am dismayed that it has resurfaced.

My family and I are frequent visitors to Mono County--we go there several times a year, even at times when both Tioga and Sonora passes are closed. We go to hike, backpack, botanize, and relax in the beautiful, unspoiled places that are still plentiful on the East Side. We patronize businesses in Bridgeport, Lee Vining, and occasionally Mammoth every time we come. However, for us, and I am sure for most people who visit Mono County, it is the unspoiled natural quality of the surrounding area that draws us there.

I have friends here in the Bay Area who are climbers, fishermen (and fisherwomen), birders, artists, history buffs, and other hikers and plant enthusiasts like my husband and myself who also visit and love the Mono County area. All of them are appalled at the idea of commercial developments intruding into the beautiful open countryside that is your best resource. We have two European friends who come all the way from Sweden and Spain to go to the East Side, because they have nothing like it in Europe. If the area around and outside of Bridgeport and Lee Vining starts becoming developed it will definitely lose its charm and appeal to all these people. The idea of a commercial development right on the turnoff to the historic and protected town of Bodie and the beautiful Bodie Hills is especially repugnant. I think this is something you should seriously consider before you let short-sighted local pressure sway you into allowing commercial developments to proliferate outside of your established towns.

The proposed Bodie RV Park/Motel violates your own General Plan, which wisely prohibits such developments outside of city limits. I find the arguments of the project's proponents that they should be exempted from the zoning regulations of the General Plan just because the name of their project is "Bodie" RV Park to be somewhat ridiculous. With that argument, anyone could build anywhere, with no regard for zoning, just by finding the appropriate name!

I know that turnoff at Clearwater Creek well. There is no room for a development of this size to be constructed or to operate there without adversely affecting the creek and the wildlife that uses it. This is an even more fundamental issue than the damage this development would cause to Mono County's image and tourist appeal. The impact of development and increased human activity along a creek affects wildlife in a much wider circle than just the area of the development itself. And any runoff from the development ends up right back in the creek, and is sent on down the stream channel to affect all the waterways below it. It is bad enough to propose to build an intrusive commercial development in pristine countryside and wildlife habitat which

has been purposely zoned to exclude such development. It is a hundred times worse to do it in or near a riparian area.

There is clear evidence in the EIR itself that this development is right in the way of the annual deer migration path. The "mitigations" for this seem very weak. Why allow development in an area where it violates the county's General Plan and also compromises a riparian area and an important wildlife corridor?

If this project is allowed, the natural values of this area will be permanently affected. Who knows if this enterprise would even be a success? If it fails--in one, two, or ten years, the area will have been damaged for nothing. No vague, unspecific promises of bonding are going to be able to restore the area back to its present state. And if it succeeds--if enough people use it to keep it operational, then the precedent is set for more and more development and for less and less attraction of the visitors who now come to Mono County.

Please follow your own General Plan and turn down this proposal or insist that the project developers find some non-controversial property in town on which to build their motel, store, museum, houses and RV park.

Thank you for your attention.

Sincerely,

Ingrid C. Crickmore

## **Bodie Hills RV Park SP/FEIR**

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From: Bob Curry <curry@cats.ucsc.edu>  
To: somono@qnet.com  
Subject: **Bodie RV Park comment**  
Date: Monday, September 27, 1999 2:57 PM

PO Box 301  
Bridgeport

Dear Mono County Planning Team:

The parcel that the proposed project covers is one that I looked at very carefully when I contemplated its purchase in the 1980's. I decided not to purchase that parcel because there is virtually no suitable land for a septic system for a single-family residence, and only very limited bottom-land that does not encroach directly into the riparian zone. There is a wetland zone along a narrow band near the riparian corridor, but much of the ephemeral watercourse is incised due to CalTrans' misdesign of the junction facility where the Bodie Road leaves US 395, and possibly because of past mining at Dogtown along Virginia Creek.

I would predict that the extensive grading necessary for development of this site along the Bodie Road will be very expensive in terms of loss of water quality buffering capacity. If any onsite septic disposal is anticipated, it will either enter the creekbed directly or seep out along the bedrock cliffs if placed on the cliff-top. Clever seasonal testing can make this site "perc" but it does not do so in a fashion that protects drainage into Virginia Creek. There are really only very limited options for development of this site, and an RV park is not one.

Thank You

rrc  
Robert Curry  
Registered Professional Geologist

Robert R. Curry  
Professor Emeritus Environmental Geology- Univ. Calif. Santa Cruz  
Research Director - Watershed Institute, Earth Systems Science & Policy  
Institute, California State University Monterey Bay  
office 831 582-4098 curry@cats.ucsc.edu FAXEN: 831 426-9604; off: 831 5823691

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Louisiana State University  
AND AGRICULTURAL AND MECHANICAL COLLEGE  
Department of Geography and Anthropology

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29 September 1999

Mono County Planning Department  
P.O. Box 347  
Mammoth Lakes, CA 93546

Re: Proposed Bodie Hills RV Park

Dear Members of the Planning Department,

This letter is to express my firm and reasoned opposition to the proposed Bodie Hills RV Park. As a historical geographer I have studied the ghost town of Bodie for over twelve years, placing particular emphasis on Bodie's "authenticity" as a ghost town, the "Bodie experience," how they are created, and how they are maintained. While much of visitor's experiences of authenticity, and much of their Bodie experience as well are formed within the townsite itself, those experiences begin 13 miles before visitors ever see Bodie, once they begin their drive up the Bodie Highway.

Bodie is widely known as an "authentic ghost town," even the most authentic ghost town in the United States. Articles in the Los Angeles Times, San Francisco Chronicle, Washington Post, and Boston Globe in recent years have heralded this State Historic Park's authenticity. Integral to this perception of authenticity is the town's ramshackle appearance and its isolation.

The proposed RV Park would injure visitors' Bodie experience by its very proximity to the townsite, by damaging the wilderness are of which Bodie is part.

Many of Bodie's visitors question Bodie's authenticity before accepting it: they wonder if the town was built as a ghost town or if it was really once a mining camp. They ask the staff if all the artifacts were really left in the buildings or if they were brought in by Rangers. The style of the proposed RV Park is in direct conflict with Bodie's authenticity. With a fake western site so close to Bodie, many visitors will see Bodie as fake as well. The proposed style of the RV Park is an insult to all those who have labored for decades to preserve Bodie as an authentic piece of America's Western past.

Bodie State Historic Park is an important part of Mono County. I urge you to select the no project alternative.

Sincerely,  
Dr. Dydia DeLyser  
Assistant Professor  
Co-Editor, Historical Geography

227 Howe/Russell  
Geoscience Complex  
Baton Rouge, Louisiana 70803-4105  
504 388 5942 Fax 504 388 4420

## Bodie Hills RV Park SP/FEIR

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**Subject:** The road to Bodie  
**Date:** Thu, 30 Sep 1999 13:55:50 -0700 (PDT)  
**From:** barbara deutsch <undone@sirius.com>  
**To:** <monocounty@qnet.com>  
**CC:** Jim and Elizabeth Tenney <tenney@qnet.com>

Dear Scott Burns,

I came to Mono County for the first time in 1996, to visit Mono Lake, something I'd been reluctant to do during the years of increasing environmental losses there. I was so pleased to be able to see the water level rising. The next year I returned for a longer visit, bringing my daughter and two friends, one a 90-year-old friend who had not ever visited the lake herself. Their experience was as meaningful to them as mine to me. We took the Mono Lake Committee's educational, inspiring boat ride out onto the enrapturing lake, and we purchased a painting by a local artist for our friend's 91st birthday, as a keepsake of our visit.

One of the highlights of my visits to Mono Lake was time spent along the road to Bodie. Probably plenty of tourists like Bodie itself, but I was introduced to the road by someone who has never visited Bodie, and I have no desire to visit it either. However, he and I and many other people will come and spend an entire day along the road, IF it remains a biologically rich and interesting place without pavement, fast or frequent traffic, or other interferences with the joys of finding and watching bluebirds in pairs, with water and insects to keep them there, and, at the right time in the spring, literally thousands of butterflies, one species quietly coloured with dark eyespots, many other species large and showy and lilting along the creek, and several species of blues and coppers, one of the coppers the bluest butterfly there is. If the willow corridor is fragmented, if the creek is slowed or polluted or obscured with buildings, or if things become otherwise impaired by man-made construction or clutter, I predict that fewer people will go to Bodie just because they won't be drawn to the road. In fact, I recommend that you close the road to cars one day every week, and several weekends, every spring and summer. Arrange for those who know the area's birds and butterflies to lead trips under the Mono Lake Committee's auspices, and you will introduce many more to the joys of the road to Bodie, and to the beautiful creatures for whom it is home.

Does it ever occur to you as it does to me, that by separating Earth's places and creatures into "special" and "common" categories, we become unable to understand any of them? How sad that our attitude toward beauty is often that of a consumer to a commodity? Who ever takes real joy in any commodity? It is only the moment of purchase that gives the consumer happiness. Is that a way to live? I recommend the road to Bodie as the way to learn how to look at life and begin to appreciate what used to be found along every road. How can a place be a place unless it's worth stopping in, to become acquainted with those who live there?

My best regards to you and the beautiful places among which you live,

Barbara Deutsch

Barbara Deutsch  
1919 19th Street  
San Francisco 94107  
ph 415 641-7538  
facs 550-1470

e-mail [undone@sirius.com](mailto:undone@sirius.com)

29 September 1999

Mr. Scott Burns  
Mono County Director of Planning  
P.O. Box 347  
Mammoth Lakes, California 93546

Dear Mr. Burns,

We are writing to you in opposition of the proposed 13-acre "Virginia City-Esque" RV Park that would be located before the winter gate on the way into Bodie State Park off of Hwy. 395.

We feel Bodie State Park is a national treasure. It is one of the few places in California where visitors can experience what it was like during the California Gold Rush; how remote the location was, the hardships people endured, and the amazing beauty of the High Desert. "And so they still come to Bodie, people of another generation; not as gold seekers, not as settlers of a frontier mining camp, but as tourists interested in the history of the wild, romantic past of this old town."<sup>1</sup> The Bodie experience starts just as you turn off of Hwy. 395. As soon as you make that turn, you feel as if you have gone back in time. Bodie -- jut the way it was -- is a priceless experience for all who visit.

The Bodie experience would be lost forever if there were a RV Park -- a piece of the modern world -- on the way into Bodie. Not to mention the impact it would have on the fragile desert ecosystem approaching Bodie. There are plenty of locations for RV's in existence already.

If the "Virginia City-Esque" RV Park is allowed to be made, **the very essence of Bodie is lost as well as the reason people wish to visit.** We feel strongly that Bodie State Park and the surrounding area should be preserved as is, in its' entirety, for future generations.

Please include these remarks in your draft EIR.

Sincerely,

Margaret A. B. Dickinson  
Martin J. Dickinson  
920 Kearney Street #2  
El Cerrito, California 94530

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<sup>1</sup>The Story of Bodie, by Ella M. Cain, San Francisco, California, Fearon Publishers, 1956.

## **Bodie Hills RV Park SP/FEIR**

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September 6, 1999

Linda Elder  
962 Toni Avenue  
Las Vegas, NV 89119

Dear Sir or Madam:

I live in Las Vegas. Every couple of years I like to go to Mono Lake and Bodie. There is no place like Bodie.

It would take great vision to preserve the solitude that currently exists at Bodie. Do not allow the development close to the State Park. You have a very special unique place.

I had no problem finding lodging down the mountain.

Please don't let this place go to development Hell!

Tolerating Las Vegas,

Linda Elder

Bob Ellis  
1563 Solano Ave #368  
Berkeley, CA 94707  
510 525-8742  
[bobellisds@earthlink.net](mailto:bobellisds@earthlink.net)  
9/22/99

Mono County Planning Dept.,  
P.O. Box 347,  
Mammoth Lakes, CA 93546

RE: Bodie RV Park EIR  
No Action Alternative, Please !

Dear Sir or Madam:

Thank you for the opportunity to comment on the proposed Bodie RV Park. I had heard about this project some time ago but have only recently seen the Draft EIR and stopped at the site to decide for myself whether it would have a significant impact upon the area. My conclusion: This is the wrong place to develop. If this project is approved, not only is the continuing sprawl of development encouraged outside of existing towns contrary to county policy; but in the case of Bode, an inappropriate message is sent. The "Bodie Experience" is about no development, no current human impact, a spare natural landscape; starting off the visitor with another touristy motel/"museum"/RV complex just as they pass through the "Gates of Bodie" is just plain wrong.

DEFEND OPEN NATURAL AREAS -- As a Bay Area resident and long time Mono County visitor, I am not alone in treasuring the open undeveloped natural qualities that are still present in your county. As an avid desert hiker and fan of the Great Basin, I am often in the county or passing through to Nevada. Coming down the pass into the Eastern Sierra gives me a great sense of relief after my day-to-day life in the urban areas. I feel that this quality is your best resource and the one that you must defend for the future of your county. It is your greatest asset. People are coming from all over the world for this very attraction. Do not allow it to be sullied by piecemeal out-of-town development.

RV PARK (MOTEL) VIOLATES COUNTY PLAN -- The Mono County Plan clearly states that the proposed site is in a Resource Management area. It clearly states that the intent of the Plan is to promote development in existing town areas. Bridgeport is just such an area. There is no reason that this type of motel project (and it is a motel project) cannot be developed in town. If there is a need for more rooms in the summer, then build more rooms in Bridgeport. There is no need for an exception to be made which directly violates the intent of the general plan.

RV PARK (MOTEL) DOES NOT REQUIRE A UNIQUE ON-SITE RESOURCE -- The project seems to be a gross violation of the planning process. All anyone needs to do is name their motel for the destination of the road on which it is proposed and you can build what and where ever you wish, contravening the general plan. I know that much county politics involves getting around the rules, but this is a larger issue. You are affecting a state park, near federal wilderness study lands, loved and visited by people from all over the country and the world. Do not give in so easily. Put up a fight for your natural heritage and resources. Another motel does not require being on the Bodie road. Nothing about this project requires that it be built here. The needs can be accommodated in the town where they are supposed to be accommodated. Do not erode the "Bodie Experience." This project is a violation pure and simple.

## **Bodie Hills RV Park SP/FEIR**

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RV PARK (MOTEL) DETRACTS FROM "BODIE EXPERIENCE" -- The EIR mentions a proposed regional plan which allows the designation of a "rural resort," provided that it does not affect the "Bodie Experience." The "Bodie Experience" is defined as the open natural landscape associated with the present road to Bodie. By what possible means can it be thought that building a motel complex on the Bodie Road will not detract from the Bodie Experience. I do not understand how you could present this in the EIR without this being quite clear. Since this designation has not yet been finalized it does not yet apply, but it certainly does not add an argument for building the project, rather, it adds to reasons against it.

PHASE I -- MOTEL -- The proposal says Phase I will build the motel (and I assume, the two single family houses). There is nothing to stop the proponent from stopping right here. Now it would be very clear what is really going on here. A project is inflated with add-ons which somehow seem to justify a variance or exception to the general county plan; but -- lo and behold -- another motel project emerges and illegal sprawl continues.

JUST SAY NO -- Please stand up to this attack on your real resources. Don't give in to never-ending exceptions to the overall county plan. I know it is hard in rural areas to say no, but this is a clear case. The long-term natural resources of Mono County deserve your best defense. Follow the law; don't sidestep.

Sincerely yours,

Bob Ellis

September 1, 1999

Audrey Fralinger  
PO Box 764  
Carson City, NV 89702

Dear Sirs,

I am writing concerning the proposed commercial development on the road to Bodie. My mother was born in Bodie in the early 1900ís and spent her early years in the town. I have visited the town on numerous occasions with her and since her death. My most recent visit was just last month and I was glad to see that it had changed little since my last visit.

I would like to ask that you not recommend approval of this planned commercial development. This type of commercialism would destroy the integrity and the basic idea of the reason for the historic site of Bodie. As you turn off of 395 and start the ascent to Bodie you have the idea that you are reliving the beginning of the first travelers of the persons who founded the site. Any commercial development along this road would destroy this idea. There should be no development on this road so that we can continue to have the feeling that we share the travels of the early residents of this town.

I again request that you not approve this proposed development.

Sincerely,

Audrey Fralinger  
P.O. Box 764  
Carson City, NV 89702

## **Bodie Hills RV Park SP/FEIR**

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Gunnar Freitag & Deborah Curtis  
1380 Tyler Way  
Sparks, NV 89431

Mr. Gwen Plummer  
Mono Co. Community Development  
Mono Co., CA

Sparks, 22. Sept. 1999

Dear Mr. Plummer,

I am writing to you to express our concerns about the proposed development near Bodie. If we read the article correctly – in the Reno Gazette-Journal, September 7.99 – a general store, a small motel, a museum 32 RV camper sites, housing for employees etc. is planned. This cannot be true!!!

This of course can only be a belated April Fools joke. Or?

It is now over ten years that we were involved in letter writing to officials and politicians to not allow the re-opening of the gold mine. Finally we succeeded. And not the Mono Co. resident Bill Lapham is proposing this development? (I am just assuming he is a Co, resident.)

The state Park of Bodie is a diamond attraction, one of its kind. It is a very special place and therefore should be left alone. First this development, if approved, then more and more. In a couple of years it will be New-Bodie. This is unacceptable.

America is a young country and has very few old buildings and sites, compared to Europe. We should preserve and protect these precious places and not spoil them with our new and modern generic buildings. Even though the article we have in our paper does not really mention w h e r e the planned site is to be developed, we feel that such proposal is not beneficial to the "Bodie experience".

Please help to deny the building permit for this inappropriate suggestion. Mr. Plummer, do your County a favor and help preserve this special place in its pristine setting. The tourists who want to see Bodie do not want to face structures with the beauty of strip malls.

Thank you very much for your time, and any help you can give!

With Friendly wishes,

Gunnar Freitag

George Griffeth  
120 Fairlawn Drive  
Berkeley CA 94708

September 20, 1999

Scott Burns  
Mono County Planning Dept.  
PO Box 347  
Mammoth Lakes CA 93546

Re: Revised Bodie Hills RV Park Draft EIR

Dear Mr. Burns,

I am writing to express opposition to the planned development in Bodie Hills, the subject of the recently revised draft EIR. I admit I haven't read the report, and probably wouldn't be able to make sense of it. My perspective is that of one who visits the Mono Basin every year to enjoy the unspoiled natural beauty of the area. Since I have heard about the proposed development in a relatively pristine section of the Basin, I have wondered why it needs to be created so far out from Lee Vining or other already-populated areas; I hate to see us chipping away at the wild places that are still excitingly close.

I hope and trust that you will give careful consideration to the full impact of such a development in a natural area like the Bodie Hills before making a decision on the report.

Thank you for reading my comment!

Respectfully,

George Griffeth

## **Bodie Hills RV Park SP/FEIR**

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**Subject:** Revised Bodie Hills RV Park Specific Plan and EIR  
**Date:** Thu, 16 Sep 99 08:29:52 -0800  
**From:** stan.haye@sfsierra.sierraclub.org  
**To:** <monocounty@qnet.com>  
**CC:** <stan.haye@sfsierra.sierraclub.org>

After reading the revised plan, I do not believe that the revisions materially improve the plan. There are still too many serious impacts on the stream and on wildlife that cannot be mitigated. In addition, the project remains too large and out of scale with Bodie, and degrades the Bodie Experience.

A project such as this should be built closer to an already developed area such as Bridgeport, and I would hope a land exchange could be made to accomplish this.

Thank you for the opportunity to comment.

Stan Haye  
P. O. Drawer W  
Independence, CA 93526

From: Hefflee <Hefflee@lvcm.com>  
To: <www.~monocountyqnet.com>  
Sent: Tuesday, September 07, 1999 2:21 PM  
Subject: RE: Bodie

Mono County Planning Dept.

Dear Sir:

Please no RV Park in Bodie. This is a true ghost town please keep it that way. WE have been to Bodie several times and always found the trip most enjoyable. First a RV Park then a general store with motel rooms. Why a museum? Bodie is already a museum. How can you improve on that? A museum would be nothing more than a place to buy T-shirts and trinkets. Regardless of all the grandiose plans the next thing to come in would be Mac Donald's, then a Denny's and last but not least a MOTEL 6. This would then require a paved road with stop signs and last but not least traffic signals. The entire charm of Bodie would go the way of so many small towns that were off the beaten path.

We say keep Bodie the way it was. Please don't commercialize this small part of history.

The Heffingtons  
9548 Bold Bank Dr.  
Las Vegas, NV 89134

P.S. E Mail refuses to accept this address. Double check your E Mail addresses.

## **Bodie Hills RV Park SP/FEIR**

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September 6, 1999

Patty Hudson  
2725 W. Wigwam #1078  
Las Vegas, NV 89173  
Tel 310-280-9908

Mono County Planners:

My family has been making a yearly trip to Bodie, from Los Angeles, for over 30 years. My dad introduced me to this treasure when I was 8 or 9.

Please, for our children's sake, do not commercialize! When I read about the RV Park proposal I was appalled that anyone would even consider such a destructive (ultimately) notion.

My Father has been gone for over 15 years, but I will always have the memories of our time spent in that peaceful town.

Hopefully, you will use the good sense God gave you to make the right decision, and I can share Bodie with my daughter too.

Patty Hudson

September 21, 1999

Elfriede H. Huntsinger  
2209 Edinburgh  
Bishop, CA 93514

I'm writing to voice concerns and opinion on the proposed Bodie development.

Again we have someone looking at the \$ they can make because a historic site is near their land holdings.

One of the most unique and adventuresome experiences I had regarding Bodie was back in 1961 before it was a State Park. Seeing Bodie in its natural state (via a Kharman Ghia) and leaving in the Bodie Creekbed to Hawthorne was obviously memorable.

Recently I filmed the efforts of Bob Tanner in bringing the 20 mule team and wagons into Bodie. He spent a great deal of effort to bring some nostalgic bit of history. Sadly it was little publicized and certainly should have been as this was a way to give visitors to our beloved area something to always remember.

Had the Lee Vining Visitor Center been informed, more tourists as well as locals would have enjoyed the event.

Going to Bodie without the typical tourist, souvenir atmosphere is what makes it so special.

I'm quite sure the business owners in Lee Vining and Bridgeport would appreciate receiving the tourists, as their survival depends on such revenue.

When are we going to stop destroying our natural wonders by city-like development, when getting away from that very thing is what tourists and families are traveling for?

I can see a restroom/refreshment location near Hwy. 395 but please not motel, store, etc. It would sour the whole magnetism of Bodie.

Bodie is a museum in itself. Bridgeport has a nice museum. Let's not do overkill.

Sincerely,

Elfriede Huntsinger

## **Bodie Hills RV Park SP/FEIR**

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September 16, 1999

MONO COUNTY PLANNING DEPT  
SOUTH COUNTY

Mono County Planning Commission  
P.O. Box 347  
Mammoth Lakes, CA 93546

Dear Planning Commission:

I am very concerned about the proposed Bodie Hills RV Park off of the Bodie Road and am writing today to urge you to repeal your statement of overriding concern. I support a No Project Alternative for many reasons. Please see my attached letter to the Planning Department for a list of my reasons against this project.

I find it hard to understand why the Commission is not acknowledging the many very significant impacts that this huge project will have on the natural and cultural resources of the area. Ignoring these impacts will definitely destroy part of the environmental, cultural and aesthetical reasons why so many of us live and visit this area.

I urge you to repeal your statement of overriding concern. This project will forever change the beauty and isolation of this canyon. If an RV type park is needed in the busy summer months, there has to be a less environmentally sensitive area that it can be built on.

Sincerely,

Lynn Inouye  
P.O. Box 581  
Bridgeport, CA 93517

September 16, 1999

Mono County Planning Department  
P.O. Box 347  
Mammoth Lakes7 CA 93546

Dear Planning Department:

I am very concerned about the proposed Bodie Hills RV Park off of the Bodie Road. I support a No Project Alternative. The revised EIR does not insure, as it claims, that the project minimizes potential impacts nor does it insure that it compliments the natural setting, the historic character of Bodie Park or the natural resources.

The project is in violation of the Mono County General Plan in several ways. It adversely affects existing or potential recreational operations, namely Bodie State Historic Park and the local Wilderness Study Areas. It also is not clustered, concentrated or located to avoid adverse impacts to the natural and cultural resources. It will very much affect the visual quality of the area as it fills and overflows this beautiful rock canyon. The number and size of the proposed housing is excessive and to not provide a natural buffer between development and surrounding public land (violation of County Policy 5). It does not mitigate significant negative environmental impacts such as cutting away part of the canyon, disrupting the deer migration trail, impacting the Clearwater Creek watershed and destroying native habitat.

I support the No Project Alternative, but if the development is allowed the EIR should require 1) underground power and telephone lines, 2) 30 feet development setbacks along the entire length of Clearwater Creek and tributaries especially "southwest basin C" and the creek entering the tent camping area to protect riparian resources, 3) a wildlife movement corridor free of any development or structures to ensure that the deer do not move onto HWY 395 and to protect other wildlife, 4) no artificial landscaping/lawn areas, 5) leach fields, water tanks and houses that do not create visual impacts when viewed from the Bodie Road or HWY 395, 6) minimize traffic hazards and congestion, 7) adequate bonds be secured to provide for the complete restoration of the area should the project not be completed or close down.

I cannot think of any good reason that this beautiful canyon with its wildlife and creeks be traumatically disturbed for a huge development that will only be used for a few months of the year. I hope that the Planning Department will realize the negative impacts this huge project will have on the natural, cultural resources of the area when they are formulating the final EIR.

Sincerely,

Lynn Inouye  
P.O. Box 581  
Bridgeport, CA 93517

cc: Mono County Board of Supervisors  
Mono County Planning Commission

## **Bodie Hills RV Park SP/FEIR**

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September 21, 1999

Kathy Jarrett  
5511 Golden Gate Avenue  
Oakland CA, 94618-2110

I am urging you to reject the Bodie Park RV Park proposal. As proposed, the project would destroy a Native American archeological site, impact the movement of the local mule deer herd and the grading proposed would affect the creek and its fishery. Please consider a no-project alternative, or a reduced project alternative moved to the opposite side of the highway 270.

Respectfully yours,

Kathy Jarrett

September 2, 1999

Mono County Planning Department  
P.O. Box 347  
Mammoth Lakes, CA 93456

Attn: Mono County Planning Department  
Re: Bodie Hills RV Park

I read, with great dismay, the attached news release about the proposed building of an RV Park/development near the ghost town of Bodie.

I have visited the ghost town of Bodie several times in the past 10 years, and I still remember the first time I drove slowly down the dirt and gravel road to get to Bodie. What an experience, and what a way to see it, as it was, and should remain. There is very little history that modern man has not 'touched' and changed by his desire to 'fix' something, or make it a little better than it was, when it should have stayed exactly as it truly was, in its natural state.

Please, please listen to those of us that want to see it remain the way it was and is, so that our children and grandchildren can have the same unspoiled experience that we had. Thank you for listening.

Sincerely,

Erik & Layne Jensen  
585 McLeod Street  
Livermore, CA 94550

## **Bodie Hills RV Park SP/FEIR**

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September 21, 1999

Jeffrey Kane  
60 Garland Ave.  
Oakland, CA 94611

Dear Planning Department:

I am extremely concerned about the findings of the DEIR for the proposed Bodie RV Park. I don't believe that this project is justified given all of the potential impacts. These include reducing the mule deer corridor drastically, requiring considerable grading of the pristine drainage hillsides, damaging the creek through the use of outdated civil engineering practices, not adequately protecting archaeological sites in the area, and impacts to the adjacent Wilderness Study Area.

As a frequent recreational visitor to Mono County, I hope your department recognizes the value of such pristine riparian areas and viewsheds. Such attributes are what makes me drive halfway across the state for a weekend. Allowing such ill-conceived developments without adequately addressing these environmental impacts will encourage me to find other locales in which to spend my tourist dollars.

I ask that the Final EIR more thoroughly address each of the impacts mentioned above and that it includes a "no-project" alternative. The feasibility of a land swap with the BLM should also be considered as a way to protect this pristine area.

Sincerely,

Jeff Kane

September 23, 1999

David S. Kropp  
990 Fulton # 304  
San Francisco, CA 94117

Dear Sirs:

I am writing to comment on the proposed Bodie Hills RV Park. Unfortunately, I feel that the whole project is a misguided scam perpetrated by a bullying landowner. The new project does not address concerns raised in the EIR, specifically the adverse effect of grading near, and riprap in, Clearwater Creek; the unmitigable impact on the mule deer herd; and on the 22 known Native American archaeological sites. Please choose the no project alternative. I also suggest pursuing a land swap with the BLM.

David S. Kropp

## **Bodie Hills RV Park SP/FEIR**

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### **Bear Engineering**

46 Sinclair Street • P.O. Box 657 • Bridgeport, CA 93517

Phone/Fax (760) 932-7077

September 30, 1999

Mono County Planning Department  
Box 8  
Bridgeport, CA 93517

Attn: Scott Burns  
Re: Proposed Bodie R/V Park

Dear Mr. Burns,

On behalf of Bill Lapham, Barbara Lembas and Edward Babcock, owners of Assessor's Parcel no. 11-070-04, the following comments are submitted in support of their Bodie Hills R/V Park project near Bridgeport, Mono County, California.

The property on which the proposed R/V Park is to be constructed was acquired by the family of the current owners in the 1880's. The property has since been in continuous ownership by the family.

In 1986 the current owners listed the property for sale. The listing generated no offers for purchase which were acceptable to both parties. In 1988 Mr. Lapham personally visited the Bureau of Land Management at their Carson City office and at their Bishop office. He asked BLM representatives at each office if the BLM would be interested in a land exchange for the property. The BLM advised him that the Department had no money to do the work that would be required for the exchange and that the property had no particular value to the Department to initiate an exchange.

In 1994 the owners received notice from Mono County that the May, 1994 meeting of the Bodie Advisory Committee would be open to land owners in the Bodie hills area to hear their preferences for general plan designations and zoning of their various properties. Bill Lapham attended the meeting representing all owners and expressed the desire to designate the property Rural Resort. The Committee agreed to the requested designation.

Since the 1950's the owners have from time to time considered various commercial improvements to the property. Following the determination by the Bodie Advisory Committee in 1994, the owners began serious consideration of developing their property.

In January, 1995, plans were begun for the current project. In August, 1995 work was begun with Mono County to process the project. During the intervening two (2) years, the application was processed and an EIR for the project was prepared by Mono County. The project was heard and approved (as amended) by the Mono County Planning Commission in December, 1997. The Board of Supervisors considered the project for approval on February, 1998. As a result of comments made during the public hearing and upon the recommendation of County staff, the Board voted to continue the decision on the project until additional environmental work was completed.

A representative of the State of California Department of Parks and Recreation approached Bill Lapham shortly after the Board's decision and asked if the owners were willing to consider selling the property to the State. Mr. Lapham advised the representative that a sale would be considered by the owners. Mr. Lapham requested that the State present the owners with a proposal which included the amount of money that the State was willing to pay for the property and the time frame that would be required by the State to complete the transaction. To date the State has not responded to Mr. Lapham's request.

As noted above, the owners considered development of their property after unsuccessfully pursuing disposal of the property through sale or trade. The processing of the Bodie R/V Park application has resulted in a considerable investment in both time and money by the applicants. During the four (4) year processing period for this project, the applicant have made every attempt to satisfy environmental concerns and County requirements while still attempting to maintain the viability of their project.

Environmental work that has been performed and modifications that have been made to the project since the February, 1998 Board meeting include the following:

- 1) The number of R/V spaces was reduced from forty (40) to thirty two (32) spaces.
- 2) All R/V spaces were removed from the northerly side of the Clearwater Creek Channel.
- 3) The maintenance building was removed from its proposed location near the southerly bank of the Clearwater Creek Channel.
- 4) The landscaping was modified to provide for more natural vegetation by eliminating much of the lawn in the original proposal. Additional screening has been added, particularly along the access road to the employee housing area on the north bluff.
- 5) The access from State Route 270 to the motel general store area has been modified to improve sight distance to turn movement areas by eliminating one access road.
- 6) The access road to the tent camping area has been moved to improve sight distance for the turning movement.
- 7) One (1) of the employee housing units has been removed from the bluff area.
- 8) The setbacks from the Clearwater Creek Channel bank to the R/V parking spaces and service islands have been increased.
- 9) Engineered rip rap has been added as erosion protection for the bridge abutments and for unvegetated areas of potentially high erosion in the Clearwater Creek Channel.
- 10) A detailed flood plain/hydrology study was completed for the Clearwater Creek Channel. The Channel was also studied by the United States Natural Resource Conservation Service (NRCS).
- 11) A detailed traffic study was performed for State Route 270 through the project.
- 12) Additional vegetation studies were performed to supplement and complete evaluation of areas that were purportedly not studied by the original study.

The proposed project will provide substantial economic benefit to the County as a whole.

## **Bodie Hills RV Park SP/FEIR**

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- 1) At full buildout, the County should realize an increase in tax revenues of \$ 30,000 to \$ 40,000 per year.
- 2) The owners anticipating employing up to eleven (11) employees with an annual employee payroll in excess of \$ 110,000.
- 3) Gross annual receipts are estimated to meet or exceed \$ 500,000 annually. The resultant benefit in additional service receipts to all business in the County from the project is estimated to be in excess of \$ 1,000,000 annually.

The project will provide travelers with much needed accommodations during the season including but not limited to :

- 1) lodging
- 2) meals
- 3) sundries
- 4) restrooms
- 5) garbage disposal

The project will provide parking for R/V's and vehicles which will help relieve the congestion and parking problems that currently exist at Bodie.

The State of California Department of Parks and Recreation will have an opportunity to comment on the design and aesthetics of the proposed structures within the project. The owners will give serious consideration to the suggestions and concerns of park personnel.

The owners have devoted considerable time and expense to mitigating the concerns of the various individuals and groups that have commented during the original submittal. The owners wish to have an attractive and appealing project that is in keeping with the theme of the old Town of Bodie while providing a much needed service for the area. The owners request that the Mono County Planning Commission and Board of Supervisors approve this project as revised.

Sincerely,

John R. Langford

cc: Bill Lapham  
Tim Sanford

09-22-99

Mono County Planning Department  
Re: Revised EIR, The Bodie Hills RV Park Specific Plan and EIR

Dear Mono County,

Having reviewed the Bodie Hills RV Park Revised Specific Plan and EIR, I respectfully offer the following comments:

I am disappointed that the REIR offers only slightly improved protection to the environment than was provided in the draft EIR. That the County chooses to ignore the comments of concerned citizens (not a single comment letter on the EIR supported the project) and interested public agencies is unfortunate.

Changes to the EIR are not significant enough to warrant calling the newer document a "revised" EIR. All comment submitted to the County concerning the initial EIR should be included as comments related to the newer EIR.

The Planning Commission's "Statement of Over-riding Considerations" (related to the unmitigatable visual impacts of this project) is shortsighted and ill advised; it does an injustice to the environment and, ultimately, the economy of Mono County.

I believe that private property owners have a right to responsibly develop their property, but this excessively large, environmentally destructive, aesthetically unappealing and financially dubious project is not within the realm of responsible. The proponent can propose anything, the Planning Department should have the wisdom and will to limit the development for the greater good of the community and ecosystem.

Many of the problems associated with this proposed development arise from an attempt to cram way too much into too little space. Comparisons in the REIR between this proposed project and similar (although smaller in scope) developments at Willow Springs and Virginia Creek Settlement are inappropriate: the later developments are along a major highway, where traffic allows at a considerably greater speed, and occupy only one side of a much larger canyon.

This project does not comply with the recently released Mono County General Plan Land Use Update (dated September 1999). It fails to meet the stated "Goal" for Bodie Hills management, namely to "protect and enhance Bodie Hills Planning Area resources that compliment the Bodie Experience". It fails to meet "Objective A", namely "protect the visual characteristics of the Bodie Hills that contribute to the Bodie Experience, and ensure that any development is compatible with the existing rural and historic landscape". If the County believes that this project meets the "goal" and "objective", then the goal and objective are totally meaningless and without value.

The GP states:

1)"Projects should not dominate the natural environment..." This project clearly dominates the local natural environment by filling a canyon with development and is therefore out of compliance with the GP.

2)"Project siting design should be sensitive to the... topography of the surrounding environment". This project will damage riparian areas, have multiple bluff top developments and require a large amount of cut and till and is therefore out of compliance with the GP.

3) "Visually offensive land uses shall be adequately screened..." This project will be visually offensive and no screening is effective. Indeed, features like lawns add to the negative visual aspect. The project is therefore out of compliance with the GP.

## **Bodie Hills RV Park SP/FEIR**

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- 4) "The visual impacts of parking areas shall be minimized.." Again the project is out of compliance with the GP.
- 5) "All new utilities shall be installed underground..." Again the project is out of compliance with the GP.
- 6) "Construction of new roads should be avoided except where essential for health and safety". Again the project is out of compliance with the GP.
- 7) "Earthwork, grading and vegetative removals shall be minimized". Again the project is out of compliance with the GP.

I urge Mono County to adopt the no project alternative (Alternative 1). The proposed project (a large fenced and landscaped RV park, motel complex, tent campground and rental cabins, museum, general store, support buildings and facilities, parking areas, RV dump stations, laundry-mats and two bluff top residences) will negatively alter wildlife and fishery viability, traffic and highway safety, watershed health, and aesthetic, cultural and natural resources and values.

PRC Section 21083.3 requires an adopted "Community Plan." Approval of the proposed development is premature without the completion of the Bodie Hills Planning Area Plan.

Tiering this development under the Mono County General Plan EIR (using a Specific Plan) is not appropriate. This proposed development is of significant enough scope, and in a sensitive enough area, to require a separate, independent and project specific EIR. That this project will require ACE 4(04 and Calif. F&G Stream Alteration permits indicates its unique nature.

The proposed development EIR/SP fails to achieve several important components of County policy Action 3.1, policy 37 namely:

\*The development would adversely affect existing or potential recreational activities. The "Bodie Experience", as related to Bodie State Historic Park, Bodie National Historic Landmark and the Bodie Hills WSAs, of millions of visitors from around the globe will be manifestly degraded by this project. Nearly every single visitor to the Park and Landmark will be forced, as this is the only paved road into the park and landmark, to drive through the middle of an intensive area of development filling a sizable portion a narrow canyon. The "gateway to Bodie" will become a meandering trek through a commercialized Knotts Berry Farm-like re-creation of a western settlement; a western settlement packed with brash accoutrements of modern life.

The County's contention that this project does not erode the Bodie Experience because it "is not located on much more visible parcels... critical to the sense of isolation and remoteness" discounts the fact that nearly every single visitor to Bodie will be forced to travel through the center of this strip-mall like development.

The State Parks would be the best judge of if the development "complements the historic character of Bodie State Historic Park". Both the Department of Parks and Recreation and the California State Park Rangers Association are on record as opposing this project. They state, and they are experts in the field, that this project will concretely and surely erode the Bodie Experience.

To avoid confusion to the visiting public, the place name "Bodie" should not be allowed to be attached to this commercial development.

Development on the edge of the BLM WSA will seriously degrade their value (a "taking" of public land value). The REIR states that the WSA to the north and south of the project will not be

impacted. While this is a doubtful claim, the REIR does not address the impacts the project will have on the WSA to the east.

\*The proposed development is not clustered, concentrated or located to maintain the visual quality of the area.

It is proposed along the entire length of the properties run with Route 270. It is designed to fill the river canyon bottom, will require grading of the canyon walls (1,000 cubic yards), and develops portions of the bluff top (houses, water tanks, power lines, leach fields, pipe lines).

The statement that the project involves only 10% of the total property is misleading. spill-over impacts will involve a much larger portion of the property and surrounding public lands.

The REIR does not provide for the reasonable, and easily attainable, measures that would insure that many of the visual impacts of this project are lessened:

\*not requiring undergrounding of utilities

\*allowing bluff top/side water tanks

\*allowing lawns

\*allowing bluff top houses

\*allowing a bluff' top leach field and related plumbing and others.

By not including representational drawings of the proposed project at build-out on the site photographs, reviewers and the public were denied an accurate picture of the scope of this development. The photographs included (and not included) in the REIR appear to be purposely misleading and deceptive.

The REIR states that "the camping cabin area and the motel/store/museum are located immediately adjacent to Hwy 270", in fact the entire development is located immediately adjacent to Highway 270.

\*The proposed development does not protect and is not compatible with the surrounding natural environment and rural character of the area.

The proposed "old west" style facilities are designed to contrast with the surrounding natural area. A development of this ambitious scale does not protect this areas rural character. The proposed design is not "rustic", it is fake western.

Existing mature vegetation on site would do very little to conceal any of the proposed development. The vegetative screening indicated in the REIR will do next to nothing to lessen the visual impact of the development.

\*Housing (at 2 houses and 2 RV pads for a maximum of 7 employees) is not limited to that necessary to maintain the development.

With several communities within commute driving distance there is no need for this number of residential units/spaces.

Since the houses are restricted to employee use, occupancy should be prohibited during the times o~' the year when the development is closed.

The houses are proposed for immediately adjacent to a BLM WSA in violation of County Policy 5 requiring a natural buffer between development and surrounding public land.

## **Bodie Hills RV Park SP/FEIR**

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Houses on the bluff, if visible anywhere from 270 or 395, create an indisputable impact on the view shed and aesthetics of the area. I disagree that the residences and access road impacts are satisfactorily addressed and that the impacts are adequately mitigated.

The cynic in me fears that this plan is a rouse to get the two bluff top houses in around existing zoning. Since they are completed in "phase one" they will be amongst the earliest of the physical project features. Should the project not be financially solvent (i.e. "phase 2" and "3" are not completed, or the motel/store/museum closes) the houses will remain. If the area is rezoned to accommodate the houses outside of their use with the resort services, their value will greatly increase.

The houses should be part of "phase three", and they should be required to be removed, and the building sites restored to natural conditions, if the business fails.

\*The proposed development does not avoid or mitigate potential significant environmental impacts as required by the Mono County General Plan and CEQA.

Creek, riparian and watershed impacts:

The REIR/SP does not address the degradation of water quality through erosion, contamination and diversion related to this proposed development.

The REIR did not examine the impact of the planned 500,000 gallon/6 month water use on creek draw-down or the impact of waste water toxins, nutrients, temperature variations, fertilizer/pesticide runoff on stream and fishery health.

The effect of parked vehicles on gravel beds (i.e., RV parking/camping sites) where water and soil could potentially be contaminated by leaking automotive fluids wasn't examined. The impact and control of sewage spills and dumps from RV holding tanks was not examined.

The designation of only a ten foot riparian zone Open Space buffer from the bank top of Clearwater Creek is grossly inadequate to provide for stream bank and riparian ecosystem protection and erosion setback. A standard setback of thirty feet, minimum, should be applied to the entire length of Clearwater Creek and its tributaries.

The REIS does not offer adequate protection to the riparian areas associated with the tributary streams feeding Clearwater Creek.

"Southwest basin C" and the creek entering the tent camping area were not adequately addressed. I gave Mono County Planner Steve Higa several photographs of this creek flowing at a high volume (I've seen it flowing at half the rate Clearwater Creek). This creek has a large drainage. It has flowing water into the summer months. Near its confluence with Clearwater Creek the creek bed is nearly 45' wide. The development proposal calls for leach fields, restrooms, roads and other features to be built directly on top of this creek. The developments impact on this creek and the associated riparian areas were not adequately addressed in the REIS.

I also supplied Mr. Higa with photographs of Route 270 (Bodie Road) at the project site when the road was washed out and destroyed by Clearwater Creek flood waters during the winter of 1982-83. That this area has real potential for flooding is documented and undebatable.

I disagree with the County's opinion that since few hard-structures will be built in the flood plan that flooding is of little concern, anything built in a flooded area can be damaged and result in structural harm and pollution to the environment.

The REIR is concerned with the possible impact of the creeks and flooding on the development and its structures but little concerned about the impact of the development on the health and well being of the riparian areas and associated habitat. I strongly disagree that riparian issues are adequately addressed and resulting impacts are satisfactorily mitigated.

Camping and RV use impacts:

The vast majority of sites in the proposed plan are devoted to RV parking, motel units or cabins while only 14 sites are provided for tent camping. This ratio of RV to tent sites might act to exclude family oriented clientele. A reversal of the tent: RV ratio would allow this development to better blend into the natural setting and provided for "a mix of over-night accommodations and services for the Bodie visitor in a rustic environment that complements the historic character of Bodie State Park and the setting and natural resources of the area." RV Parks are not "rustic".

Occupancy time limits need be established to prevent the RV "camp" from becoming a semi-permanent residential mobile home park.

The impact of campfire smoke in the localized Clearwater Creek Canyon area has not been adequately addressed; smoke, if held in an inversion layer here could pose health and traffic hazards. The impact of campfire smoke on the visual resources and air quality of Bodie State Park were not adequately examined. The impact of public harvest of campfire wood from nearby BLM lands were not examined. Wood fires and the sale of fire wood should be prohibited.

A playground will not compliment the historic and natural resources of the area, it should not be allowed.

Wildlife impacts:

The value of the Wildlife Movement Corridor is considerably lessened by allowing development of RV parking sites in this location. The Wildlife Movement Corridor should be reserved strictly for wildlife habitat and cover; no development should be allowed within the proposed WILDLIFE MOVEMENT CORRIDOR. I disagree that wildlife migratory routes are adequately addressed and the impacts are mitigated (please see Traffic concerns).

With nearly 25% of the Mono Lake herd of deer moving through the project area, and considering the recent decline in the population, this development will have a significant impact on the health and well being of the deer population and related recreation (i.e. hunting, wildlife viewing) opportunities.

The project allows/proposes grazing, changes in plant succession/seral stages, increased human wildlife interactions (feeding, human-deer conflict interactions), and development of houses and other features in the migration corridor, all of which will harm the deer population.

The Mono Lake deer herd is a resource for all the people of the State of California; the actions of a single land owner which degrades this public resource is unacceptable.

The "Resource Conservation" designation of the undeveloped portion of the property would be meaningful if grazing and other consumptive uses were prohibited and the land was managed for habitat conservation. If grazing is allowed on the remaining "undeveloped" portion of the parcel it should be restricted to existing levels, or lower, to maintain the "existing natural state".

The undeveloped portion of the property should be deeded to the BLM to serve as a buffer between this large development and the WSA.

The use of non-native landscaping is very inappropriate at this location. Non-native landscaping is water intensive and presents both a visual distraction to the natural environment and a possible

## **Bodie Hills RV Park SP/FEIR**

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risk of exotic plant invasion in native ecosystems. Bare soil is an effective alternative fire control barrier.

The large lawn areas are totally out of character with the surrounding area and would greatly contribute to the Disneyfication of the Bodie Experience. The visual impact of this project could be reduced significantly by the elimination of lawn and landscaped areas.

### **Growth Inducing and Cumulative Impacts:**

This project's approval may set precedence for future development along Route 270. The County should proceed with great care (and an approved area plan) if it is to maintain the integrity of the Bodie corridor. Growth Inducing and Cumulative Impacts were not adequately addressed in the REIR/SP.

The REIR states that no more than 10% of the entire parcel may be disturbed, yet disturbance to sagebrush is indicated at higher levels than this ("fewer than 22 acres", meaning what, 21 acres?). 21 acres of loss of sagebrush would be a nearly 14% site disturbance, well above the allowed 10%.

Stating that the proposed projects encompasses only 13 acres is a understatement of the true size of its impact. Spill-over impacts will involve a much larger portion of the property and surrounding public lands.

### **Design and Aesthetic Impacts:**

The proposed design of the project, a re-creation of a western town, will severely detract from the cultural, recreational and aesthetic value of the 130die area. Modern day re-creations are typically phony-looking at best (for example the June Lake Junction store and gas station), and a gaudy commercial cheapening of history at worse.

The County should be require a project design that successfully blends in with the natural surroundings; low buildings constructed of stone and shielded by native vegetation.

The water tank proposed for the hillside is an unnecessary and avoidable visual impact. This tank should be required to be located either underground or at road level where it will not be so obviously visible. The proposed screening for a tank on the hill is inadequate.

The pipeline to the proposed RV leech field was not adequately described. To lessen visual impacts this pipe, and any related features, should not be allowed to be visible from Route 270.

The use of any "billboards" along Highway 395 should not be allowed. Any signs permitted along Route 270 should be as unobtrusive as possible. The place-name "Bodie" should not be permitted as this will serve to confuse the visiting public.

All utilities should be undergrounded to maintain the natural ambiance. There is no excused for the County not to require this; undergrounding of utilities would be a simple and effective require to lessen the visual impact of this project.

BLM should be encouraged not to issue utility right-of-way permits for utilities over public lands where the development will degrade the value of those lands.

### **Traffic Impacts:**

Sharp turns, across both lanes of traffic, are required to enter and exit the site of the proposed development. This curving portion of Route 270 is an area of restricted views of the roadway. The combination of large RVs, a challenging roadway, numerous entry and exit portals, and visiting (often foreign) drivers unfamiliar with the road presents a situation that can pose a significant

concern for public safety. I feel that traffic concerns were not adequately addressed or mitigated in the REIR/SP.

Access to the site of the proposed development should be limited to one location for each side of the road.

Any hazards that might be presented by locating a camping area immediately adjacent to Highway 270 should be examined.

The possibility of this development channeling deer onto Highway 395 and channeling and trapping deer on Route 270 was not examined.

Other issues:

Public involvement should be elemental to the approval of any proposed changes in permitted uses (Policy 10).

The County should require that an independent financial consultant review the project to see if it is economically viable. I find it hard to figure how the proponent will be able to make this project a profitable venture. Should the project fail, the County will be burdened with added expenses and an eyesore will be created. As stated in the General Plan, this project should require a assessment of the costs and benefits of the project and a fiscal impact analysis related to potential adverse fiscal impacts.

The stated project goal is providing a "mix of over-night accommodations and services for the Bodie visitor in a rustic environment that complements the historic character of Bodie State Park and the setting and natural resources of the area. "The proposed project does not provide a equitable mix of accommodations and services (they are designed for the wealthier RV/hotel crowd). The proposed project fails, in a big way, to compliment either the historic or natural character of the area.

Abundant camping opportunities exist locally, this project is not needed. Any public good that this project may provide is dwarfed by its negative environmental and public recreation impacts. Approval of the proposed project would be an injustice to the sound use and conservation of the Bodie Hills.

I urge the adoption of Alternative 1, the NO PROJECT alternative.

Sincerely,

MJ Langner  
POBx 5XI  
Bridgeport CA, 93517

Cc:  
Mono County Board of Supervisors  
Mono County Planning Commission

## **Bodie Hills RV Park SP/FEIR**

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**Subject:** Comments on Proposed Bodie Road RV Park  
**Date:** Thu, 30 Sep 1999 00:55:00 -0400 (EDT)  
**From:** Tom Luster <tluster@igc.org>  
**To:** monocounty@qnet.com

VIA E-MAIL  
September 29, 1999

6101 Glenwood Dr. SW  
Olympia, WA 98512

Mono County Planning Dept.  
P.O. Box 347  
Mammoth Lakes, CA 93546

I am writing to comment on the Revised EIR for the proposed RV Park on the Bodie Road.

I am a regular visitor to Bodie, Bridgeport, and other parts of Mono County. I visit because of the scenic beauty of the area and because of the historical significance of Bodie. The proposed development being considered would detract from the scenic and historic aspects that draw visitors to the area, and would likely result in other significant adverse effects to water quality and wildlife.

The Revised EIR provides inadequate analysis on the issues I've listed below. These should be fully assessed as part of the Final EIR.

**Stream/Riparian Impacts:** The Final EIR needs to more fully address the impacts due to inadequate stream and riparian buffers. The development as proposed does not include adequate stream buffers to protect stream function and water quality. A review of the literature on stream and wetland buffer widths shows that the minimum necessary to protect most stream functions is approximately 100 feet on each side. For certain functions, a 300-foot buffer is considered adequate.

The proposed development is clearly too large for this location, given the constraints of the site, the minimum buffer requirements necessary to adequately protect state and federal water quality standards, and the inability to mitigate at this site for the loss of stream functions. This one impact should result in either the proposal being denied or that it be significantly downsized to provide at least partial mitigation.

**Wildlife Impacts:** The Final EIR should more fully address the displacement of wildlife. The proposed project is located in a migration route for deer and for many other animals that use the riparian zone for habitat and migration. The proposal's wildlife corridor is clearly inadequate to mitigate for impacts to wildlife and does not appear to be based on any valid wildlife studies. If the project is approved, it should be revised to include development-free wildlife corridors along the creek and to allow north-south movement.

**Visual Impacts:** The Final EIR should provide further justification for the statement in the Revised EIR that the proposed project compliments the historic character of Bodie and the surrounding natural setting and resources. The existing analysis clearly shows this is not true.

The turnoff from Highway 395 to Bodie Road serves as a significant transition zone between a typical modern day setting and a place of historical value. The proposed development would create a harsh and jarring visual effect along the Bodie Road. The proposed development has nothing in common with the existing natural setting or with the historic setting leading into Bodie. If it is approved, the development should include additional visual setbacks so that the artificial landscaping, houses, RV spaces, and other adverse visual elements are screened from the Bodie Road.

Non-compliance with Mono County General Plan: Several aspects of the proposed project are clearly not compliant with elements of the County's General Plan. These include the following:

- The proposal does not protect and is not compatible with the surrounding natural area.
- The proposed development is not clustered, concentrated, or located to avoid adverse impacts. In fact, it is located and designed to guarantee adverse impacts, as noted in my comments above.
- The proposed housing is not the minimum necessary to maintain the development.
- The proposal does not include adequate mitigation for its significant adverse environmental impacts.

In closing, I believe that an adequate assessment through the EIR process would clearly show that this proposal is inappropriate for the site, due to its significant adverse impacts on stream and riparian areas, water quality, wildlife, and visual, historic, and cultural resources. If for some reason, the project is approved, it should include many more mitigation elements than currently proposed, including:

- downsized to fit the site.
- additional setbacks to prevent visual impacts.
- undergrounding of all utility lines.
- adequate bonding to pay for restoration, if needed, and for contingencies should the project result in additional impacts.

Thank you for the opportunity to comment. I hope that the citizens and elected officials of Mono County are able to fully assess the environmental impacts of this proposal and based on that analysis, either deny the proposal or require significantly more mitigation than is now proposed.

Sincerely,

Tom Luster

## **Bodie Hills RV Park SP/FEIR**

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September 24, 1999

To: Mono County Planning Department  
PO Box 347  
Mammoth Lakes, CA 93547

From: Ilene Mandelbaum  
PO Box 89  
Lee Vining, CA 93541

Re: The Revised Bodie RV Park Specific Plan and Final EIR.

The revised document with new proposed mitigations has done little to change the magnitude of potential impacts of an RV Park project in the proposed location. There can be no mitigation for the sudden glaring appearance of a sprawling RV Park in the otherwise undeveloped corridor that is prized for its natural assets as a gateway to Bodie. The project would set a dangerous precedent toward leap-frog commercial development in this area, while destroying one of the most pristine viewsheds in Mono County.

The 30-foot buffer to the creek is a joke. The creation of 77 parking spaces plus 39 RV spaces will require extensive grading and the creation of one of the largest RV parks and campgrounds next to a creek in Mono County. One need only tour other campgrounds along Mono County streams to see the impacts of concentrating campers and vehicle and foot traffic adjacent to a riparian zone. No amount of existing vegetation, steep banks, signage or fencing will keep the anticipated number of visitors out of the stream corridor, specially in the hot summer months when water and shade are most sought after. Only the deer may steer clear of the creek and development, but perhaps they will utilize the 150-foot wildlife corridor, if they can read the signs.

The revised analysis never made a serious consideration of alternatives, as is required by the General Plan. Instead the document relies on an unsubstantiated statement by the proponent that BLM isn't doing land trades at this time (which happened to be in the 1980's). This is absurd. The BLM has identified thousands of acres suitable for exchange in the 1990's. It would be a strange oversight if land adjacent to a wilderness study area would not be considered a desirable trade. BLM lands next to existing community areas suitable for RV parks do exist.

The document should have adopted the NO Project Alternative, or undertaken the identification and evaluation of alternative project sites that would not degrade the county's significant natural resources.

Thank you for the consideration of these comments.

**Subject:** Bodie trailer park is a bad idea.  
**Date:** Wed, 01 Sep 1999 10:43:53 -0800  
**From:** Robbie Shaw <rshaw@grin.net>  
**To:** monocounty@qnet.com

To whom it may concern,

My wife and I travel to Mono County at least three times each year from Oakland. We enjoy the wilderness and the under-developed nature of the county. I have been very concerned with the spate of recent development-Mono county does not need another trailer park and convenience store. Please do not allow the Bodie RV park to litter the scenery of Mono County.

Sincerely,

Greg Maynard

4025 West St.  
Oakland, CA 94608

## **Bodie Hills RV Park SP/FEIR**

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Mono County Planning Department  
PO Box 347  
Mammoth Lakes, CA 93546

Dear Sirs:       September 25, 1999

I would like to comment on the Bodie RV Park. Riparian zones are important resources and I do not think that the damage done during construction and the continued negative effects justify going ahead with the RV park project. The park should be constructed along the 395 corridor and not in the proposed location. I like the open sagebrush views surrounding Bodie, it enhances the visitors experience. The RV park will detract from it greatly.

I think the proposed mitigation techniques show a lack of understanding of how to keep rivers healthy. For example rip rap increases run off, causes deeper erosion of the river bed and decreases water quality. If this represents the level of understanding of the park planners then it is best that the park not be constructed.

Regards:

William T. McCarvill  
330 Knottingham Circle  
Livermore CA. 94550

**Subject:** Bodie RV park Draft EIR  
**Date:** Wed, 29 Sep 1999 20:53:14 +0000  
**From:** Michael McClaskey <mmc@svn.net>  
**To:** monocounty@qnet.com

To the Mono County Planning Department attn: Scott Burns

The draft EIR for the Bodie RV park is poorly done and the mitigations offered are inadequate. One notable problem is the maps which have offset match lines making it difficult to assess what the actual project is. Additionally the Maps do not indicate one of the most fundamental items, which is the deer corridor area that is currently being used. There should be a clear delineation of the area currently used by the deer .

Mitigation regarding the deer corridor is completely inadequate. 150 foot does not even represent 30% of the 560 feet currently utilized by the deer. Since two roads and 5 campsites are present within that 150 foot delineation this mitigation represents nothing more than lip service to the concept. At a minimum the 5 sites should not be built. Eliminating those sites may enable the removal of one of the two service roads through the corridor area. The RV sites proposed adjacent to the deer corridor Should be in Phase three of the project since they have the potential to do the most harm. This phase should be permitted only after an assessment of the impacts that the other phases of the project have on the migration of the deer.

Additionally it is unclear what impact the employee housing will have on the deer as a full description of their habits has not been included in the text. Is the building envelope appropriately sited to minimize impacts? Will year round occupancy be allowed in those houses? If so their siting may be even more critical. Dogs are a critical concern, the applicant should make specific proposals to mitigate the likely hood of loose dogs impacting the site, and the deer.

As a general policy the county should weigh the potential of major impacts on deer with respect to the general tourist and hunting economy in the area. It is poor policy to allow a single project to negatively impact a resource which is essential to the common good of the larger recreational economy.

Water is a major concern. This applicant must demonstrate a reliable source of water adequate to supply the full project, before permits are issued for any building. Well should maintain adequate depth to eliminate impacts on the creek. A qualified hydrologist should certify that well use will not dewater the creek.

Septic setbacks appear to be minimal. Estimated water uses in the Draft EIR failed to include the two employee residences, and appear to under-estimate laundry use based on parking. These are cursory observations and more inadequacies may be present with regard to water use expectations. Water systems should be built first to insure adequate supply for construction activity.

Redundant systems or safety measures should be required for pump stations and septic systems. The expected volume of waste presents a serious threat in case of failure. The applicant should clearly explain the proposed system in the final EIR. EIR should specify the permitting agency for a disposal system of this size.

Grading cut and fill estimates are difficult to assess from maps. Applicant should stake the site and erect story poles to indicate height and footprints of all buildings and verify the amount of cut and fill. These should be observable by the public. Applicant indicates a surplus of 400 yards, disposal area should be specified. Silt fencing should be erected and maintained during all

## **Bodie Hills RV Park SP/FEIR**

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construction periods. Construction should not occur during critical deer migration period. Silt fencing should of course be removed from the critical area during that period. Straw bales should not be used to prevent erosion into the stream because of the weed potential.

Proposal to capture and separate oil from parking areas is excellent, however it does not appear to address the runoff from the RV campsite areas. These areas will also generate significant pollutants.

Language on page 70 in reference to the quality of the fishery in Coldwater creek should be removed. The quality of the fishery is not reduced because other good fishing areas are nearby. A strict assessment of the qualities in the creek would be more appropriate. If the creek does support fish without being stocked, it may in fact be more valuable not less. That fact would certainly indicate a healthy creek which should be treated with the utmost respect. Please address this issue.

Revegetation plans are good, but a five hundred dollar limitation on the monitoring should apply only if revegetation is proceeding as targeted. If more mitigation is needed the applicant will have to pay. Realistic annual compliance goals should be set, as well as a minimum compliance at the end of the five year period. Assurance of meeting these goals should be part of this permit.

Lighting should be minimized and shielded. Proposed replica lampposts may not be compatible with the essential need to reduce light pollution. The use of the lampposts should be limited to the store area and the wattage should be very low. A Light curfew should be strongly recommended as a condition of this permit. A visible night sky is an essential component of Mono County's natural wealth.

Thank you for your consideration of these comments. I would like to add that I am a member of a local planning and advisory board in western Marin County, as well a building contractor. I love to visit Mono County and I hope you will take care of it for me and others like me.

Michael McClaskey  
PO Box 441  
Point Reyes Station CA 94956

September 21, 1999

Robert J McLaughlin  
980 Peralta Avenue  
Albany, CA 94706

I am writing you to oppose the proposed Bodie Hills RV Park. I think this is a very ill considered development. The small economic benefit to Mono County is more than offset by the general environmental and scenic degradation this project will cause. When I see trashy developments on the way to a pioneer location like Bodie, I am very likely never to return.

I am sure many feel the same way. Thus the harm to Mono County's tourism will exceed the small returns for this project.

Sincerely,

Robert J McLaughlin

## **Bodie Hills RV Park SP/FEIR**

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**Subject:** Bodie Hills RV Park  
**Date:** Wed, 8 Sep 1999 00:49:51 -0500 (CDT)  
**From:** drmorgan@ix.netcom.com  
**To:** monocounty@qnet.com

I have camped at Bridgeport for the last 40 years and have enjoyed numerous visits to Bodie just to let my mind dream of the past. I can see no reason for an RV park or any other type of business to be allowed to encroach upon the pristine environment surrounding Bodie.

Let Mr. Lapham build his RV park in some other area on HWY 395. Bodie should remain exactly as it is and not be commercialized in any way!

Dennis Morgan

September 7, 1999

Judith M. Nelson  
4329 Eugene Ave.  
Las Vegas, NV 89108

Mono County Planning Dept.

During the years 1989-1992 I worked at the Nevada Test Site out of Tonapah, NV. During that time I bought a S.U.V. and visited every ghost town or remains of one I could find. Bodie although in California was and still is my all time favorite and one I recommend to everyone.

It is never a problem to take whatever is needed for the trip. I understand the need for housing for employees and I think that could be done in such a manner that it would blend in with the established town.

Anything on the road to Bodie would take away from the total experience. There is no other place like Bodie and for me would like to see it stay that way.

Thank you for your time

Judith M. Nelson

## **Bodie Hills RV Park SP/FEIR**

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**Subject: Bodie Development:**  
**Date:** Wed, 25 Aug 1999 12:59:23 -0700  
**From:** "Sherri Nelson" <ksnelson@gte.net>  
**Reply-To:** "Sherri Nelson" <knelson@gte.net>  
**To:** <monocounty@qnet.com>

Dear Mono County,

How could a new road cut down on traffic? I think that other than registered campers should go to Bodie on shuttles. People should pay for them to support the service. Why not similar to the Mammoth shuttles? We have camped at Bodie, with cow pies, cows[probably with a few coyotes and bears and mountain lions that we didn't see] and no services and appreciate the rusticness of the area.

We live in Gardnerville, NV and have seen the effects of the nice paved roads, you stop at a bridge to look at water and in and beside the stream are "FAST FOOD WRAPPERS". How about the vandalism at the restrooms at the campgrounds that our tax dollars provide for us and we continue to pay for unnecessary repairs and cleaning. Vandals break the mirrors, tear down fixtures and worse. I like to think that the type of people who visit places like Bodie where the roads are rough carry out what they bring in.

History shows us that one step of progress leads to many more and Mr. Lapham will probably sell out in a few years for a few million and Bodie won't be the same ever again. Soon the wild animals will catch on after being fed by tourists or eating the garbage they leave around, then said wild animals will have to be killed because they are a nuisance. [who is the nuisance?] I feel that everyone has the right to visit our Parks, wouldn't a rough road add to the atmosphere of how it really was? The coyotes and bears at Mammoth and the rest area are proof of what will happen at Bodie. I've actually seen people feed the coyotes at the rest area. Later I heard that that family of coyotes were killed. I've seen bears at Whiskey Creek at Mammoth on their regular rounds of dumpsters. Please don't let this happen to Bodie.

Thank you Sherri Nelson-Gardnerville

**Subject:** Bodie:  
**Date:** Wed, 29 Sep 1999 11:17:22 -0700  
**From:** "Sherri Nelson" <ksnelson@gte.net>  
**Reply-To:** "Sherri Nelson" <knelson@gte.net>  
**To:** "Mono County" <monocounty@qnet.com>

Have you folks been listening to the news lately? You know that pretty place down the road named "Yosemite" and the impact that heavy tourism has on it. Does this tell you something? In "Yosemite" the animal are outlaws because people are careless with their garbage and small animals and children. After reading todays article in the "Record Courier" in Gardnerville I see that this planned development at Bodie is worse than I knew.

I hope the State of California and Mono County will come to their senses and buy the property and make a minimal access available.

The Eastern Sierra is relatively untouched considering how close it is to two major cities. I realize you might be thinking tax base or some-thing, but I feel less is cheaper in the long run. Please say "no" to developer.

Thanks Sherri Nelson Gardnerville, Nevada

## **Bodie Hills RV Park SP/FEIR**

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6632 Andasol Avenue  
Van Nuys, CA 91406-5401  
September 5, 1999

Mono County Planning Department PO Box 347 Mammoth Lakes, CA 93546 email:  
monocounty@qnet.com

RE: Opposition to Bodie Hills RV Park

To Whom It May Concern:

It has recently come to my attention that there are plans for development of an RV park, motel, Wild West museum and campground at the junction of Highways 395 and 270. I **strongly urge you to oppose this development**. I have had the privilege of doing biological research in the Bodie Hills since 1989. The biological importance of the area is not well known. In spite of their appearance the Bodie Hills have the highest mammalian species diversity in North America north of Costa Rica. This incredible diversity is caused by a mixing of species endemic to the Sierra Nevada on the west and the Great Basin to the east. The proposed development is located *in* the wildlife corridor linking the Bodie Hills to the Sierra Crest. Protecting the habitat between Bodie Hills and Sierra Crest in an undisturbed state should rank as a priority for land use planning in the region.

In addition to disrupting an important wildlife corridor the proposed development borders on Clearwater Creek. Riparian areas represent critical wildlife habitat, especially in dry regions like the Bodie Hills. Development has already destroyed or degraded most riparian areas in California and Nevada. Impacting Clearwater Creek simply for more commercial development epitomizes shortsighted land management.

Finally, this development would destroy the scenic values along the main road to Bodie State Historic Park. I can not think of a more thorough way to compromise the Bodie experience for the tens of thousands of annual visitors than with gaudy tourist traps along the access road.

Please keep me posted on this EIS and any other possible developments in the Bodie Hills.

Sincerely,

Lyle Nichols, Ph.D.

September 8, 1999

Norm & Norma Pasky

M.C. Planning Dept.-

We paid a visit to Bodie about 4 years ago-we lived in CA at the time. It was a long drive! We found Bodie to be a wonderful old ghost town.

We were most impressed with the old buildings, cemetery, etc. However, we were somewhat disappointed that we saw no other humans, no place to get a soft drink, a sandwich or retreat from the heat.

Because of health reasons we were worried being so far out from civilization.

Thank goodness we always travel with water, soft drinks, fruit and snacks.

All things considered, we certainly do favor a seasonal resort at Bodie. I think we'd actually consider another trip there if we knew we could stay a day or two and enjoy the area. With careful and considerate planning you can blend the "old west" with the new-maybe more people would venture out there.

We vote yes.

Mr. and Mrs. N.J. Pasky

## **Bodie Hills RV Park SP/FEIR**

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September 17, 1999

Carolyn Perry  
3809 Fortress Drive  
N Las Vegas, NV 89031-0105

Dear Sirs,

I recently came across an article in our local newspaper in regard to the RV resort at Bodie.  
Last month I was able to visit Bodie with my sister. The very thought of any kind of resort any closer than Hwy. 395 is horrible. The very area surrounding this vital part of our history makes the hardships and struggles these hardy people went through so awesome.  
To have a trailer park nearby would simply ruin this.  
Please do not allow this to happen.

Sincerely

Carolyn Perry

September 9, 1999

RE: The Proposed Bodie Hills RV Park Project

We own a RV ourselves, and can't think of a logical reason it is necessary to have a RV resort anywhere near Bodie. We visited Bodie a few years back, and were so impressed with the untouched, non commercial, truly "real" thing it was. In wandering around town we could almost vision what it was like when people actually lived there. It was as though everyone just got up and left one day, leaving everything just as it was, things on the shelves in the store, books and desks in the school, and furniture in some of the homes. It is truly a real and authentic ghost town. We don't want to see the peace and tranquility disturbed. Planners always promise there won't be any environmental changes, but increased traffic alone will ruin it all. Can't some places remain untouched? Even the road, all curvy and bumpy, into the town was in itself an experience, rewarded by the hours we spent wandering around the streets, imagining what it must have been like when the town was at its peak.

Please preserve this town -- one of our last links with history. A real, true, authentic ghost town, like no other we have seen.

Sincerely,

Conrad and Micki Rehard

## **Bodie Hills RV Park SP/FEIR**

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August 26, 1999

Shelley Roe  
1917 Arabian Lane  
Gardnerville, NV 89410

Mono County Commissioners-

I just wanted to let you know how sad I was to see that a developer wants to cash in on the uniqueness of Bodie.

I have lived in the Tahoe/Carson valley area since 1971 and have only been to Bodie once, about 4 years ago. You really have to want to go there, because it is located so remotely. But that is the intrigue of Bodie; driving that windy, lonely road sets up the mood for a ghost town! Don't let the neon signs and modernization ruin such a beautifully preserved part of our history.

By making it easier to visit Bodie, I guarantee it would become crowded – who wants to go to a ghost town with 1,000 other people?

Please re-consider passing this development.

Thank you,

Shelly Roe

September 27, 1999

T.D. Roland  
309 San Benancio Canyon Rd.  
Salinas, CA 93908

I received a copy of the revised EIR for the proposed RV Park Development along the road to Bodie State Historic Park, with horror. As accustomed as I have, unfortunately, become to lousy planning in this-our once beautiful "Golden" State, this proposed development is certainly one of the worst.

I drove along this beautiful area on the way to Bodie last month. Folks, if you are willing to consider a development as butt-ugly and destructive as this RV Park would be, you have clearly lost sight of just how beautiful, rare and irreplaceable a land you have protection over.

I am sure that I am not the first individual to point out that this project is in violation of your Mono County General Plan, in that it:

1. Will not maintain the visual quality of the area it will destroy.
  2. Does not protect the surrounding natural environment.
  3. Is not compatible with the surrounding natural environment.
  4. Does not limit housing development to what is necessary to maintain the proposed development. BLUFF-TOP housing?!
  5. Is not clustered or located according to good judgement or to avoid adverse impacts to natural resources.
  6. It does not mitigate significant negative environmental impact upon the watershed.
- In summation: It is a glaring example of lousing planning and if it goes through, then it will be pretty obvious that somebody is "on the take".

What I can't understand is why someone would want to build this mess in the first place. The road between Bridgeport and Bodie is littered with crappy, half-failed and closed-down rural resort businesses.

There's no shortage of places for visitors to your beautiful county to stay. But there is an impending shortage of lovely, irreplaceable, charming wild canyons like the one along Clearwater Creek.

Well, if this eyesore goes through despite good judgement, I shall never be a part of it.

If for ungodly reasons which could never be clear to a thinking person, this thing goes through, the EIR needs to require that:

1. No godforsaken lawn is put in the place of that beautiful, intact, native plant ecosystem.
2. All power and phone lines be put underground.
3. A wildlife movement corridor is guaranteed-free from development or structures.
4. No construction be allowed on highly-visible blufftops.

Every day I live in a once-beautiful, now asphalt-encrusted, dirty, degraded landscape with little soulless patches of the same ten landscaping plants and pesticide-laden lawns.

The Eastern Sierra is a place I cherish in my heart because it is a place where a soul can still breathe free. Please safeguard your beautiful county. Any bad development projects are just a foot in the door for more bad planning, until one day, the goose that laid the golden egg is dead.

Sincerely yours,  
T.D. Roland

## **Bodie Hills RV Park SP/FEIR**

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September 21, 1999

Jeff Sawers  
3183 Wayside Plaza #305  
Walnut Creek, CA 94596

Dear Planning Dept.

I oppose that Bodie Hills RV park in its present form. The impacts on the land will be substantial especially scarring of the land and impacts on the local mule deer population. Native American archeological sites could be damaged and impacts to the adjacent WSA would likely happen.

Please support a no-project alternative, or move the project to the opposite side of Hwy. 270.

Thank you,

Jeff Sawers

August 27, 1999

Greg Schrempp  
578 Leealan Drive  
Gardnerville, NV 89410

Mono County  
PO Box 347  
Mammoth Lakes, CA 93456

Re: Development of Bodie Area

To Whom It May Concern:

Just a short note to express my strong opposition to the proposed RV Park in the Bodie Hills area.

I feel if you folks allow this development to take place, you are opening the door for even more development.

I've seen the changes that have taken place in Virginia City since the early 1960's. Now they have "Christmas Malls" there. What a joke!

Bodie is one of the last "true" ghost towns in our area. The beauty and wonderment of this area is that one's imagination can take over after leaving Highway 395. Driving up Highway 270, you feel like you're driving into the past.

I've seen development ruin many beautiful areas. Please leave Bodie alone!

Thank you,

Greg Schrempp

## **Bodie Hills RV Park SP/FEIR**

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**Subject:** DEVELOPMENT NEAR BODIE  
**Date:** Tue, 14 Sep 1999 20:10:45 -0700  
**From:** Michael Scott <msscott55@wizard.com>  
**To:** monocounty@qnet.com

Dear Sirs;

I read with interest that there is discussion of a mobile home park on the road to Bodie. As an occasional visitor to your county, I strongly oppose any development on the road to Bodie. I have visited the town, and it's the only ghost town I've ever visited that really seemed unpolluted by tourism, etc. When you turn off on that road from the U.S. highway, you really begin to feel like you are leaving civilization and going back in time. Please do not let a developer contaminate that experience. If Mono County allows its unspoiled attractions to be so contaminated, I believe your county's tourism will suffer in the long run. More important, you would be failing to be good custodians of your county's heritage. Please make the choice that's right for citizens and visitors; deny any development permits along the road to Bodie.

Sincerely,

Michael Scott  
Las Vegas, NV

September 17, 1999

Marilyn F. Shreve  
701 Day Lane  
Wellington, NV 89444

County Commissioners:

I want to express my opinion in regards to the proposed development on the road to Bodie.

It seems perfectly all right to me, as the size and scope is carefully considered and not too large.

I hope the permit to proceed will be granted for the small RV Park and seasonal store.

Sincerely  
Marilyn Shreve

## Bodie Hills RV Park SP/FEIR

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From: ESilver713@aol.com  
Subject: Bodie RV Park  
To: monocounty@qnet.com

Sat 3:15 PM

Hello,

Please do not develop an RV Park in Bodie! The impact on the population of mule deer, the massive grading (and pursuant scarred hillsides), the safety of the Native American archeological sites (threat from tourists stealing from sites), as well as its being a precedent for development in pristine desert habitat are all serious concerns of mine, as I have been a frequent visitor to Bodie in the past. The prime reason I have gone back to Bodie has been to marvel at the stark isolation where this once booming town once stood, breathe the clean high-altitude air, and absorb the emptiness and austerity of the place.

So what would happen to these aesthetics of the place, the sense of this place, which is its most valuable asset and keeps visitors like me coming back? The mystical feeling in the Bodie high desert would be completely destroyed by an RV park! You don't need to spend the night at Bodie!--one can see perfectly all of it in a few hours' visit and move on to a place to stay remote from the Bodie site. Many communities right on the highway 395 corridor would be well-served by an RV park and thankful for tourists' business it would bring. They could easily assign county-fair tracts or public lands near or in their community to make an RV park that would bring that much-needed additional income into town. In our small community of Ferndale, the county-fair site has some large grassy areas that serve during the rest of the year as RV parking spaces and bring income from property that, except for a few weeks during the year, remains largely unused. Mammoth Lakes or Walker, for example, would be excellent sites for an RV park. In that RV park could be a kiosk that suggests day trips to area attractions, including Bodie.

AGAIN, I EMPHASIZE!! DO NOT BUILD AN RV PARK IN BODIE! If you do, I will never want to visit it again. I find RV parks unsightly and disgusting. Please forward this letter to anyone in a power position on this decision.  
THANKS.

Sincerely yours,  
Emily Silver  
Ferndale, CA 95536

P.O. Box 90678  
Los Angeles, CA 90009

Tel. 310-280-9908

6th Sept. 1999

Dear Sir:

I must object to the proposal to desecrate Clearwater Creek and turn it into a R.V. Park.

This particular locale is the prettiest spot for miles around, how on earth any one can think of altering it in any way?

It provides such a rich and lush gateway to the rather bleak (*illegible in handwritten version*) of the Bodie Hills.

R.V. Parks are ugly at best, so put them in an already existing urban environment, i.e. Bridgeport or Lee Vining, but please do not contaminate the beautiful countryside any further.

It is gratifying to read so many enlightened opinions on this issue in the EIR deploring this projected wanton destruction.

Yours Sincerely,

P. Sorapure

## **Bodie Hills RV Park SP/FEIR**

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**Subject:** Revised Bodie Hills RV Park Specific Plan and EIR  
**Date:** Fri, 27 Aug 1999 14:32:32 -0700  
**From:** Sunny Sorensen <sunny@odowd.pvt.k12.ca.us>  
**To:** monocounty@qnet.com

To: Scott Burns, Project Planner

I just got wind of the "revised" plan to put a General Store, Office, Restrooms, 10 Motel Units, and a bunch of motor homes along the Bodie Road in Clearwater Creek Canyon. What are you guys thinking of, anyway?

This is historic and relatively pristine country. Lee Vining and Bridgeport aren't far away. Certainly they'd welcome the business of putting up folks who want to see Bodie or hang a hook in the West Walker.

Building a couple of rustic cabins, a few spaces for 14' camp trailers, and having a some tent sites tucked away is one thing, and not all that bad. But in your greed for revenue it appears you have chosen to allow serious commercialization of the area which shows an obvious lack of sensitivity to our natural environment.

Sunny Sorensen  
7117 Westmoorland Dr.  
Berkeley, CA 94705

September 10, 1999

George Strauss  
1468 Grizzly Peak  
Berkeley, California 94708

This is to urge that the proposal to build a RV Park at the gates to Bodie be rejected.

Mono County is dependent on tourism and may well be more so in the future. People come to Mono to see the wild beauty of the area -- and Mono has lots to offer. Aside from the Lake itself the greatest attraction is Bodie. But Bodie isn't just an abandoned mining town. If the overall experience of wilderness --- and of space. This experience begins not at the Bodie parking lot but back at the turnoff from 395 or even earlier. A RV park at the place proposed is just the wrong place.

True RV parks may promote tourism, but there are numerous more secluded places in Mono County than the entrance to Bodie. In technical terms, it would ruin the viewshed.

Beyond this, there are numerous other objections to the project. It would block a wildlife corridor. It would be placed in the midst of Indian archeological sites. The methods suggested for protecting the creek and preventing flooding involve riprap, an outmoded method and hardly appropriate in a virtual wilderness.

There are numerous other impacts not addressed by the WSA.

If nothing else, please insist the project be moved to a more appropriate location. In technical terms there should be a no-project alternative.

Sincerely

George Strauss

## Bodie Hills RV Park SP/FEIR

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Subject: RV Park Development Outside Bodie State Park  
Date: Wed, 8 Sep 1999 12:05:48 -0700  
From: "Teitelman, Eric" <ETeitelman@mail.co.douglas.nv.us>  
To: "monocounty@qnet.com" <monocounty@qnet.com>

September 8, 1999

To whom it may concern:

This letter is in response to the proposed development outside Bodie State Park. First let me say that I am not opposed to reasonable and sustainable development. Also, as County Engineer for Douglas County, Nevada, I am intimately familiar with the need to diversify and expand the economic base in a County that is largely tourism driven.

The development, as proposed, is unacceptable. Having visited the park on numerous occasions, I fully agree that the rural atmosphere leading to the park lends to its special and desolate atmosphere. Its a ghost town, and ghost towns do not have large commercial projects located nearby. Bridgeport is a much better location for such a development, and the Town could greatly benefit from some limited redevelopment. Also, the area for the proposed development lacks infrastructure, i.e. sewer and water. Establishing another isolated rural water and sewer system, that ultimately will be owned by the County, is not prudent planning. Douglas County owns dozens of these economically unviable utility systems.

Since I support property rights, and as a balance, I recommend a scaled back project to include:

1. A small store and gift shop constructed in a very rustic manor so that it compliments the Bodie structures.
  2. Up to 15 small rustic cabin structures, not a hotel, constructed in the same manor.
  3. Tent camping, since that is how many of the pioneers lived. No RVs.
- They are the most annoying and ugly vehicles on the road today, and clearly do not represent our early American heritage.

Please, I urge you not to make this area another June Lakes; an overcrowded, and over commercialized Mecca for urban Los Angeles city folks to park their RVs. Please help retain the atmosphere that attracts so many people to this park. There are so few undestroyed places left in our country. Encourage the growth in Bridgeport, and possibly look at a shuttle to carry people to the park. Thank you for the opportunity to comment on this project.

Respectfully,  
Eric M. Teitelman  
2963 Del Rio Lane  
Minden, NV 89423  
(775) 267-3439

WARREN C. THOMPSON, Ph.D.  
830 Dry Creek Road  
Monterey, CA 93940-4211  
(831)373-2096

September 17, 1999

To: Mono County Planning Department  
P.O. Box 8  
Bridgeport, CA 93 517

Subj: THE PROPOSED BODIE HILLS RV PARK

My letter makes an entreaty and offers a recommendation concerning the proposed development of an RV park and future development) near Bodie. My comments are distilled from 60 years of travelling the back roads of eastern California and Nevada.

A great many people are fascinated by early mining towns in the West. Bodie is almost unique among them in being still partly there and essentially unreconstructed, and not converted to tourist shopping. A very important aspect of the attraction of the old town for me is its isolation from the modern world. As a visitor starts on the road in to Bodie he feels that he is leaving modern civilization behind and is about to discover a relic of the early mining days that the average traveler doesn't know about. The presence of an RV park, or other modern facilities, within a short distance of the old town would in my opinion diminish the sense of isolation and detract significantly from the anticipation and the atmosphere of Bodie. Therefore, I urge you to require more distance between commercial development and the old town.

To help preserve the aura of isolation that is an important part of the Bodie adventure, I urge that the County consider establishing a permanent Zone of No Commercial Development within a circle of at least 10 miles radius around Bodie. This would protect Bodie and the surrounding landscape from the distraction of commercialism, but also preserve the natural appearance of the landscape along the roads into Bodie the way it was in the mining days. Even better, if possible, would be restriction of commercial development to the Highway 395 corridor in the vicinity of Bodie.

I further suggest, in order to maintain the present basic appearance of the road into the State Park, that the County adopt a position of maintaining the present two-lane road as is, and not widening or developing it further.

Bodie, like any attraction, is a magnet for commercial development. If the proposed RV park is permitted nearby, it is bound to lead in time to more development and growth locally that will demand increased infrastructure--a wider main road, secondary roads, increased water supply, increased utilities, increased sewage disposal. But there is only one Bodie. Commercial development nearby is not worth it, or necessary. Accommodations along Highway 395 should not be a problem for folks who want to visit the State Park.

I deeply hope that the County, with the encouragement of the State, will protect Bodie from encroachment of the modern world. The old mining town is a gem in the rough and its isolation is an important part of the Bodie experience.

Sincerely,

Warren C. Thompson

## **Bodie Hills RV Park SP/FEIR**

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Lynn M. Vahey  
1645 Daniels Drive  
San Leandro, CA 94577

Mono County Planning Department      September 27, 1999  
P.O. Box 347  
Mammoth Lakes, CA 93546

RE: BODIE HILLS RV PARK

Dear Planning Department:

This letter serves, once again, to express opposition to the proposed Bodie Hills RV Park development.

This major development with hotel-museum-office-store-laundromat-cabins-RV landing zones-parking lot-playground-extensive lawn-dump station-houses-fences-dumpster-signage-lamp posts-power lines-water tanks-propane tanks-and showers will forever change and negatively impact the tiny, lush, green high desert canyon in which it is proposed. The open land will be radically disfigured by 1000 cubic yards of cliff ripping cut and 600 yards of riparian landfill. Wildlife migrations will be disrupted.

As recognized by the Mono County Planning Commission, this project will never be visually palatable. The design of this project does not avoid or minimize potential impacts to the land nor does the design compliment the historic character of Bodie Park, the natural setting or the natural resources of the area.

My support fully falls to the NO PROJECT ALTERNATIVE vote. If the development is allowed, the EIR should require at minimum: 1) undergrounding of all utilities, 2) 30' development setbacks the entire length of Clearwater Creek and tributaries to adequately protect riparian resources, 3) a wildlife movement corridor free of any development or structures 4) that leach fields, water tanks and houses which spillout of the canyon should not create visual impacts when viewed from Bodie Road, Highway 395 or adjacent public lands, 5) no traffic hazards are created and 6) that adequate bonds be secured to provide for complete restoration of the area should the project go bankrupt.

In closing, the Mono County Planning Commission is urged to repeal the statement of overriding consideration on the Bodie Hills RV Park development. While the property owner does have rights, it also has the responsibility to be a good neighbor and a proper steward of the land. Thank you.

Sincerely  
Lynn M. Vahey  
Cc: Mono County Board of Supervisors

**Subject:** Bodie Hills RV Park  
**Date:** Wed, 8 Sep 1999 14:57:59 EDT  
**From:** VEGASEMW@aol.com  
**To:** monocounty@qnet.com

Please don't reduce the Bodie experience by inappropriately locating the proposed Bodie Hills RV Park. The desolation of Bodie is just as important as the preserved buildings. In the high Sierras, desolation is measured in mountain ranges, not in miles. I have been to Bodie only twice; however the experience of the isolated drive to the town and the eerie feeling of total remoteness I remember as vividly as the town itself. Please don't ruin that for my children. If a compromise is required, consider siting the RV Park on Highway 395, similar to other developments up and down that highway. Thank you for your interest in public comments.

Marshall Weaver  
Las Vegas

## **Bodie Hills RV Park SP/FEIR**

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Bryce & Wilma Wheeler  
PO Box 3802  
Mammoth Lakes, CA 93546

September 29, 1999

Mono County Planning Department  
PO Box 347  
Mammoth Lakes, CA 93546

Please accept our comments regarding the Draft EIR for the Bodie RV Park. We think this development is inappropriate in the proposed location for the reasons we state below.

**Visual Impact.** Many tourists come to Mono County because of its spectacular beauty and undeveloped open spaces. The visual impact is one obvious reason this proposed RV park should not be in this location.

Tourists and residents driving along the scenic corridor Highway 395 in a section with no development and turning east on Highway 270 will be immediately confronted with an RV park. Very near historic Dog Town which has no buildings, and on the way to Bodie Historic Park, this RV park is out-of-place. Right now the visitor experience is enhanced by the lack of concentrated human activity in this area. The traffic and noise associated with an RV park will negatively affect this experience. There will be traffic from the RV park from north and south coming into Highway 270. Another problem is the location of the check-in building on the north side of Highway 270 with the RV sites located on the south side. This causes all RV park customers to cross the highway with their big vehicles

The two proposed homes on the ridge will intrude on the view. Trailers and buildings along Clearwater Creek will detract from the natural beauty of the stream and canyon. Lighting poles, telephone and electric poles will unfortunately be seen both summer and winter. If the buildings and lamps are imitations of the 1860's style, the result commercializes the Bodie experience. Contrary to Mono County's General Plan, this park will adversely affect existing recreational operations.

**Sprawl.** This type of development should be in already developed areas. Bridgeport has room for development and could certainly benefit economically from the visitors staying in town. Sprawl along scenic Highway 395 could eventually develop into a smaller version of Carson City, Minden, and Gardnerville. In this plan only 8% of the 10% developable land is mentioned. What will happen to the other 2%? Mammoth Lakes is undergoing rapid development. The lack of private lands keeps the development compact, which is a very big advantage to the town, keeping the visitors in town and making the town services more efficient.

**Environmental harm.** As the Regional Water Quality Control Board noted, the draft EIR is insufficient and needs to be supplemented. Much grading will put sediment into Clearwater Creek, which flows into Virginia Creek and then goes into the Bridgeport reservoir, which now has a problem of too much sediment. Pollution of the Clearwater Creek is a big concern as three of four proposed septic leach fields are only 100 feet from Clearwater Creek. Flooding of the creek is a big possibility. Remember Walker River during January, 1997? Riparian values will be affected by vegetation removal. What are the plans for revegetation?

Native plants and wildlife will be negatively affected. Although the draft EIR states there is a small population of fish in the stream, large wild trout have been found in Clearwater Creek by a Dept. of Fish and Game biologist. Mono Basin deer migrate through the site. A 150-ft. corridor

for wildlife migration may not be sufficient, especially when three RV spaces are in that corridor. CalTrans has deer kill data for the junction of 395 and 270 showing that numerous deer are killed here. If traffic is increased, there will be even greater danger to drivers and to deer. Sage grouse, quail, and pronghorn also use this area. Has a wildlife survey be done to determine the extent of wildlife? Livestock grazing is mentioned but no details are given. Where will it take place? Grazing affects wildlife negatively.

Harm to cultural resources. Grading and building will impact cultural resources. Having a qualified archaeologist and a local Native American, knowledgeable of cultural resources, on the site to monitor during construction is not mentioned in the draft EIR. This monitoring should be required.

These are some of our concerns. Thank you for the opportunity to comment.

Bryce Wheeler Wilma Wheeler

## **Bodie Hills RV Park SP/FEIR**

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September 30, 1999

Scott Burns  
Mono County Planning Department  
P.O.B. 347  
Mammoth Lakes, California 93546

Dear Scott Burns:

Thank you for the opportunity to comment on the Bodie RV Park Draft Specific Plan and EIR. I am a long time resident of Mono County, past Chair of Eastern Sierra Citizens for the Protection of Bodie and a member of the Bodie Area Planning Advisory Committee.

The environment and surroundings in which Bodie State Park exists contributes to this remarkable historic landmark. The setting contains components or features which relate to the significance and human legacy of the property, including adjacent lands, views, watersheds, transportation/circulation corridors, land use patterns and natural systems.

A precedent setting development situated at the entrance to the Bodie Road will destroy the sense of isolation and remoteness; the sense of going back in time which is critical to the "Bodie Experience."

I own an RV and have traveled extensively in it. RV parks are conveniences and welcome at the end of a long day, but they should be situated in areas where more services are available. The setting for the Bodie RV Park is off a busy interstate highway in a completely undeveloped area and on a road that has been determined a "scenic highway." Route 270 is a two lane road. There are no off road parking facilities. Large motor homes, fifth wheels, campers pulling cars, boats, etc. will face serious problems turning around, backing up, finding off road safety.

An RV park at this location is unimaginable. The abuse of the natural vegetation in the process of construction; the assault on existing wildlife habitats, and the deer migration corridors is incomprehensible. The EIR states that 3 RV vehicle sites will be put aside during migration periods. Will the deer respond positively to the lights, generator noises, people and things in the vehicle sites still operating next to their migration corridor? There will be significant and irreversible impacts resulting from this project to the Mono Basin deer herd.

There will be utility lines looming along the bluffs and the Bodie Road to support the Bodie Hills RV Park. This project provides the precedent for other similar properties to develop. The certainty of this is obvious. In March of 1994, Bodie property owners numbered 17. A potential for significant growth clearly exists. It is reasonable that property owners would like to realize benefits from their holdings. It is my understanding that the County put in place a Collaborative Planning Team to address the problems of private properties in environmental and historically sensitive areas to effect land exchanges. In view of the intense disapproval of this project, why have the land owners of the project area for the development of an RV Park not taken advantage of the team?

Two single family residences are in the project, 2000 sq. feet each. These are large homes. Another road will be built to access these sites, further disturbing the wildlife and natural vegetation. These homes will be clearly visible to travelers on 395 which is also designated a "scenic highway." The impact of this additional construction has not been adequately considered.

I support the comments on the Bodie RV Park Draft Specific Plan and EIR presented by Desert Survivors, pages 197 through 215 with one exception. Policy 11 (p.47). "An archeologist should be present during all phases of construction to identify any critical sites, artifacts or burials." It is imperative that a Native American Monitor also be on site at all times.

"Bodie stands out as a reminder of quest and survival. And it reminds us of the tremendous resourcefulness of the human species. The stark beauty of Bodie also reminds us of what wonderful natural and cultural resources are preserved there. It provides that essential connection between us and the world from which we sprang." These remarks were made at the rededication of Bodie on September 12, 1997. The development proposed here affects the Bodie experience and commercializes Bodie's historic values by mimicking them in the proposed design of the buildings as outlined in this document.

What happens if this project fails? Restoration challenges will far outweigh construction challenges. This document is incomplete because it does not address the immense restoration problems that will result from a failed commercial development.

This project can and should be accommodated in another area. It is possible to achieve this through a land exchange. We must not despoil the gateway to Bodie. It is not worth risking the integrity of this national treasure.

Respectfully,

Nancy Whitmore,            P.O.B. 221, Mammoth Lakes        760-935-4845

## **Bodie Hills RV Park SP/FEIR**

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September 9, 1999

Karen Wilbur  
2102 Desert Woods Drive  
Henderson, NV 89012

Dear Mono County Planning Dept.

Several years ago, my husband and I drove from our home in CT to CA for a fall vacation. A newspaper story on Bodie made the ghost town part of our "must see" list.

When the road turned to dirt, we turned off the radio, turned off the air conditioner and rolled down the windows. The washboard road, the warm dusty air and total lack of civilization took us back 100 years. It was as if our station wagon became a bouncing buckboard. We stayed all day and took roll after roll of film. Most of our favorite pictures were taken there. Only the threat of a large ominous thunderstorm and the uncertainty of wet road conditions forced us to leave. Back out on the black top, we stopped and watched the storm and wished we had stayed in Bodie.

Since then we have visited many other ghost towns but there is no place like Bodie! Surely in all of Mono County there must be land for an RV resort far away from Bodie. It's that empty stretch of road into Bodie that gives your mind the time it needs to make the transition back in time so that you can better appreciate what you are about to see. It makes you slow down and let's the anticipation build. Don't pave the road. Don't commercialize it. Please let dear, old Bodie remain the last untouched western history experience for all to enjoy.

Sincerely,

Karen Wilbur

September 28, 1999

2117 Via Aguila  
San Clemente, CA 92673

Mono County Planning Department  
Attn: Scott Burns  
PO Box 347  
Mammoth Lakes, CA 93546

SUBJECT: Bodie Hills RV Park  
Revised SP/EIR Grading Plan

The revised SP/EIR for the Bodie Hills RV Park contains earthwork quantity (cut and fill) estimates that appear to be very rough. In fact, these estimates appear to be based on a "rough guess" rather than on detailed quantity measurements or calculations. Therefore, as with the initial document, there is insufficient information in the revised SP/EIR for the Bodie Hills RV Park for the County to make an informed decision regarding the quantity of earthwork (cut and fill) involved in the proposed project.

It is worth noting the following. The initial SP/EIR for the proposed project provided an estimate of 1,000 cubic yards of cut and 600 cubic yards of fill. In the *revised* SP/EIR, which describes numerous revisions to the scope and layout, including *increasing* the setback from the creek from ten feet to thirty feet, the estimated earthwork quantities remain *unchanged*.

It would appear to me, a licensed civil engineer in California with experience calculating earthwork quantities for cut and fill, that it would be almost impossible for the earthwork quantities to not substantially increase given the increase setback from the creek.

My earlier letter to the County on this matter is enclosed for reference.

Sincerely,

David W. Halligan, PE (Civil)  
(License No. C47348)

## **Bodie Hills RV Park SP/FEIR**

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2043 Berryman Street  
Berkeley, CA 94709  
February 10, 1998

Mr. Tom Farnetti  
Chairman, Board of Supervisors, County of Mono  
P.O. Box 715  
Bridgeport, CA 93517

SUBJECT: Bodie Hills RV Park SP/EIR  
Grading Plan

Dear Chairman Farnetti:

The Bodie Hills RV Park SP/EIR preliminary grading plans have resulted in estimates of the earthwork (cut and fill) required for the project. In particular, the project engineer has estimated that 1,000 cubic yards of cut will be required and 600 cubic yards of fill. The amount of earthwork to be performed is a critical component of the acceptability and approval of the project. In fact, as you may know, the specific plan policies for this project include requirements that the estimated earthwork quantities are not exceeded.

It is important to note that at this time the earthwork quantity estimates appear to be based on engineering judgement, not detailed quantity take-offs and calculations. It is important, therefore, that both now and at the time that a grading permit application is filed, that the County, through a licensed civil engineer employed by the County, carefully review and verify the quantity of earthwork shown in the plans.

Furthermore, the County should require the project's developer to hire a licensed surveyor to verify the actual quantities of earthwork as such work is performed in the field -- not afterwards, but as such work is performed. The results of the actual earthwork surveys should be forwarded to the County by the surveyor to ensure compliance with the grading plan. Monitoring of the project as it is constructed, should it be approved, will be crucial to ensuring that the earthwork quantity limits are complied with. Such requirements are not unusual for a project on a creek, especially when earthwork quantities are critical and limited by specific plan policies.

It should also be noted that specific plan policies for this project require redesign of the project should a competent hydrology study show project components within the 100 year flood plain. Should such redesign be required, and/or additional setbacks from the creek required, it is difficult to see how the project could be accomplished without significantly exceeding the earthwork quantities currently estimated by the engineer.

Sincerely,

David W. Halligan

Hello,

I'm writing with concern about the proposed Bodie Hills RV Park.

I have been coming to this area every summer for over 20 years and don't want to see the Bodie Ghost town become a commercial park. It is nice the way it is.

I stay at the Mono Vista RV Park and most of their clients are from Europe. One of the comments we hear is how wonderful the trip to Bodie actually is. They have no ghost towns in Europe so they enjoy the drive to the Park itself.

So please don't allow a commercial business ruin the landscape! It's just fine the way it is.

Linda Murray

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