

# **Final Environment Impact Report**

## **Whitney Portal Preserve**

### **Tentative Tract Map #239/Walters**

**SCH #2004071063**

**Inyo County Planning Department  
April 2004**

**Final Environment Impact Report (FEIR):**

**Whitney Portal Preserve**

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**SCH #2004071063**

**Inyo County Planning Department  
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# CHAPTER 1 - INTRODUCTION

## 1.1 PURPOSE

CEQA requires that a Final Environmental Impact Report (FEIR) be prepared, certified, and considered by public decision makers prior to taking action on a project. The FEIR provides the Lead Agency (i.e., Inyo County Planning Department) an opportunity to respond to comments received on the Draft EIR (DEIR) during the public comment period, as well as to make any additions or revisions to the information presented in the Draft EIR. According to Guidelines for the California Environmental Quality Act (CEQA), Section 15132, and FEIR shall consist of the following:

- The Draft EIR or a revision of the draft.
- Comments and recommendations received on the Draft EIR either verbatim or in summary.
- A list of persons, organizations, and public agencies commenting on the draft EIR.
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- Any other information added by the lead agency.

## 1.2 SCOPE AND FORMAT

This Final EIR document includes the following:

- Chapter 1, Introduction, which outlines the purpose, scope and format of the Final EIR.
- Chapter 2, Overview of Comments Received, which explains the public review process and lists all agencies and individuals who commented on the Draft EIR.
- Chapter 3, Responses to Comments, which contains the actual letters of comment, reproduced in their entirety and the responses to each written comment received on the Draft EIR. Responses follow the letter to which they are directed.

Each public comment letter has been issued a number, noted within a circle at the upper right corner of the letter. Further, when needed, a capital letter has been noted in the left-hand margin of the text of the

letter, to break down and identify individual issues discussed with the body of the letter, which the response to the letter then references.

- Appendices, which contain materials received or produced after the Draft EIR was produced.

# **CHAPTER 2 – OVERVIEW OF COMMENTS RECEIVED**

## **2.1 PUBLIC REVIEW AND COMMENT PROCEDURES**

CEQA requires public disclosure in an EIR of all the environmental effects of a project, and encourages public participation throughout the EIR process. As stated in Section 15200 of the CEQA Guidelines, the following are the purposes of public review of environmental documents:

- 1.) Sharing expertise
- 2.) Disclosing agency analysis
- 3.) Checking for accuracy
- 4.) Detecting omissions
- 5.) Discovering public concerns
- 6.) Soliciting counter proposals

Section 15201 of the CEQA Guidelines states that “Public participation is an essential part of the CEQA process.” A public review period of no less than 30 days nor longer than 60 days is required for a Draft EIR under Section 15087(c) of the CEQA Guidelines. If a State agency is a lead or responsible agency for the project, the public review period shall be a least 45 days. As required under CEQA, the Revised Draft EIR was published and circulated for review and comment by responsible and trustee agencies and interested members of the public. The public review period was initially scheduled from November 8, 2004 through December 23, 2004, but was extended to January 7, 2005. In addition, on November 30, 2004, the Inyo County Planning Department held a public comment meeting on the Draft EIR in order to facilitate and receive public comments on the project.

## **2.2 INYO COUNTY’S CEQA PROCEDURES**

Title 15 of the Inyo County Code includes CEQA procedures to be followed by the County in its administration of CEQA and its processing of environmental documents. The following sections of the Inyo County Code describe the County’s public review process for a Draft Environmental Impact Report:

- Section 15.36.050, Notice of Completion of a Draft EIR:

*“As soon as the Draft EIR is completed and ready for public circulation, the Planning Department shall file a notice of Completion with the Governor’s Office of Planning and Research.”*

- Section 15.36.060, Public Notice of a Draft EIR:

*“Within ten working days of accepting the Draft EIR, the Planning Department shall publish, in a newspaper of general circulation in the County, notification that a Draft EIR is available for public review and comment. The public notice shall specify the review period, identify any public meetings or hearings on the project, briefly describe the project and its significant environmental effects, and state where the proposed EIR and all reference documents are available for review. It must also include a statement indicating whether the project is on a listed toxics site. The Planning Department shall inform by mail interested groups and citizens who have requested such notification in writing of the availability of the Draft EIR.*

- Section 15.36.070, Review Period for a Draft EIR:

*“The Planning Department shall establish a review period termination date that shall be observed unless conditions arise during the review period to warrant an extension of the review period. The minimum review period will be 30 days (for projects not requiring State Clearinghouse review) or 45 days (for projects requiring State Clearinghouse review), unless the Planning Commission determines that it would be in the public interest to provide a longer review period.”*

- Section 15.36.080, Public Distribution of a Draft EIR:

*“The Planning Department shall distribute copies of the Draft EIR to facilitate the public review. Copies of the Draft EIR shall be mailed to departments, agencies, groups, and individuals that may, in the Department’s judgement by reason of expertise, jurisdiction, and interest, assist the County with its review of the Draft EIR. In addition, at least one copy shall be mailed to the County library for public review. Each draft EIR shall be accompanied by a letter of transmittal indicating the end of the review period and the departmental contact person.*

- Section 15.36.090, Public Hearing on a Draft EIR:

*“The Planning Commission shall hold a public hearing on the Draft EIR. Notice of the public hearing shall be as follows:*

- 1.) *Notification by mail to the applicant and all individuals and organizations who commented in writing during the public review period.*
- 2.) *Notification in a newspaper of general circulation in the area of the proposed project.*

- Section 15.36.100, Comments on the Draft EIR:

*“Public comments must be received by the Planning Department within the specified review period. Failure to receive written comments by the end of the review period shall be considered a presumption of no comment. The County shall not be obligated to respond to comments received after the termination of the review period, unless the Planning Commission determines that the public interest would be served by doing so.”*

- Section 15.36.110, Evaluation of Responses to Comments:

*“After the review period for the Draft EIR closes, the Planning Department shall assemble all written comments and transcripts of comments made at the public hearing(s). These comments shall be transmitted to the consultant or public department or agency responsible for preparing the EIR. Planning Department staff shall determine which comments address environmental impacts and mitigation. These comments must be responded to.*

*Comments addressing the following issues do not require a response, but should be noted for the record:*

- 1.) *Comments addressing the merits of the project (as distinguished from environmental impacts of the project).*
- 2.) *Comments beyond the scope of environmental review (such as legal interpretations).*
- 3.) *Comments on impacts too speculative for evaluation.*

- Section 15.36.120, Recirculation of a Draft EIR:

*“If ‘significant new information’ is added to the EIR after the close of the public comment period but before certification, the County must provide a second public review period and re-circulate the Draft EIR for comments. New information is considered “significant” when the EIR is changed in a way that deprived the public of a meaningful opportunity to comment. This occurs when the new information discloses:*

- 1.) *A new substantial environmental impact resulting from the project or from a new mitigation measure proposed to be implemented.*

- 2.) *A substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance.*
- 3.) *A new feasible project alternative or mitigation measure that clearly would lessen the environmental impacts of the project, but which the project's proponents decline to adopt.*
- 4.) *The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment of the draft was, in effect, meaningless.*

*New information is not "significant" when it merely clarifies, amplifies, or makes insignificant modifications to an adequate EIR. Substantial evidence must support the County's decision not to re-circulate an EIR."*

- Section 15.36.130, Contents of the Final EIR:

*"The Final EIR shall consist of the Draft EIR, a list of persons and organizations who made comments, comments received, and responses to comments. Alternatively, the Draft EIR may be revised to incorporate responses to comments into the text of the report. If this format is used, the Final EIR shall consist of the revised Draft EIR, a list of persons and organizations who made comments, comments received, and an indication of where each comment raised is addressed in the revised text."*

## **2.3 LIST OF AGENCIES AND INDIVIDUALS WHO COMMENTED ON THE DRAFT EIR**

Terry Roberts, Governor's Office of Planning and Research

- Letter 1: Anita McProud
- Letter 2: Robert Frickel
- Letter 3: Duane Warth
- Letter 4: Tamara S. Galanter, Esq. and Carmen J. Borg, Urban Planner, Shute, Mihaly & Weinberger LLP
- Letter 5: Bill Dunkelberger, Bishop Field Manager, Bureau of Land Management
- Letter 6A: Gene L. Coufal, Manager, Aqueduct Business Group, Department of Water and Power the City of Los Angeles
- Letter 6B: Clarence Martin for Gene Coufal, Manager, Aqueduct Business Group, Department of Water and Power the City of Los Angeles
- Letter 7A: Douglas E. Feay, R.G., Engineering Geologist, Mono/Owens/Kern

Watershed, California Regional Water Quality Control Board, Lahontan Region

- Letter 7B Alan Miller for Martin Goldberg, California Water Quality Control Board, Lahontan Region
- Letter 8: Duane Ono, Deputy Air Pollution Control Officer, Great Basin Unified Air Pollution Control District
- Letter 9: Valerie Zimmer, Civil Engineering Graduate Student, University of California, Berkeley
- Letter 10: Le Roy Kritz, Chief, Lone Pine Volunteer Fire Department
- Letter 11: Carol Gaubatz, Program Analyst, Native American Heritage Commission
- Letter 12: Andrew Remus, Senior Planner, Inyo Local Agency Formation Commission
- Letter 13: Earl Wilson
- Letter 14: Michael Prather
- Letter 15: Tim Kingsley
- Letter 16: Anita McProud
- Letter 17: Kay Condie, Caretaker, Cuff Guest Ranch
- Letter 18: Constance Spenger
- Letter 19: Katherine Hancock
- Letter 20: Wilma Wheeler, Chair, Range of Light Group, Toiyabe Chapter, Sierra Club
- Letter 21: Bill Helmer
- Letter 22: Jim Ostdick
- Letter 23: Monica Stigliano-Stormo
- Letter 24: Alison Cuyler
- Letter 25: Robert and Pat Farrell
- Letter 26: Judy L. Wickman
- Letter 27: Denise Waterbury
- Letter 28: Ned S. Warth
- Letter 29: Name Unknown – 120 Olivia Lane, Big Pine
- Letter 30: Robert and Gayle Frickel
- Letter 31: Dorothy Bonnefin
- Letter 32: George Whitman, Chairman, Lone Pine Economic Development Corp.
- Letter 33: Helen N. Hernandez
- Letter 34: Laura Saldana
- Letter 35: Cody Brown
- Letter 36: Ann Hancock
- Letter 37: I. Lindsey

Letter 38 Wilma Wheeler, Chair, Range of Light Group, Toiyabe Chapter, Sierra Club  
Letter 39 Hans-Dieter Simon  
Heidrun Streib-Simon  
Ulrich Simon  
Holger Simon  
Christian Streib  
Berit Streib  
Gundrun Kellerer  
Achim Bernau  
Traude Bernau  
Helmut Kurtz  
Traute Kurtz  
Marilen Kurtz  
Adolf Mayer  
Chong Liao  
Fritz Mertens  
Inge Behrend-Mertens  
Florian Mertens  
Sebastian Mertens  
Letter 40 Judy Peek  
Letter 41 John Lewis  
Letter 42 Marlene Cierniak, Silver Star Land & Cattle Co.  
Letter 43 Coral Henderson  
Letter 44 Paula B. Clark  
Letter 45 Cody Mike  
Letter 46 Myles Allen  
Letter 47 Kelsey Francone  
Letter 48 Esther Checo  
Letter 49 Joshua Lambdin  
Letter 50 Margaret Warner  
Letter 51 Duane Warth  
Letter 52 Larry S. Luke  
Letter 53 Dean Webb  
Letter 54 Dorothy Bonnefin  
Letter 55 Donna Carson  
Letter 56 Michael Prather

Letter 57 Dean Vander Wall  
Letter 58 Petition Against Further Development in the Whitney Portal Road  
Viewshed:  
Nancy Prather  
Phoebe Prather  
Robert Frickel  
Jean Stolaroff  
Monica Stigliano-Stormo  
Wilfred J. Nabahe  
Juliette Nabahe  
Judy Wickman  
Katherine J. Bancroft  
Derik Olson  
Georgan L. Stottlemyre  
Jennifer Fenton  
Mike Slates  
Lynne Almeida  
Ross S. Warth  
Earl Wilson  
Michael Boone  
Katherine Malengo  
Dario S. Malengo  
Lisa Lilley  
James Corpora  
Constance Spenger  
Linda Wright  
Karen Brorson  
Catalino Chaparro  
Ray Dutcher  
Denise Waterbury  
Daniel Pritchett  
Norman Anthony Taylor  
Sherryl Taylor  
George H. Waite  
Kathy Duvall  
Barbara Schuck

Karen Ferrell-Ingram  
Ann Fulton  
Edyth Irvine  
Jerry Zaborski  
Richard Taylor  
Robert Perlmutter  
Matthew Zinn  
Tamara Galanter  
Katherine Castro  
Carmen Borg  
Rachel Hooper  
Mark Weinberger  
Michael Carbone  
Catherine Engberg  
Osa Armi  
Bruce Grisham  
William White  
Laurel Impett  
Marc Campopino  
Stephen Miller  
Winter King  
Donna Carson  
Londa Hubbs  
Nadine Harry  
Kathleen Hester  
Andrew Wickman  
Gail L. Stewart  
Jean Crispin  
Rebecca Vasquez  
Michael Vasquez  
Susan Lutze  
James D. Roberts  
Jayson Lozier  
Kim Schill  
Beverle Jeans  
Janet Read

Patricia N. Clark  
Lucia Hittle  
Araceli Welch  
Gerry Welch  
Linda Lacot  
Alison Krahn  
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Alexandra Orenich  
Vera Max  
Casey Weiss  
Jeremy Ahr  
Kelly Bennett  
Jason Smith  
Eli Isaacs  
Yam Cheng  
Matt Gertig  
Kathryn Vimbaco  
Sean Ganley  
Leslie Eskeets  
Melyssa Tsai

Violeta Ruiz  
Nancy Medina  
Richard Manfried  
Tahanee Fisher  
Jenna Jones  
Yumi Tomita  
Krystal Keough  
Christine Wagner  
Bryant Uy  
Jon Dohring  
Robert Dohring  
Heather Crabtree  
David Marsh  
Harah Milki  
Erin Brinton  
Hailu Tilahun  
Christina Byrne  
Marina Nakamura  
Nikolai Schweingruben  
David Reynolds  
Philip Huffeldt  
Shaina Campbell  
Molly Russell  
Lynne Wetmore  
Tara Allport  
Jennifer Manuzak  
Elizabeth Adelmar  
Brian J. Spitek  
K.C. Wylie  
Shelia Cantwell  
Dane Kirk  
Dan Mayers  
Richard Tull  
Calder Reid  
Del Hubbs  
Barbar Landis

Meghan Culpepper  
Hed Hewitt  
Raphael Q  
Warren Madderra  
Brian Zweir  
LeBaron King  
Emily Alexandra Corpora  
Katie Anderson  
Rodger C. Birt  
Oscar Geter  
Edna Lee  
Larim Amara  
Cera Renault  
Travis Leavitt  
Matthew Arroyo  
Adam Paganini  
Danielle Perez  
Delphine Suter  
Mike Hameron  
Lara Lau  
Mary Harriet Shuter  
Sarah Casey  
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Avery Liam  
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Gilby Kim  
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Trish Dorsey  
Taylor Maxson  
Naomi Gross  
Helena Hill  
Gina DeSantis  
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Daniel R. Dawson  
George Rupp  
Dean Webb  
Charles R. Brown  
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Kathryn L. Porter  
Michael Powell  
Jerri Clifton  
Alice Kettering  
Katherine Allen  
Nathan Krumm  
John C. Percy  
Elizabeth Gorgonia  
Melanie D. Bostic  
Donald T. Kasper  
Toni Wagner  
Kathleen Astourian  
Donal Bennett  
Alice J. Dawson  
Karl R. Dawson  
Roy VanKampen  
Cheryl Memola  
Tranina Grover  
Vinton Heuck  
Linda Edwards  
Ellen G. Chamberlin  
John C. Elliott  
Pat Patera  
Nina Silk  
Evelyn Dwyer

Sarah Wilson  
Patricia Jones  
Cameron Crain  
Eric Wessler  
Grace Blaylock  
Kurt Kuznick  
Ida Di Silvestro  
J. Kretzer  
Marjorie Sill  
Graham S. Stafford  
Mike McCurry  
Tina Nappe  
Scott Morrison  
Greg Love  
Rachael Wood  
Francisco Ocegüera  
Erica Mikesh  
Eric Youngson  
Richard Hatch  
Amy Ellison  
Marc Ferras  
Matt Reiderbach  
Valerie Simmer  
Anthony Lobay  
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Stefan Schweizer  
Kim Hinckley  
Christine K. Moruza  
Scott D. Moruza  
Mary H. Moruza  
Michael Moruza  
Elizabeth Henderson  
Ana Moruza  
Susan Stradinger  
Donald D. Fowler  
Kate Wiley

Claudia Davidson  
Louise Krusi  
Randal Koerber  
Frank Pedrick  
Sheri Hill  
Coral Henderson  
Phyllis Mikalowsky  
Sharron L. Silvas  
Gina Davis  
Michael Rodman  
Richard T. Gering  
Angela Stephenr  
Chris A. Elton  
Robert Heist  
Paula R. Ostrofe  
Frank P. Ostrofe  
Teri Wise  
Darren Denis  
Debbie Stone  
Amber Clarke  
Deidre Parker  
Debbie Schutta  
Bruce Klein  
Toni Bishop  
Martha Lopez  
Robyn Yanez  
Gerald True  
Jean Scott  
Amy Eisenberg  
Damaris Meyer  
Michael W. Lyles  
Tyler Wadlund  
Jana Weiland  
Nicola Pollack  
Stephanie Muniz  
Shane Plummer

Aaron Ramirez  
Amanda Hays  
Bo Sun  
Auitlahuac Rhummel  
Augre Ohlson  
Geoff Berry  
Iris Chiago  
Xail H. Medrano  
Jeanette G. Natcher  
Anita McProud  
Henry Davis  
Harney Bancroft  
Steve McGreevy  
Uhay Kirerim  
Charlie D. Newell  
Savannah Anderson  
Dave Kirk  
Kristel Greene

Letter 59 Derik Olson  
Letter 60 Linda Hubbs  
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Letter 62 Robert Frickel  
Letter 63 Robert Frickel  
Letter 64 Brian Cavalier  
Letter 65 Garry Oye, Inyo National Forest  
Letter 66 Robert Frickel  
Letter 67 Jim Ostdick

# **CHAPTER 3:       RESPONSES TO COMMENTS**

This section contains the public comment letters that were received on the Draft EIR. On the page following each comment letter is a summary of, and a response to, the comment letter. Comments that are not related to environmental issues are identified as such.

**Comment Letter #1 (Anita McProud):**

Comment 1-A: The commenter requests an extension of the 45-day public comment period for the Draft Environmental Impact Report (DEIR), noting the comment period falls within the end of the year holiday season. In addition, the commenter notes that the Lone Pine Library had only one copy available for public use, and that the appendices to the DEIR were not available in digital format and so not available on the County's website, as was the DEIR report itself.

Response 1-A: The public comment period was extended an additional 15 days, for a total of 60 days, which the California Environmental Quality Act (CEQA) guidelines note as the maximum comment period for a DEIR (CEQA Deskbook, 1999, p. 78). The public comment period extension was publicly noticed in the official County newspaper and posted on the Planning Department website.

DEIR availability was publicly noticed in the official County newspaper, noting that copies were available at all public libraries and the Planning Department. All County public libraries were supplied with a copy of the DEIR (both the report and the appendices), and an extra 5 copies were immediately supplied to the Lone Pine Library as soon as a commenter suggested to staff that this was desired. The DEIR report was posted onto the County's website approximately 7-10 days after the initial distribution of the hard copy version and the beginning of the comment period (November 8). The DEIR appendices have not been posted onto the County website, as they consist of numerous reports prepared by various agencies or firms and forwarded to County staff in hardcopy/paper form. Staff were unable to find any timely way to have the appendices scanned into a digital format for loading onto the website.

Comment 1-B: The commenter states the Inyo County General Plan uses the Whitney Portal Road/area as an example when defining "viewshed," and notes both domestic and international tourists come to the area for the views.

Response 1-B: So noted.

Comment 1-C: The commenter questions how the County could allow development within the Whitney resource area, and states her opinion that it is the County's responsibility to be caretakers of such resources.

Response 1-C: The project site is privately held land designated for residential development under the General Plan. The project incorporates mitigation for visual impacts. A DEIR has been prepared for the project which identifies significant impacts to visual resources.

Some CC&Rs for the project function as mitigation measures for the project's visual impacts. As such, these mitigation measures (See Appendix P to the FEIR) are required for project development and are thus not subject to change/alteration by homeowners, as is reflected in revised CC&Rs for the project (See Appendix K of the FEIR). Enforcement of CC&Rs is the responsibility of the subdivision's Architectural Committee; however, the County may enforce any provisions of the CC&Rs which are a

Condition of Approval for the project and functions as a visual mitigation measure, to include the following:

- **Setbacks:** The minimum setback for all permanent structures shall be 175 feet for Lots 1 and 5; 200 feet for Lots 2 and 6; 225 feet for Lots 3 and 4; 275 feet for Lot 7; 300 feet for Lot 8; and 350 feet for Lot 9 (lot fronting Whitney Portal Road). The minimum setback shall be 50 feet for all permanent structures from lot lines that are common to other lot lines or from road rights of way located within the development, with exceptions as noted on the tract map.
- **Structure Height:** The maximum height of residential units shall be 22 feet for Lots 1-9, and 30 feet for the remainder of the lots.
- **Lot Development Area Restrictions:** The development area for each lot, with the exception of those lots designated equestrian lots (Lots 10, 18-27), shall not exceed 27% of each lot (2/3 acre). Any and all structures erected on a lot must be contained within the development area.
- **Drainage Areas & Habitat Preservation Areas:** These areas are noted in Exhibit A to the subdivision CC&Rs. No alteration of the natural topography or vegetation shall be permitted, nor shall any structures or barriers of any sort be permitted within said areas, except for construction of driveways.
- **Landscape Requirements:** Owners of Lots on the periphery of the subdivision shall be required to plant and maintain trees in the locations designated, and with species indicated, in Exhibit B of the subdivision CC&Rs. All lot owners shall be required to landscape lots within six months of issuance of a Certificate of Occupancy.
- **“Dark Skies” Lighting Requirements:** light fixtures shall be fully shielded and attached to buildings. No exterior lighting shall be allowed on the East side of buildings on Lots 1, 10, and 19, and on the west side of lots 9, 18, and 27. Lighting shall be limited in number, duration, and intensity to accommodate security purposes and to reduce impacts to wildlife, and subject to subdivision Architectural Committee review/approval.
- **Structure Design Issues (materials, colors, etc.):** Exterior building materials shall consist of brick, rock, wood, and/or stucco, to be in natural colors. Roofing materials shall be noncombustible tile, slate, non-reflective metal, or composition. Window frames shall be wood clad, painted steel or anodized aluminum.
- **Language within the CC&R document** shall identify what provisions of the CC&Rs are conditions of approval, and shall give the County authority to enforce those provisions.
- **No revisions of the CC&Rs** which exist as conditions of approval for the project shall be allowed, and it shall be required that all such provisions shall be included in any subsequent CC&Rs.
- **Approval of the CC&Rs** by the County prior to approval of the Final Map for the project.

Comment 1-D: The commenter states that the proposed project will be readily visible from below the project site, as well as from above, and notes that the CC&Rs proposed for the project, which serve as visual mitigation measures, can be changed by a majority vote of the homeowners.

Response 1-D: The DEIR finds the visual effects of the project to be a significant environmental impact.

Comment 1-E: The commenter states the hydrological information for the proposed project is flawed and incomplete due to the brevity of the pump test, test protocol issues, and overall scarcity of data for the area's aquifer, and states that additional monitoring wells and well logs should be required of the project.

Response 1-E: A 48-hour pump test was deemed appropriate and adequate by both Inyo County Water Department and Environmental Health Services Department staff, as well as the hydrological firm for the project, based on the residential usage and size of the project. This test was performed jointly by a hydrologist from the firm of Richard C. Slade & Associates, consulting groundwater geologists for the project, and the project applicant, Jim Walters. The testing was administered using common field techniques, and the malfunctioning of a flow meter only changed how the test was administered, not the validity of the test results. Pump test results indicate a pump rate of 40 gpm from the pumped well, and have been accepted by County staff and certified by the Slade Hydrology firm. This rate translates to 4-6 gpm capacity for the individual wells proposed for the project (p. 12, Slade Hydrogeologic Assessment, dated September 2004, Appendix G to the DEIR), and form the basis for the design on subsequent modeling of the underlying aquifer's capabilities.

The examination of area well logs suggested by the commenter is not possible, as there are no such logs available according to both Inyo County Environmental Health Services staff and the project hydrological firm. The suggestion to install monitoring wells at off-site areas, such as the spring/seep sites to the east of the project site is possible but not deemed to be indicated, as revised hydrology modeling indicates drawdown at the seep/spring site to be less than an inch (See Appendix A to the FEIR). In the revised model, a pumping regime of 2 gallons per minute (gpm) was substituted for the 5gpm estimated in the original hydrogeologic study for the project. The 2 gpm model is considered to more realistically reflect the pumping regime that will actually take place on the project site, as actual use by homeowners is estimated at less than 1 gpm, while the 5 gpm model reflected an ultra-conservative estimate of water regime needs. The resulting drawdown of 0.07 feet (0.84 inches) indicated at the spring site under the 2 gpm pumping regime does not represent a significant impact to groundwater dependent vegetation associated with spring sites, according to Mark Bagley, author of the botanical survey performed for the project (telephone conversation between Mark Bagley and Tanda Gretz, Associate Planner, March 4, 2005). See response to Comment Letter #4 Exhibit 1-B concerning the seep/spring site and groundwater vegetation implications.

**Comment Letter #2 (Robert Frickel)**

Comment 2: The commenter states the visual resources of the County – in particular the Mt. Whitney area – should be protected by County staff, as directed in the Inyo County General Plan. The commenter argues the proposed project contradicts the goal of scenic resources preservation, and would ruin the vistas and scenery which draw residents, tourists, and the film industry to the area.

Response 2: See response to Comment Letter #1-C.

### **Comment Letter #3 (Duane Warth):**

Comment 3-A: The commenter voices a number of concerns regarding a proposed park/access area to Lone Pine Creek for subdivision resident use, including concerns over parking, fire hazards, signage, trash, and noise.

Response 3-A: The DEIR notes that a small park area off the project site is proposed by the applicant. The applicant has withdrawn plans for this park.

Comment 3-B: The commenter voices concerns regarding the retrofitting of the existing culvert under Whitney Portal Road, located at the northwest corner of the proposed project site. The commenter states the increased culvert capacity will pose a flood hazard to the Warth property located on the other side of Whitney Portal Road.

Response 3-B: The project proposes replacing the existing culvert underneath Whitney Portal Road: three 48" culverts were initially proposed, as noted in the DEIR (Drainage Study, Appendix E), but a single 36" culvert with headwalls is now proposed to replace the existing 30" culvert, as noted in the additional drainage study prepared for the project site (See Appendix C to the FEIR). This larger single culvert will allow approximately 25 more cfs (cubic feet per second) of stormwater to pass through the culvert and into Lone Pine Creek than the existing culvert, the difference between a 2-year (54 cfs) and a 5-year (79 cfs) storm event. This additional amount is not a significant change to historic flows, and will not pose a hazard to the adjacent (Warth) property or other properties downstream on Lone Pine Creek, according to project engineers and Inyo County Public Works Department staff. Stormwater flow through the drainage pathway located at the northwest corner of the project site will follow historic pathways, in amounts that are not significantly different from existing quantities. Driveway access and building envelopes for proposed Lots 5-9, which are located on the northern portion of the project site, have been revised to both reflect, and be protected from, the historic flow areas across this portion of the project site, with easements established for driveway use so that no driveways will cross the northern drainage area. In addition, one additional Arizona Crossing is proposed at the northwest corner of the site, thus allowing stormwater flow to follow historic pathways while protecting project roadways.

Comment 3-C: The commenter questions whether the proposed building site envelopes will allow for the accommodation of second dwelling units, and whether such second units could impact the increased setback distances proposed for Whitney Portal Road.

Response 3-C: Building site envelopes, as well as the increased setbacks to Whitney Portal Road, function as visual mitigation measures and are Conditions of Approval for the project and cannot be altered by homeowners, as is reflected in the revised CC&Rs for the project (See Appendix K of the FEIR). Any second dwelling units would be subject to the same conditions required of the primary residence on any given lot; if development standards cannot be met, such second units will not be allowed.

Comment 3-D: The commenter questions whether a left-turn lane is proposed for Whitney Portal Road to accommodate traffic into the subdivision, whether speed limits will need to be reduced on Whitney Portal Road, and who will enforce traffic.

Response 3-D: A traffic study prepared for the project (See Appendix J to the DEIR) indicates that the proposed subdivision will not impact Levels of Service (LOS) for either Whitney Portal Road, or the intersection of Whitney Portal Road and U.S. Highway 395. Extrapolating existing traffic figures out for the possible, but unlikely, full build-out of 54 homes (i.e., 27 lots + 27 second dwelling units = 54 possible dwelling units) also indicates the LOS to remain unchanged. As a result, traffic impacts of the proposed project are not considered significant and no left-turn lane is indicated or proposed. Traffic issues will be enforced by the Inyo County Sheriff.

Comment 3-E: The commenter suggests that a community water system may be a better solution than 27 individual water wells from both a visual and economic standpoint.

Response 3-E: The viability of a community water system for the project has been investigated. Such a system is operationally infeasible given the small size of the proposed subdivision, the required minimum number of connections for such a system, and the phased nature of the project (See Appendix E of the FEIR).

Comment 3-F: The commenter notes that not all lots are required to plant trees, points out there are no size requirements for trees, and further questions how many years it will take for trees to reach the sizes shown in the visual simulations done for the project.

Response 3-F: The CC&Rs for the project require that all lots on the periphery of the subdivision (north, east, west sides) conform with the landscape plan developed for the subdivision, which requires that each such lot provide maintained trees in the locations and numbers indicated, with the particular species noted. CC&Rs for the project have been modified to require a minimum size of 15-gallon containers for all such required trees (See Appendix K of the FEIR). CC&Rs require that all lots be landscaped within six months of issuance of a Certificate of Occupancy, with a landscape plan approved by the CC&R Architectural Committee.

**Comment Letter #4 (Shute, Mihaly & Weinberger LLP, on behalf of Save Round Valley Alliance):**

Comment 4-A: The commenter states the DEIR mischaracterizes the number of dwelling units the project could contain at full build-out.

Response 4-A: The project proposal is for a 27-lot subdivision. However, it is extremely unlikely that all homeowners would elect to add a second dwelling unit to their homes and there is no proposal to do so. A buildout of 54 units is at best a remote possibility and does not merit substantial evaluation. The DEIR states, most notably in Section 3.4, Hydrology and Water Quality, but also in Section 5.5, Growth Inducing Impacts, that full build-out of the project could consist of 54 dwelling units, as California State law allows second dwelling units to be constructed on any residential lot, when development standards can be met. The General Plan and zoning designations for the property reflect an allowance of 1 dwelling unit per 2.5 acres; it is typical that General Plan and zoning designations do not factor in the California state law allowance for second dwelling units. Hydrology tests done for the project assume the possibility of full build-out at 54 homes as a way of providing complete data and assurance that the project will have adequate groundwater availability. Likewise, County staff have used a full build-out figure of 54 units when evaluating possible septic tank impacts and in further evaluating traffic impacts. In practice, it is highly unlikely that 100% of the lot owners will elect to develop second units.

Comment 4-B: The commenter states the DEIR mischaracterizes the project setting by claiming it is adjacent to the Lone Pine Creek community, and fails to provide information such as maps of the site.

Response 4-B: The Inyo County General Plan, Chapter 2, Guide to Inyo County Communities (p. 2-21), identifies Lone Pine Creek as an existing community within the County, and the Land Use and Circulation Diagrams of the General Plan (see Appendix L to the FEIR) show that the project site lies within the established boundaries for the community of Lone Pine Creek.

Comment 4-C: The commenter states the DEIR does not provide information on building design.

Response 4-C: It is not a requirement for a Tentative Tract Map that building design be proposed, as overall home design is at the discretion of individual lot owners. The CC&Rs for the proposed project, however, require mitigation measures for visual impacts, which are described in the DEIR. See response to Comment Letter #1-C.

Comment 4-D: The commenter states that the proposed project does not comply with Inyo County General Plan goals and policies relating to siting new development next to existing communities.

Response 4-D: The project is consistent with the specific requirements of the Inyo County General Plan. The General Plan and zoning for the project site is for residential development with a 2.5-acre minimum lot size. The General Plan was proposed, reviewed, and adopted with this characterization of the site. The proposed project is for

2.5 acre and larger lots and is a rural residential type development. This is precisely the type of development that was envisioned for the site when the General Plan was adopted.

There are other, more general, policies in the General Plan cited, but the project is consistent with them. The Inyo County General Plan's description of existing communities is not limited to towns such as Big Pine, Independence, or Lone Pine. In the Inyo County General Plan, Chapter 2, Guide to Inyo County Communities (p. 2-21), the "the communities that make up Inyo County" are listed. Lone Pine Creek, which contains the proposed project site (See Appendix L to the FEIR), is one such listed community. Chapter 2 of the Inyo County General Plan provides a working definition of "existing communities," including rural communities such as Alabama Hills, Rudolph Ranch, South Fork/Mountain View, and Stewart Ranch, in addition to the community of Lone Pine Creek, in its list of existing communities within Inyo County. As such, the General Plan makes clear that a definition of "communities" includes more than the few towns initially cited in Policy LU-1.2 of the General Plan ("e.g., Bishop, Big Pine, Independence, Lone Pine"). Further, Policy LU-1.2 goes on to note that "as a secondary priority, the County shall plan to accommodate new growth in existing rural residential communities (e.g., Olancho, Charleston View, Mustang Mesa, Starlite Estates) and ensure the appropriate expansion of existing infrastructure as needed to serve these areas." The reference to "existing infrastructure" would indicate that the intention of the policy is for the progressive and orderly extension of infrastructure where it exists; where it doesn't exist, in rural residential communities such as Lone Pine Creek, such a policy does not directly apply.

Other general goals and policies in the General Plan that further support this project include:

- Policy LU-2.11: The County shall preserve the right of property owners to construct houses on all legally created parcels with a General Plan designation that allows residential uses, unless the County determines that such development would be detrimental to public health, safety, or welfare.
- Goal H-2: To provide adequate sites for residential development.
- Policy H-2.1: The County shall facilitate the development of vacant land and underutilized residential parcels identified in the Housing Element residential site inventory.

Comment 4-E: The commenter states that the project does not comply with the policies and goals of the Conservation and Open Space Element of the Inyo County General Plan with respect to protecting visual resources, as the CC&Rs are insufficient to protect against visual impacts.

Response 4-E: The DEIR finds the visual effects of the project to be a significant environmental impact. Furthermore, the visual characteristics of the area existed at the time the General Plan was adopted and at the time the General Plan characterized this site for rural residential development. Development of the site as rural residential

development is therefore consistent with the decision made in adopting the General Plan and with the General Plan itself. See response to Comment Letter #1-C

Comment 4-F: The commenter states that a community water system should be required of the proposed project, as it would offer better water conservation features which are required by the Inyo County General Plan. In addition, the commenter states the DEIR did not adequately analyze why a community water system is not feasible for the project.

Response 4-F: The Inyo County General Plan does not require community water systems for property designated Residential Rural Medium Density (RRM), stating “individual water wells and individual sewage disposal systems are allowed, but community water systems are encouraged.” The viability of a community water system for the project has been investigated (See Appendix E to the FEIR). Such a system is operationally infeasible given:

- Large rural lot size: the extensive amounts of infrastructure needed between each connection make such systems cost-prohibitive.
- The required minimum number of connections for such community water systems: the State of California’s Department of Health Services, Division of Drinking Water & Environmental Management defines a Community Water System as one “which serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents.”
- The phased nature of the project: The proposed subdivision project is to be constructed in three phases, the first phase to consist of Lots 1-9 (9 lots total). The phased nature of the project would not provide the 15 minimum connections necessary to establish a community system.
- The small size of the proposed subdivision (27 lots).

Comment 4-G: The commenter states that the analysis of the visual impacts of the project are not adequately analyzed in the DEIR due to the fact that second dwelling units are allowed.

Response 4-G: See response to Comment Letter #4-A. The DEIR finds the visual effects of the project to be a significant environmental impact.

Comment 4-H: The commenter states that the project’s requirements for water storage tanks (for fire suppression purposes) will increase the project’s visual impacts.

Response 4-H: Water storage tanks are a fire suppression safety measure for residential development which are serviced by individual water wells, according to requirements of the Lone Pine Fire District, in which the project is located. Such measures are typical, standard features of any rural residential development within the District; for example, other residential developments, such as the Alabama Hills development located southeast of the proposed project site, follow these same requirements. The DEIR finds the visual effects of the project to be a significant environmental impact. See response to Comment Letter #1-C.

Comment 4-I: The commenter states that the visual simulations done for the project are incomplete in that they are confined to viewpoints along Whitney Portal Road and don't show visual simulations done from higher elevations looking down on the project area.

Response 4-I: The DEIR finds the visual effects of the project to be a significant environmental impact. An additional visual simulation has been prepared which views the proposed subdivision from an existing informational kiosk on Whitney Portal Road above the project site (See Appendix M of the FEIR). See response to Comment Letter #1-C.

Comment 4-J: The commenter states that the mitigation measures contained within the proposed CC&Rs for the project do not adequately mitigate for the visual impacts of the project. Further, the commenter states that many mitigation measures exist as suggestions, not requirements, and so are not true or effective mitigation measures unless they are adopted as Conditions of Approval for the project.

Response 4-J: The DEIR finds the visual effects of the project to be a significant environmental impact. The visual mitigation measures outlined for the project are required as Conditions of Approval for the project, and the CC&Rs for the project have been modified to reflect the permanency of such measures. The DEIR concludes, however, that the visual impacts remain significant even after mitigation measures. See response to Comments #1-C.

Comment 4-K: The commenter states that all possible mitigation measures have not been explored in the DEIR.

Response 4-K: The DEIR concludes that, in spite of the proposed mitigation measures, the visual impacts of the proposed remain significant even after mitigation. The DEIR states (See Section 3.1.4, "Mitigation Measures") that the significance of the visual impacts is NOT due to any inadequacies of the mitigation measures proposed, but rather is inherent to development of a previously undeveloped property, given the existing exceptional environmental resource area/location of the site. Comments relating to biological and hydrological issues will be dealt with below, in responses to Exhibits #1 and #2 to Comment Letter #4, which are specific to those issues.

Comment 4-L: The commenter states the DEIR does not adequately address growth-inducing impacts.

Response 4-L: The proposed project could not result in any significant growth impacts due to the small size of the proposed subdivision and the limited availability of private land in the project area, as noted in Chapter 5 of the DEIR. More specifically, the proposed project site lies within the 30,000-acre Alabama Hills National Recreation Area, of which only a small percentage of acreage is privately held (See Appendix O of the FEIR), with the balance existing as public lands not available to private development. Further, since the project is proposing individual water wells and septic systems, the project will not result in any additional infrastructure that could serve as inducement to further development. Any development precedence that has been set, was set when the General Plan was adopted with its land use designations.

Responses relating to non-contiguous development have been covered in the response to Comment #4-D.

Comment 4-M: The commenter states that the DEIR does not adequately analyze cumulative impacts.

Response 4-M: As noted in the response to Comment Letter #4-L, the proposed project site represents 74 acres within the 30,000-acre surrounding Alabama Hills National Recreation Area, and stands as one of few private properties within the surrounding lands that are not publicly owned. Due to this scarcity of private land and the resulting impossibility of additional development in the area, the proposed project could not represent any significant cumulative impacts when considered with current or future development. There are no other development applications for the Alabama Hills area that the County is aware of.

Comment 4-N: The commenter states that the four alternatives discussed in the DEIR are inadequate.

Response 4-N: The project proponent has identified several factors that are integral to his project. Three are the ability to sell large lots for large homes with equestrian uses, a scenic view of the mountains, and close proximity to a watercourse. The proposed project offers all of these traits because of its location. None of the alternative parcels that were available for trade to the applicant had a comparable view or a location near to a stream or other watercourse.

In particular, the Los Angeles Department of Water and Power offered a 13.5-acre parcel adjacent to, but outside of, the townsite limits of Lone Pine, at the corner of Lakeview and Post streets (APN 026-060-24), which was inferior to the applicant's proposed Whitney Portal parcel in that it was much smaller in overall size, did not possess any of the aesthetic/view amenities, and was designated for development of smaller lot size (Residential Medium Density, 4.6-7.5 units per acre). Compared with the proposed Whitney Portal parcel, the applicant could not expect to achieve the same project or economic objectives with this offered parcel.

Similarly, the Bureau of Land Management offered an approximately 100-acre parcel near the Alabama Hills subdivision, approximately 3-1/2 miles outside Lone Pine, located north of Lubken Canyon Road between Horseshoe Meadows Road and Tuttle Creek Road (APN 026-015-026), which was also inferior to the applicant's parcel due to aesthetic/view issues. In addition, the property was designated as State and Federal Lands and not for residential development. Compared with the proposed Whitney Portal parcel, the applicant could not expect to achieve the same project or economic objectives with this offered parcel.

The DEIR states whether each of the four alternatives presented is effective in decreasing the significant visual impacts which have been identified for the proposed project. The four alternatives explored are adequately specific to the requirements of CEQA:

- Land Exchange Alternative: this alternative reports the decisions of the three major public land holders consulted by the applicant. Each of the

agencies approached by the project applicant have gone on record with respect to their position on land exchanges, and letters from each of the agencies are included in Appendices F, G, and H of the FEIR. The applicant determined that the proposed land exchange options presented were inferior to the project site either in terms of size, location, or visual quality. A map of the proposed exchange parcels is included as Appendix Q to the FEIR.

County requirements with regard to a land trade are limited to the following General Plan polices:

*GOV-3.2: The County shall work with federal and state agencies, local districts, and utilities to find opportunities to expand private land ownership in the County through land transfers or other mechanisms.*

*LU-1.12: The County shall encourage public entities to inventory parcels and acreage suitable for commercial, industrial, and residential purposes for future land sales to the general public, and encourage public entities to conduct land sales and/or exchanges to create new private holdings suitable for commercial, industrial and residential uses.*

- Clustering: it is not required that project alternatives such as clustering be examined or presented in design detail. Further, this alternative is effective in only minimizing – not significantly reducing or eliminating – the visual impacts of the project, as stated in the DEIR.
- Reduced Project Density: the DEIR analysis for this alternative notes that the project conforms with the General Plan’s density requirements for the site and notes that a reduced density is effective only in minimizing - not significantly reducing or eliminating – the visual impacts of the project, as stated in the DEIR.
- Community Water & Sewer Systems: community systems were determined to be operationally infeasible for the proposed project. See response to Comment letter #4-F.

Comment 4-O: The commenter states the DEIR must be revised and re-circulated.

Response 4-O: The commenter raises legal, rather than environmental, considerations and is noted.

Comment 4-P: The commenter states the DEIR violates California law.

Response 4-P: The commenter raises legal, rather than environmental, considerations and is noted.

# Exhibit #1: Hydrology Analysis by Susan Burak

Comment 4, Exhibit 1-A: The commenter states that impacts from stormwater flow and the erosion across the project site could be significant.

Response 4, Exhibit 1-A: The project site does not lie within a flood zone. The project maintains the existing parameters of the drainage pathways that cross the site. The existing 30-inch culvert under Whitney Portal Road will be replaced with a 36-inch culvert (revised from the initial proposal of installing three 48-inch culverts; See Appendix C to the FEIR), thereby facilitating an estimated increase of approximately 25 more cubic feet per second (cfs) of stormwater, the difference between a 2-year (54 cfs) storm event and a 5-year (79 cfs) storm event. This is not a significant increase according to project engineers and Inyo County Public Works Department staff.

The 0.5% stormwater increase estimated from project development is based on an assumption of full build-out of 27 units, plus a second dwelling unit on each lot, for a total of 54 units. This increase is not considered significant. Stormwater flows through the project site are historic, naturally occurring events; capturing/redirecting such flows is not required, or deemed desirable, unless they exist as a threat to the proposed development or represent a new threat caused by the development. Drainage studies prepared for the project (See Appendix E to the DEIR, and Appendix C to the FEIR) confirm that building envelope areas are safely sited away from drainage pathways, posing no threats to the proposed development. As noted above, drainage studies also confirm that the project will not be creating any significant new amounts of stormwater, with increases estimated at 0.5% over pre-development levels. See responses to Comment Letter #3-B and Comment Letter #13-C.

Comment 4, Exhibit 1-B: The commenter states that the sources of aquifer recharge are not known, and so aquifer recharge capabilities cannot be weighed against potential drawdown impacts from proposed water well pumping, which may adversely affect groundwater dependent vegetation located to the east of the project site.

Response 4, Exhibit 1-B: Hydrogeological studies, as well as water quality testing, confirm that the source of aquifer recharge is from both rainfall and stream flow, largely from higher elevation areas off-site to the west of the project site.

**Additional/revised hydrological modeling for the project site (Appendix A to the FEIR), which identifies Lone Pine Creek as a gaining rather than a losing stream, corrects for the computer modeling aberration at the off-site spring site, located to the east of the project site. Modeling indicates that the proposed water well pumping will have an insignificant impact on the groundwater dependent vegetation (GDV) in the area, with a maximum possible drawdown of 0.07 feet (0.84 inches) at the spring site located nearest the project site (See Appendix A to the FEIR, Revised Groundwater Analytical Modeling Study, Table 1, Observation Point #6, as well as Figures 1 & 2 for GDV and spring location site). This amount of drawdown is not considered to**

pose a significant impact to GDV according to Mark Bagley, author of the botanical survey performed for the project (phone conversation between Mark Bagley and Tanda Gretz, Associate Planner, Inyo County, on March 4, 2005).

**Comment 4, Exhibit 1-C:** The commenter has a number of concerns with respect to the assumptions made in the hydrogeological study prepared for the project.

**Response 4, Exhibit 1-C:**

- According to project hydrologists, the field conditions of the project site allowed for use of old/historic wells; the pump test, the assumptions made for the test, and conclusions of the test, were based on these wells and are appropriate to the site and conditions presented.
- No available mapping or information indicates fault breaking within the Alabama Hills in the vicinity of the project site which would act as an aquifer barrier. The alluvium serving as the primary aquifer system for the project site indicates no impediment to groundwater flow.
- There is no information available to confirm when Well No. 1 went dry, and the commenter offers no evidence that this happened recently as a result of drought.
- Project hydrologists note that a new water well, verses the old/historic wells which were used for the pump test, would not result in any greater drawdown due to the fact that a new well would be more efficient and would consequently have less head loss. The commenter's statement regarding specific capacity is inaccurate: specific capacity is related to a well's ability to pump water, and in this case was used only to estimate aquifer parameters.
- Water usage estimates were based on a possible full build-out of 54 dwelling units: 27 lots, each lot containing a primary and second dwelling unit (second units are allowed under California state law).

**Comment 4, Exhibit 1-D:** The commenter states that modeling done for the project is inaccurate in that it shows groundwater levels rising at the seep/spring sites located to the east of the project site.

**Response 4, Exhibit 1-D:** See response to Comment Letter 4, Exhibit 1-B (above), for revisions to the modeling done for the seep/spring area located east of the project site. Requests for water levels from private off-site wells were deemed impractical by project hydrologists due to potential access and liability difficulties posed by performing work on private property for which they were not contracted.

**Comment 4, Exhibit 1-E:** The commenter states a number of concerns regarding groundwater contamination from the septic systems proposed for the project.

**Response 4, Exhibit 1-E:** Current/actual (not baseline) depth to groundwater is 52 to 55 feet, making it unlikely that the water table would rise enough to contaminate leachfields. In such a situation, however, septic/leachfield systems can be designed to mitigate for high water tables, and all designs and installations are reviewed,

permitted, and inspected against all state and local requirements by the Inyo County Environmental Health Services Department.

## **Exhibit #2: Biological Analysis by Diane Renshaw**

Comment 4, Exhibit 2-A: The commenter states the DEIR is incomplete because it does not consider five special status species listed, or categorized, as “likely to occur” on the project site.

Response 4, Exhibit 2-A: Of the five special status species that are listed as likely to occur on the project site, only two were confirmed to exist on the site. Biological studies prepared for the project found that the two special status species found on site (Brewer’s sparrow and northern sagebrush lizard) would not be significantly impacted by the proposed project, as summarized in a letter by study author Denise LaBerteaux, and included in Appendix I to the DEIR. There being no significant impacts to special status species actually found on site, it was reasonable to conclude there would be no significant impacts to species that were not found to occupy the site. A letter from author LaBerteaux (See Appendix B to the FEIR, letter dated February 8, 2005) verifies this conclusion for the five special status species listed as likely to occur on the project site (San Emigdio blue butterfly, Costa’s Hummingbird, Loggerhead Shrike, Panamint kangaroo rat, southern grasshopper mouse), stating that the proposed project “will not substantially reduce the habitat for these species, cause these species to drop below self-sustaining levels, threaten to eliminate populations, or substantially reduce the number of individuals or restrict the range of these species.”

Comment 4, Exhibit 2-B: The commenter states that protocols compliant with California Department of Fish and Game (CDFG) standards were not followed during the survey for Burrowing Owls, and as a result impacts to that species may be greater than stated.

Response 4, Exhibit 2-B: No Burrowing Owls were found during surveys, which took place during breeding season. The survey performed covered the entire project site, with transect widths of 20 meters, not 40 meters, as the commenter states. Off-site surveys, within 500 feet of the project site, were re-done in February of 2005 on available BLM lands adjacent to the project site on the west and south (parcels on the north and east are privately or LADWP owned, respectively), with no change of study results (See Appendix B to the FEIR, letter dated February 15, 2005).

Comment 4, Exhibit 2-C: The commenter states that mitigation measures should be required for Brewer’s Sparrow.

Response 4, Exhibit 2-C: Biological studies found there will be no significant impacts to Brewer’s Sparrow from the proposed project. See response to Comment Letter 4, Exhibit 2-A (above).

Comment 4, Exhibit 2-D: The commenter states that the northern sagebrush lizard is likely to be adversely affected by the project, and that no mitigation measures are available.

Response 4, Exhibit 2-D: Biological studies found that there will be no significant impacts to the northern sagebrush lizard from the proposed project. See response to Comment Letter 4, Exhibit 2-A (above).

Comment 4, Exhibit 2-E: The commenter states that the San Emigdio blue butterfly may be impacted by the project and that this species is not addressed in the DEIR.

Response 4, Exhibit 2-E: Biological studies prepared for the project note that the San Emigdio blue was not found on site, but only listed as “likely to occur,” and if so, at low densities. The study author states the proposed project could not pose significant impacts to the species. See response to Comment Letter 4, Exhibit 2-A (above).

Comment 4, Exhibit 2-F: The commenter states CDFG protocols were not followed during the Burrowing Owl survey.

Response 4, Exhibit 2-F: See response to Comment Letter 4, Exhibit 2-B (above).

## **Comment Letter #5 (Bureau of Land Management, Bill Dunkleberger)**

Comment 5-A: The commenter notes that sensitive species not actually found onsite, but listed as having potential to occur onsite, should be taken into consideration when conceiving mitigation measures for the project.

Response 5-A: CEQA requires that significant impacts to projects be identified, with mitigation measures implemented to reduce such impacts to less than significant levels. Biological studies (both winter and spring) performed for the proposed project found that no special status species, including mule deer, will be significantly impacted by the project (See Appendix I to the DEIR). The author of the biological studies states that species listed as having only potential to occur on site, but not actually found on site, will not be significantly impacted by the project (See Appendix B to the FEIR). Further, while domestic dogs and cats may harass or kill some wildlife, this does not constitute a significant environmental impact under CEQA, given study results that conclude no species will be significantly affected by the proposed project. While the project may have some localized impact to the animal populations on the site and immediately adjacent to it, the vast area of similar habitat surrounding the effected areas provides plentiful support for all species that appear on site and ensure that any effect on these animal populations are less than significant overall. See response to Comment #4, Exhibit 2-A, C, D, E.

Comment 5-B: The commenter states there may be impacts as a result of equestrian trail use on public lands.

Response 5-B: Horseback riding is an allowed use on public land (BLM) adjacent to the project site, which lies within the BLM Alabama Hills National Recreation Area. While such equestrian use invariably has impacts to soils and vegetation, such impacts are not identified as constituting significant environmental impacts. The project applicant will mitigate such effects by connecting the equestrian trail leading from the project site to existing trails on adjacent BLM land, in agreement and consultation with BLM staff. In this way, equestrian users are able to remain on established trails. In addition, the proposed development allows for a maximum use of 13 lots, out of 27 total lots, for equestrian use.

Comment 5-C: The commenter states that subdivision development will increase the likelihood of wildfires.

Response 5-C: While human activity on the project site, where before there was vacant land, may inherently increase the potential for wildfires, such an impact does not reach the level or threshold of a significant environmental impact. Further, human presence allows for quick reporting and response to wildfires. The following are mitigation measures against fire impacts and exist as Conditions of Approval for the project:

- The project shall be annexed into the Lone Pine Fire District prior to any Final Map approval, thus providing 24/7 fire protection services. Annexation into the fire protection district is contingent on annexation of the project site into

the Lone Pine Community Services District, which is subject to approval of the Inyo Local Agency Formation Commission (LAFCO).

- CC&Rs shall require a 3,500 gallon water storage tank for each home.
- CC&Rs shall dedicate Lot A for use as a future fire substation, with installation of a electricity, a pump, and a 20,000 gallon water storage tank for use of the subdivision. Both these measures shall take place prior to approval of any Final Map.
- CC&R shall be revised to require “fire safe” construction methods for homes to include non-combustible roofs, enclosed eaves and decks, and a defensible space around all buildings in which all vegetation is removed or modified.
- The developer shall contribute \$5,000 per lot to an escrow fund to be used for the future construction of a fire substation on Lot A. This fund will be established and available prior to approval of any Final Map.

The project has been fully reviewed by the Chief of the Lone Pine Fire Protection District, who is the ultimate authority on establishing fire safety requirements for the project. All requirements outlined by the Lone Pine Fire Protection district (See Appendix D to the FEIR) are incorporated as mitigation measures and exist as Conditions of Approval for the project.

Comment 5-D: The commenter states that non-native invasive weeds could establish on disturbed soils of the project site and spread to the surrounding public lands.

Response 5-D: Invasive weeds have not been identified as a significant environmental impact of the project. CC&R provisions restrict the amount of area that can be disturbed/developed on project lots to 27% of total lot area for non-equestrian lots, and 40% of total lot area for equestrian lots. In addition, CC&Rs require all landscaping be adequately maintained. Such requirements function as mitigation measures for such impacts.

Comment5-E: The commenter states that land exchange consultations took place while project development plans were already underway and that this timing makes probable exchanges unlikely.

Response 5-E: Land exchange consultations took place in the spring and summer of 2004, before the scoping meeting or DEIR preparation and before the project application was deemed complete by the County. Both the applicant and BLM concluded that no lands were available that were comparable in both quality and price to that of the project site. See Appendix F of the FEIR for a summary of applicant-BLM land trade negotiations.

## **Comment Letter #6A (Los Angeles Department of Water and Power, Gene Coufal)**

Comment 6A-A: The commenter states erosion/washout hazards from the project property onto adjacent DWP lands should be resolved through use of retention basins.

Response 6A-A: Revised DWP Comment Letter #6B, dated February 14, notes that requiring individual grading plans for each subdivision lot, subject to review and permitting by the Inyo County Public Works Department, will provide adequate mitigation for the erosion impact noted in the initial comment letter. Such grading plans will serve the goal of retaining water on-site. CC&Rs and mitigation measures for the project have been revised to reflect this requirement (See Appendix K and Appendix P to the FEIR), and this mitigation measure is a Condition of Approval for the project.

Comment 6A-B: The commenter states that the use of paved driveways, culverts, and Arizona crossings will increase stormwater flows onto adjacent DWP property.

Response 6A-B: See response to Comment Letter #6-A.

Comment 6A-C: The commenter states that development will entail increases of sediments and pollutants in stormwater flows onto DWP property.

Response 6A-C: See response to Comment Letter #6-A.

Comment 6A-D: The commenter states retention basins must be incorporated into the project design to protect against pollutants and sediments.

Response 6A-D: See response to Comment Letter #6-A.

Comment 6A-E: The commenter inquires whether gullies/drainage areas will remain unaltered, or whether riprap will be installed within them.

Response 6A-E: The parameters of the existing drainage areas/gullies on the project site will remain unaltered, and stormwater flows will follow existing pathways. Riprap may be installed within the drainage area located at the northwest of the project site in order to slow water velocities entering the culvert underneath Whitney Portal Road, or near Arizona Crossings to similarly prevent or mitigate erosive activity.

Comment 6A-F: The commenter states that drainage entering the site via sheet flow and natural swales will be altered with development of the project.

Response 6A-F: The parameters of the existing drainage areas/gullies on the project site will remain unaltered, with stormwater flows following existing pathways. As a result, drainage pathways will not be altered.

Comment 6A-G: The commenter asks who will maintain drainage facilities.

Response 6A-G: A culvert will exist under Whitney Portal Road, and three Arizona Crossings are proposed for the interior roads of the proposed subdivision. These roads will be offered for dedication to the County, and thus County maintained.

Comment 6A-H: The commenter states existing abandoned wells on the project site should be used as monitoring wells pre- and post-development.

Response 6A-H: See Response to Comment Letter #1-E.

Comment 6A-I: The commenter notes that the project site is less than one mile from a seep/spring with special status plant species.

Response 6A-I: See response to Comment Letter #4, Exhibit 1-B.

**Comment Letter #6B (Los Angeles Department of Water and Power, Gene Coufal)**

Comment 6B: The commenter states that LADWP requests that individual grading and drainage plans be required for each proposed subdivision lot, as an alternate mitigation measure to those noted in previous comment letters (See Comment Letter #6A).

Response 6B: So noted. CC&Rs and mitigation measures (See Appendix K and Appendix P to the FEIR) for the project have been revised to reflect this requirement, and individual grading and drainage plans are now among the Conditions of Approval for the project. See response to Comment Letter 6A-A.

# **Comment Letter #7A (California Regional Water Quality Control Board, Lahontan Region, Doug Feay)**

Comment 7A-A: The commenter states Low Impact Development (LID) is desirable, as it maintains post-development landscapes functionally equivalent to pre-development conditions.

Response 7A-A: The proposed project incorporates LID principles: it maintains the parameters and characteristics of the existing drainage areas on the project site, with the exception of adding headwalls and riprap to the culvert area at the northwest of the project site, and riprap around the three Arizona Crossings to aid in slowing water velocities. In addition, studies performed for the project indicate only a 0.5% post-development increase in stormwater over pre-development levels due to large lot size, which maintains permeability.

Comment 7A-B: The commenter states that a National Pollution Discharge Elimination System (NPDES) permit is required if more than one acre of soil is disturbed.

Response 7A-B: So noted. The applicant will obtain such a permit and comply with all NPDES requirements as a Condition of Approval of the project.

Comment 7A-C: The commenter states that a wetland and riparian habitat delineation map should be prepared.

Response 7A-C: There are no wetland or riparian resources on the project site. After discussing this issue with Engineering Geologist Doug Feay of Lahontan (phone conversation with Tanda Gretz, Associate Planner, September 2004), it was determined that such a map is not required.

# **Comment Letter #7B (California Regional Water Quality Control Board Lahontan Region, Alan Miller for Martin Goldberg)**

Comment 7B-A: The commenter notes that the project will require a National Pollution Discharge Elimination System (NPDES) permit and submittal of a Storm Water Pollution Prevention Plan (SWPPP), with the suggestion that the SWPPP be incorporated into the Final EIR.

Response 7B-A: The DEIR notes, in Chapter 3.3, that both the NPDES and SWPPP are required for the project. A drainage study was prepared for the project and was included as Appendix E to the DEIR, with updated drainage data included as Appendix C to the FEIR. The applicant will prepare a Notice of Intent (NOI) to connect the project with the State's NPDES (under permit number CAS 000002), as well as prepare a SWPPP, between approval of the tentative and final maps, as preparation of both of these documents requires a level of construction detail that typically is developed only after project approval has been granted.

Comment 7B-B: The commenter notes that a Section 401 Water Quality Certification will be required, and notes that mitigation should minimize any impacts to watercourses.

Response 7B-B: Permits relating to Section 401 will be prepared and submitted for the project as noted in Chapter 3.3 of the DEIR. The project minimizes impacts to watercourses by maintaining the existing parameters of drainage pathways. Stormwater will increase only 0.5% over pre-development levels, and such an increase does not constitute a significant impact. The project site is not within a flood zone.

Comment 7B-C: The commenter states that the individual septic systems proposed for the project are subject to the California Water Code, with regulation by the Inyo County Environmental Health Services Department, and notes that the project meets Lahontan criteria for individual waste disposal systems.

Response 7B-C: So noted.

Comment 7B-D: The commenter states that stormwater runoff from roadway surfaces should be treated to remove pollutants prior to ultimate disposal. Further, a Best Management Practices (BMP) Plan should be incorporated for the project, and appear in the Final EIR.

Response 7B-D: Similar to the SWPPP, a BMP plan is typically prepared after project approval is granted due to the fact that construction detail has not been designed until that point in the development process. Individual grading and drainage plans will be required for all subdivision lots, as reflected in revised CC&Rs and Conditions of Approval for the

project, in order to retain water on-site and so minimize any potential stormwater pollution impacts. Drainage studies prepared for the project estimate a 0.5% increase in stormwater as a result of project development, which is not significant increase or impact.

Comment 7B-E: The commenter notes the project could result in an increase in impervious surfaces and recommends that Low Impact Development practices be followed.

Response 7B-E: See response to Comment Letter #7A-A.

Comment 7B-F: The commenter states that mitigation measures for fugitive dust control be implemented for the project.

Response 7B-F: See response to Comment Letter #8. Dust mitigation measures have been developed for the project and are Conditions of Approval for the project.

**Comment Letter #8 (Great Basin Unified Air Pollution Control District,  
Duane Ono)**

Comment 8-A: The commenter states the project is subject to the District's Secondary Source Permitting Requirements, and notes a number of mitigation measures that should be required as conditions of approval for the project.

Response 8-A: So noted. The recommended mitigation measures will be made Conditions of Approval for the project, as follow:

- Lots shall not be graded and/or stripped of overlying brush until necessary for actual construction activities. Grading permits shall reflect this.
- All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering should occur at least twice daily with complete coverage.
- All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 25 miles per hour averaged over one hour).
- Adjoining streets shall be washed or swept clean of tracked-out vehicle dirt.
- All material transported on-site or off-site shall be sufficiently watered or securely covered to prevent excessive amounts of dust.
- All trucks that are to haul excavated or graded material off-site shall comply with State Vehicle Code Section 23114.

## **Comment Letter #9 (Val Zimmer)**

Comment 9-A: The commenter states that the water use estimates for the project are reasonable.

Response 9-A: So noted.

Comment 9-B: The commenter states that pump test figures are not conservative estimates, as they were produced during April, a peak spring recharge period.

Response 9-B: Typical peak snowmelt in the project area occurs from March to June, with June typically the peak month, not April. Project hydrologists advise that pump tests performed in non-peak months would not result in significant differences in pump test figures.

Comment 9-C: The commenter states that various geological formations (fault lines, bedrock granite) could pose confining limits to the aquifer.

Response 9-C: See response to Comment Letter #4, Exhibit 1-C.

Comment 9-D: The commenter states that the hydrological modeling showing groundwater rising at the off-site spring site is suspect.

Response 9-D: See response to Comment Letter #4, Exhibit 1-B.

Comment 9-E: The commenter inquires how water usage totals from the proposed project compare to usage by LADWP.

Response 9-E: The commenter does not raise an environmental concern.

Comment 9-F: The commenter inquires whether project recommendations for water storage tanks, water well, and septic systems will be mandatory.

Response 9-F: See the fire protection requirements for the project (Appendix D to the FEIR), as well as the response to Comment Letter #5C concerning water tank requirements. All water well and septic systems will be individually reviewed, permitted, and inspected by Inyo County Environmental Health Services Department to meet all local and state requirements.

Comment 9-G: The commenter states that the project does not consider the hazard of mudflows to the project site.

Response 9-G: The project site's topography is largely level, sloping slightly downgrade to the east. Further, it is not adjacent to Lone Pine Creek, which is a deeply incised stream. As a result, mudflows have not been identified as a significant hazard or impact to the proposed project.

**Comment Letter #10 (Lone Pine Fire Department, Chief LeRoy Kritz)**

Comment 10: The commenter summarizes the requirements for the project to be included within the Lone Pine Fire District.

Response 10: So noted. All listed requirements exist as Mitigation Measures for the project (See Appendix P to the FEIR) and Conditions of Approval for the project (See staff report, Conditions of Approval).

**Comment Letter #11 (Native American Heritage Commission, Carol Gaubatz)**

Comment 11: The commenter notes that a record search has revealed that no American cultural resources are present on the project site, and recommends close contact with project area tribes.

Response 11: The applicant has met, and walked the site, with members of the Lone Pine Tribe, and no significant resources were identified by Tribe representatives. A Cultural Resources Study prepared for the project also did not identify any significant cultural resources (See Appendix H to the DEIR). Mitigation measures and Conditions of Approval for the project require that work halt if archaeological resources or remains are found, and that appropriate experts and tribal representatives be immediately contacted.

**Comment Letter #12 (Inyo Local Agency Formation Commission (LAFCO),  
Andrew Remus)**

Comment 12: Commenter notes that the DEIR should be amended to note that LAFCO approval is necessary in annexing the site into the Lone Pine Community Services District, a necessary precursor to annexing the site into the Lone Pine Fire Protection District.

Response 12: So noted. The recommended additions/corrections have been made to the FEIR and are reflected in the revised mitigation measures (See Appendix P to the FEIR) and Conditions of Approval for the project.

### **Comment Letter #13 (Earl Wilson)**

Comment 13-A: The commenter states that the pump test was inadequate for this project, noting that the use of an old well of questionable condition and construction in a questionable geological formation is of no value to make a decision on the sustainability of the aquifer over time.

Response 13-A: A Hydrogeologic Assessment was performed for the project and is found in Appendix G to the DEIR. The pump test documented in that study has been deemed adequate for the proposed residential-type wells operating at their required pumping rates of only a few gallons per minute (gpm) each, and based on the likelihood that future pumping periods in these domestic wells will be short, intermittent and non-simultaneous. See response to Comment Letters #1-E and #4 Exhibit 1-C.

Comment 13-B: The commenter states that yearly demand will be 86.94 acre feet per year (af/yr) rather than the stated 81 af/yr, and that this use will exceed the recharge from Lone Pine Creek. In addition, the commenter notes that a transducer should have been installed in the monitoring well, and states that the test was not conducted through the final recovery stage. The commenter is also concerned about water use to maintain the required landscaping trees.

Response 13-B: The pump test for this residential development was performed according to commonly used field testing methods which are sound and acceptable to the industry. The sources of recharge used in the groundwater models include those from Lone Pine Creek, as established by others such as the United States Geological Service (USGS). However, since it is not clear that Lone Pine Creek is in fact a source of recharge, the models were re-run with this assumption taken out. The results of the new model show that the effects of this project on groundwater drawdown are still less than significant (See Appendix A to the FEIR).

In addition, the use of 1.5 acre feet of water per residential lot is a conservative estimate which includes the amount of water used for landscape irrigation. Notably, approximately 40% to 60% of the irrigation water eventually returns to the groundwater table, according to Inyo County Water Department Hydrologists; this return is not reflected in the figures estimated for the project, making them further conservative.

Comment 13-C: The commenter is concerned about potential flooding to adjacent and downstream areas caused by runoff from the structures and roadways in the project. If there is a flood related breach in the Los Angeles aqueduct, the commenter asks who is liable for potential to downtown Lone Pine and the Paiute Reservation.

Response 13-C: See responses to Comment Letter #3-B and Comment Letter #4, Exhibit 1-A. The project maintains the historic parameters of the existing drainage pathways through the site, using Arizona Crossings to bridge drainage pathways at three points. Stormwater runoff is expected to increase only 0.5% over pre-project levels due to large lot size, the restricted development area allowed for each lot, and maintenance of the majority of existing native vegetation. Thus, neither the amount, or pathway, of stormwater will significantly change with project development. The question of liability

for property damage does not raise a specific environmental issue and does not require a response.

Comment 13-D: The commenter expresses concern about the use of “Arizona Crossings” across roadways during heavy rain events, and lack of access during these events by emergency vehicles.

Response:13-D Arizona Crossings and roadway layout were designed by registered engineers and meet the requirements of the Inyo County Public Works Department. Driveways for six subdivision lots (Lots 13-15, 19, 20, 26) will cross either the central or southern drainage areas. CC&Rs require that all such driveways be constructed at grade in order to facilitate unimpeded stormwater flow through the drainage area. While the central drainage area has not flowed since the 1920s, according to reports by Inyo County Public Works Department staff, engineering studies and data compiled for the site (See Appendix C to the FEIR) indicate stormwater flow levels could be significant in the central pathway during a 100-year storm event, reaching depths up to two feet and velocities up to 7.5 feet/second. In such epic storm events, which are caused by locally intense mountain thunderstorms, the duration of such water depths would be tied to the duration of the storm event. As a result, such an intense flow would likely be of short duration, with study results estimating a storm event averaging four hours, with highest flow concentrations lasting slightly more than an hour. However, the stormwater flow from such a storm event could result in damage to driveway areas that could range from debris flow to destruction of the driveway surface. As a result, driveway easements have been established for emergency access purposes for the five lots whose driveways cross the central drainage area (Lots 13-15, 25, 26). No emergency access easements are proposed for the two driveways crossing the southern drainage area (Lots 19 & 20), as this drainage pathway is considered inactive, according to Inyo County Public Works Department staff. No driveways will cross the northern drainage area, as Lots 6-9 have alternate easement areas apportioned specifically for driveway use.

The Drainage Study done for the project is found as Appendix E to the DEIR, with additional study data collected and included as Appendix C to the FEIR. These studies verify existing historic drainage flow amounts and pathways across the project site, with the proposed drainage design for the project maintaining the historic parameters of these existing pathways and increasing stormwater only approximately 0.5% over pre-project levels. As a result, this impact is considered less than significant with incorporation of the mitigation measures outlined for the project (See Appendix P to the FEIR).

Comment 13-E: The commenter is concerned about the use of individual septic systems because the general groundwater flow is northeast, in the general direction of Lone Pine Creek and Lone Pine community water wells, and notes there could be eventual contamination by personal care products, human hormones and prescription drugs, as well as impacts to wildlife and edible fish.

Response 13-E: Individual water wells and septic systems are allowed on the project’s 2.5-acre parcels, as set forth in the Inyo County General Plan. Compliance with all required setbacks from wells, septic systems and structures is required for the project, as part of the building permitting process. The “Soils Suitability Investigation for Sewage

Disposal,” prepared by a licensed geotechnical service (See Appendix K to the DEIR), and inspection by the Inyo County Environmental Health Services Department, both conclude that conventional sewage disposal systems can be adequately installed on the project lots, which contain soils capable of supporting the proposed systems.

Comment 13-F: The commenter is concerned with the impact on aesthetics of allowing 30-foot tall homes, noting that single-story structures with a maximum height of 15 feet may be more appropriate.

Response 13-F: Minimum development standards set forth in the Inyo County Zoning Ordinance (Title 18 of Inyo County Code) state that principal structures in an RR District (Rural Residential) shall be a maximum of 2.5 stories or 30 feet, and that accessory structures shall be a maximum of 2 stories or 25 feet. This project complies with those development standards. In addition, the CC&Rs for the project state all homes on Whitney Portal Road (Lots 1-9) shall be no higher than 22 feet, which is more restrictive than County code. The DEIR prepared for the project has determined that the visual impacts remain significant and unavoidable even after mitigation.

Comment 13-G: The commenter states that another 20-acre parcel across Whitney Portal Road may be included as part of the sale for the proposed project property, which is zoned for 24 units per acre.

Response 13-G: The 20-acre parcel is not part of this project, and there is no development proposed for the parcel. The comment does not address a specific environmental impact for this project.

## **Comment Letter #14 (Michael Prather)**

Comment 14-A: The commenter voices several concerns regarding the DEIR's statement that modeling data is not conclusive, and states his opinion that additional data must be acquired from the following sources:

- a. longer pump test possibly with greater volume;
- b. monitoring of additional nearby (private) wells;
- c. monitoring of new piezometer wells between the project site and downslope groundwater-dependent vegetation (GDV);
- d. monitoring spring and seep flows during longer pump test;
- e. monitoring of depth to water during longer pump test;
- f. video mapping of perforations in Wells 2 and 3;
- g. determination if the Long Pine Creek stretch is transitioning from a losing to a gaining stretch; and
- h. increase of water level at Observation Point 6 (spring) shows something wrong with the modeling.

Response 14-A: The pump test was performed to obtain the water level and pumping rate data for key aquifer parameters such as transmissivity, and conforms to procedures recognized as appropriate for domestic wells in a residential development. A longer pump test at a higher production rate is not appropriate for domestic-sized wells, which involve only short, intermittent, and non-simultaneous use. Therefore, the pump test conducted is considered to be adequate by project hydrologists and County staff. Project hydrologists state that monitoring off-site private wells is not necessary for accurate results, nor feasible due to the need for permission and cooperation of owners of such privately owned wells. Small residential wells cannot accommodate transducers or piezometers, and may damage the pump or well. Monitoring water levels at the spring may also be impractical, and data obtained may not be reliable due to seasonal effects and nearby pumping of domestic wells. A video survey was deemed not necessary in this case. Lastly, although the issue of Lone Pine Creek was not part of the survey, the model was re-run without Lone Pine Creek as a parameter. The results show that impacts to the groundwater were still considered insignificant. See response to Comment Letter #4 Exhibit 1-B for issues related to the seep/spring site.

Comment 14-B: The commenter states that the groundwater dependent vegetation needs more study, as part of the Inyo County Water Department vegetation project labeled LPN095.

Response 14-B: See response to Comment Letter #4, Exhibit 1-B. Vegetation monitoring is only appropriate when high-volume production wells are proposed, and is not necessary for residential pumping rates, which are short, variable, and intermittent.

Comment 14-C: The commenter suggests that the potential for land exchanges to existing contiguous communities needs further exploration.

Response 14-C: The applicant contacted the Los Angeles Department of Water and Power, the Bureau of Land Management, and the U.S. Forestry Service regarding land

exchange options in and around Lone Pine (See Appendices F-H of the FEIR). Land exchanges agreeable to both parties were not successful. See response to Comment Letter #4-N and #14-C on issues relating to alternatives and land trades for alternative sites. It is not clear what additional steps the commenter would suggest if the two parties involved cannot agree on terms of an exchange.

## **Comment Letter #15 (Tim Kingsley)**

Comment 15-A: The commenter states that the location of the new development would be detrimental to the community and that a more suitable alternative should be explored.

Response 15-A: The site has a General Plan land use designation of Residential Rural Medium Density, 1 dwelling unit per 2.5 acres, 2.5-acre minimum parcel size. The zoning is Rural Residential, which allows for large lot residential development, intended to be applied to the areas outside the urban communities of Inyo County. Therefore, the project complies with the General Plan and Zone District. The County has identified that aesthetics are a significant, unavoidable impact, even after mitigation. See response to Comment Letter #4-N and #14-C on issues relating to alternatives and land trades for alternative sites.

Comment 15-B: The commenter states that the data obtained from the pump test is inadequate, because of the lack of lithologic and well construction information, and the lack of adequate monitoring during the pump test. The commenter states that certain assumptions are just speculation, such as depth to bedrock. There is also concern that if Lone Pine Creek is contributing to the aquifer, and the water table rises to the ground level, Lone Pine Creek could become contaminated. A more realistic groundwater model would require many more water level monitoring points. Also, the fact that new wells would require deeper sanitary seals was not taken into account in the model.

Response 15-B: See Response to Comment Letter #1-E and Comment Letter #14-A.

Comment 15-C: The commenter notes that the hydrogeological report does not describe the method used to collect the water quality sample, and that without lithologic information, it is not clear if the sample represents water from the alluvial or bedrock aquifer, or both.

Response 15-C: Well #3 was pumped continuously for 3 hours before the sample was collected. The sample was analyzed by a licensed clinical laboratory, which reported that all water quality levels were within required limits. There was no indication that the sample had been contaminated in any way. See response to Comment Letter #4-B for issues concerning the ultimate source of groundwater.

Comment 15-D: The commenter notes that because the old wells could be conduits for groundwater contamination, they should be properly sealed. Prior to sealing, accurate construction information should be obtained and the wells cleaned of debris to assure a complete seal.

Response 15-D: All old wells on the site will be abandoned pursuant to the requirements of the Inyo County Environmental Health Services standards, under a Well Destruction Permit issued by that agency.

## **Comment Letter #16 (Anita McProud)**

Comment 16-A: The commenter states that the Inyo County General Plan is inconsistent with the Inyo County Zoning Ordinance, in that the General Plan protects view sheds while the Zoning Ordinance allows development within them.

Response 16-A: Both the Inyo County General Plan and Inyo County Zoning Ordinance designate the project site for rural residential development, with a minimum lot size of 2.5 acres. See response to Comment Letter #1-B, C, & D concerning use of Whitney Portal Road as an example of viewshed. The project provides visual mitigation measures to the extent possible through CC&Rs; beyond that, the visual impacts remain significant and unavoidable.

Comment 16-B: The commenter states that the DEIR does not address the goals outlined in the Vision for 20/20 Statement, such as environment and housing issues.

Response 16-B: The Vision for 20/20 Statement functioned as a precursor to the Inyo County General Plan, and in this respect the General Plan is the culmination of the 20/20 document. The DEIR evaluates the proposed project against all applicable General Plan goals and policies.

Comment 16-C: The commenter states the project does not offer mitigation measures against unanticipated effects:

Response 16-C: The EIR establishes mitigation measures for all impacts identified as significant. All such measures will mitigate impacts to a less than significant level, with the exception of the visual impacts.

Comment 16-D: The commenter states that the project does not offer mitigation measures for invasive/non-native species.

Response 16-D: See response to Comment #5-D.

Comment 16-E: The commenter states that the project does not offer mitigation measures against dust.

Response 16-E: Mitigation measures controlling for fugitive dust from construction activities have been incorporated into the project. See response to Comment Letter #8.

Comment 16-F: The commenter states that because the project site is within the Bureau of Land Management Alabama Hills Scenic Recreation Management Area, the project should be subject to NEPA review.

Response 16-F: The project site exists as a private in-holding within the BLM Alabama Hills Scenic Recreation Management Area. NEPA review would be performed only if the BLM indicated a need for an Environmental Impact Statement for the project, which is not the case.

Comment 16-G: The commenter states the DEIR does not state whether drainage for the project is adequately engineered for the stormwater runoff amount onsite.

Response 16-G: See response to Comment Letters #3-B, #4 Exhibit 1-A, and #13-C.

Comment 16-H: The commenter states that water availability for fire flow/protection purposes is inadequate for the project.

Response 16-H: The project has been fully reviewed by the Chief of the Lone Pine Fire Protection District, who is the ultimate authority on establishing fire safety requirements for the project. All requirements outlined by the Lone Pine Fire Protection district (See Appendix D to the FEIR) are incorporated as mitigation measures and are Conditions of Approval for the project. See response to Comment Letter #5-C.

### **Comment Letter #17 (Kay Condie)**

Comment 17: The commenter is concerned about flooding of the “blue line” streams on and near the project site, and mentions past flood events that caused property damage on and near Lone Pine Creek, including the culvert that crosses Whitney Portal Road near the northwest corner of the project site. The commenter is concerned that the three proposed 48” culverts will allow too much water to flow into Lone Pine Creek and create further stream erosion and property damage. The commenter requests that the FEIR state who will be liable for further damage.

Response 17: See response to Comment Letters #3-B, #4 Exhibit 1-A, and #13-C. The existing 30-inch culvert underneath Whitney Portal Road will be replaced with a 36-inch culvert, allowing 25 more cfs of water. This does not represent a significant increase in stormwater flow according to project engineers and Inyo County Works Department staff. Drainage studies estimate a 0.5% increase in stormwater as a result of project development, which is not a significant increase.

Engineers for the project have identified three blueline streams on the project site using available data. Likewise, drainage design for the project is based on a drainage study produced for, and based on, site-specific stormwater flow data (See Appendix E to the DEIR, and Appendix C to the FEIR). A hydrogeologic study (See Appendix G to the DEIR, and Appendix A to the FEIR) has likewise been prepared for the project which verifies adequate groundwater availability.

## **Comment Letter #18 (Constance Spenger)**

Comment 18-A: The commenter states that the project would adversely effect viewsheds in the project area and that CC&Rs are inadequate as mitigation measures.

Response 18-A: The DEIR has identified that the project will result in significant visual impacts which remain significant even after mitigation. CC&Rs which function as mitigation measures for visual impacts may not be modified or repealed, as they exist as Conditions of Approval for the project; CC&Rs have been revised to reflect this fact (See Appendix K and Appendix P to the FEIR).

Comment 18-B: The commenter states that the DEIR does not address the issue of impacts due to second dwelling units

Response 18-B: See response to Comment Letter #4-A.

Comment 18-C: The commenter states the DEIR does not address the visual impact of water storage tanks for the project.

Response 18-C: See response to Comment Letter #4-H

Comment 18-D: The commenter states that there is no way to monitor water usage for 27 individual water wells.

Response 18-D: Monitoring water usage is not required by the Inyo County General Plan or Zoning Ordinance.

Comment 18-E: The commenter states that the DEIR did not examine possible biological impacts off-site, did not factor drought-year conditions into survey results, and is deficient in addressing potential impacts to the springs/seeps to the east of the project site.

Response 18-E: The biological surveys prepared for the project (See Appendix I to the DEIR), and further addendum letters from study authors (See Appendices B and I to the FEIR), identified no significant impacts to either wildlife or vegetation, despite drought year conditions. See response to Comment Letter #4 Exhibit 2-A.

See response to Comment Letters #1-E and Comment Letter #4 Exhibit 1-B on the issue of impacts to the seep/spring located east of the project site.

Comment 18-F: The commenter states that the DEIR does not examine possible equestrian impacts to macrobiotic crust, impacts from dust, or invasive weed impacts.

Response 18-F: The project incorporates mitigation measures for fugitive dust as a result of construction activities, and these measures will exist as Conditions of Approval for the project (See response to Comment Letter #8). Impacts to macrobiotic crust, or from non-native/invasive weeds, were not identified as significant impacts for the project in any of the studies or surveys prepared. See responses to Comment Letter #5-B for equestrian use issues and Comment Letter #5-D for invasive weeds.

Comment 18-G: The commenter states that the DEIR mistakenly identified the project site as part of the Lone Pine Creek Community.

Response 18-G: See response to Comment Letter #4-B and C.

Comment 18-H: The commenter states that the public comment period for the project should be extended and that all materials are not available on the County website.

Response 18-H: See response to Comment Letter #1-A.

**Comment Letter #19 (Katy Hancock)**

Comment 19-A: The commenter states that the DEIR does not sufficiently address visual impacts and that CC&Rs proposed for the project- such as landscaping - are insufficient and unenforceable.

Response 19-A: See response to Comment Letter #1-D, #3-F, #4-E and #4-J.

Comment 19-B: The commenter states that the pump test performed for the project is inadequate.

Response 19-B: See response to Comment Letter # 1-E and #4 Exhibit 1-C.

Comment 19-C: The commenter states that the project does not comply with goals and policies of the Inyo County General Plan with respect to preservation of visual resources or siting development contiguous to existing communities.

Response 19-C: See response to Comment Letter #4-A, D, and F.

**Comment Letter #20 (Sierra Club – Range of Light Group, Wilma Wheeler)**

Comment 20-A: The commenter states the proposed project conflicts with the Inyo County General Plan's goals and policies with respect to visual resources, and would lead to leap-frog development.

Response 20-A: See response to Comment Letter #4-A, D, and F.

Comment 20-B: The commenter states that the DEIR is inconclusive with respect to adequate groundwater availability for the project.

Response 20-B: The hydrogeology study done for the project (See Appendix G to the DEIR, and Appendix A to the FEIR) concludes that adequate ground water is available for full build-out of the project, including a second dwelling unit on each of the proposed 27 lots, although such a scenario is unlikely.

Comment 20-C: The commenter states that the individual septic tanks proposed for the project could contaminate neighboring water wells.

Response 20-C: See response to Comment Letters #4 Exhibit 1-E and #13-E. Soil and percolation test performed for the project indicate the soil on site is fast-percolating, but adequate for individual septic systems. Pollution from septic systems was not identified as a significant impact of the project. Each septic system will be individually inspected and permitted to meet all local and state requirements.

Comment 20-D: The commenter states that the DEIR did not consider the issue of second dwelling units.

Response 20-D: See response to Comment Letter #4-A.

Comment 20-E: The commenter states that the housing produced from the proposed project would not benefit Inyo County residents, as it will be high priced and likely used as second homes.

Response 20-E: The comment does not address a specific environmental impact of the project, as defined by CEQA.

## **Comment Letter #21 (Bill Helmer)**

Comment 21-A: The commenter states that the public comment period for the project should be extended.

Response 21-A: See response to Comment Letter #1-A .

Comment 21-B: The commenter states the project is not consistent with the goals and policies of the Inyo County General Plan with respect to preserving and protecting visual resources.

Response 21-B: See response to Comment Letter #4-A, D, and F.

Comment 21-C: The commenter states that the project is not consistent with the goals and policies of the Inyo County General Plan with respect to contiguous development.

Response 21-C: See response to Comment Letter #4-B and C.

Comment 21-D: The commenter states that the DEIR does not adequately address land exchanges alternatives for the project.

Response 21-D: See response to Comment Letter #4-N and #14-C.

## **Comment Letter #22 (Jim Ostlick)**

Comment 22-A: The commenter states that the DEIR does not adequately address visual impacts and the mitigation measures for them.

Response 22-A: The DEIR finds the visual effects of the project to be a significant environmental impact.

Comment 22-B: The commenter states the DEIR does not fully address various hydrology issues such as drought issues, aquifer construction, and nearby seeps/springs.

Response 22-B: See responses to Comment Letter #1-E, #4 Exhibit 1-B&C, #13-A&B, and #14-A.

Comment 22-C: The commenter states the DEIR does not address the impacts of invasive species.

Response 22-C: See response to Comment Letter #5-D.

Comment 22-D: The commenter states the DEIR does not adequately address the issue of increased fire danger.

Response 22-D: See response to Comment Letter #5-C.

Comment 22-E: The commenter states the DEIR does not address the impacts of equestrian use impacts.

Response 22-E: See response to Comment Letter #5-B.

Comment 22-F: The commenter states the project does not comply with the General Plan's requirement that new growth be contiguous to existing communities.

Response 22-F: See response to Comment Letter #4-B and #4-D.

Comment 22-G: The commenter states the project does not comply with the General Plan's provisions for visual resources.

Response 22-G: The DEIR finds the visual effects of the project to be a significant environmental impact.

**Comment Letter #23 (Monica Stiglano Stome)**

Comment 23: The commenter states that the proposed project does not comply with the General Plan's direction to protect visual resources.

Response 23: The DEIR finds the visual effects of the project to be a significant environmental impact.

## **Comment Letter #24 (Alison Cuyler)**

Comment 24-A: The commenter states that the visual mitigation measures for the project are inadequate in that homeowners may not comply with some, while others - such as landscaping - would take many years to be effective.

Response 24-A: The DEIR has identified that the project will result in significant visual impacts which cannot be mitigated to a less than significant level by the mitigation measures proposed for the project. CC&Rs that function as mitigation measures for visual impacts may not be modified or repealed, as they exist as Conditions of Approval for the project, and CC&Rs have been revised to reflect this fact.

Comment 24-B: The commenter states the hydrogeologic study done for the project is inadequate with respect to pump test, time of year, and impacts to the seeps/springs to the east of the project site.

Response 24-B: See response to Comment Letter #1-E and #14-A with respect to the pump test; response to Comment Letter #4 Exhibit 1-C with respect to time of year testing; see response to Comment Letter #4 Exhibit 1-B with respect to the seeps/springs.

## **Comment Letter #25 (Robert and Pat Farrell)**

Comment 25-A: The commenter states that the proposed project does not comply with the General Plan's direction to protect visual resources.

Response 25-A: The DEIR has found the visual effects of the project to be a significant environmental impact.

Comment 25-B: The commenter states that an adequate supply of water has not been proven for the project, and that the DEIR states that the data for groundwater availability is inconclusive.

Response 25-B: The hydrogeological study prepared for the project (Appendix G to the DEIR, and Appendix A to the FEIR) demonstrates that there is adequate ground water for the individual water wells proposed for the project. The DEIR claims inconclusive data only on the seeps/spring located off the project site to the east, and not on the issue of groundwater availability. See response to Comment Letter #4 Exhibit 1-B on the issue of the seep/spring.

Comment 25-C: The commenter inquires if the project site can support the proposed individual septic systems without impacts.

Response 25-C: See response to Comment Letters #4 Exhibit 1-E and Comment Letter #13-E.

Comment 25-D: The commenter states that the project will create additional traffic problems and road maintenance costs.

Response 25-D: A traffic study prepared for the project (See Appendix J to the DEIR) indicates that the existing Levels of Service (LOS) for both Whitney Portal Road and the intersection of Whitney Portal Road and U.S. Highway 395 will remain unchanged as a result of the project. Added maintenance costs have not been identified as a significant impact for the project.

**Comment #26 (Judy L. Wickman)**

Comment 26-A: The commenter states that the proposed project does not comply with the General Plan's direction to protect visual resources.

Response 26-A: The DEIR has found the visual effects of the project to be a significant environmental impact.

Comment 26-B: The commenter states that land exchange options were not fully explored for the project site.

Response 26-B: See response to Comment Letters #4-N and #14-C.

## **Comment Letter #27 (Denise Waterbury)**

Comment 27-A: The commenter states that the proposed project does not comply with the General Plan's direction to protect visual resources and causes fragmentation of the landscape.

Response 27-A: The DEIR found the visual effects of the project to be a significant environmental impact. In terms of fragmentation, biological studies prepared for the project indicate that no significant impacts to wildlife or vegetative species will result from the proposed project (See Appendix I to the DEIR, and Appendix B and Appendix I to the FEIR).

Comment 27-B: The commenter states that the DEIR did not deal with impacts to groundwater dependent vegetation and seeps/springs.

Response 27-B: See response to Comment Letter #4- Exhibit 1-B.

Comment 27-C: The commenter states that the project will not provide the low-cost housing the County needs.

Response 27-C: The commenter does not address a specific environmental impact for the project. Comments of support or opposition to the project are better directed to the Planning Commission.

Comment 27-D: The commenter suggests a land swap should be investigated.

Response 27-D: See response to Comment Letters #4-N and #14-C.

**Comment Letter #28 (Ned S. Warth)**

Comment 28: The commenter states that retrofitting the existing culvert under Whitney Portal Road will result in damage to his property.

Response 28: See response to Comment Letter #3B.

**Comment Letter #29 (120 Olivia Lane – No Name Available)**

Comment 29-A: The commenter states that the project will result in immitigable visual impacts.

Response 29-A: The DEIR has found only the visual effects of the project are a significant environmental impact that cannot be fully mitigated.

Comment 29-B: The commenter states the proposed CC&Rs can be changed by homeowners.

Response 29-B: See response to Comment Letter #1-D.

Comment 29-C: The commenter states that there is no way to monitor water use for the individual water wells proposed for the project.

Response 29-C: See response to Comment Letter #18-D.

Comment 29-D: The commenter states that the botanical surveys did not consider off-site vegetation or the effects of several years of drought on the accuracy of survey results.

Response 29-D: See response to Comment Letter #4 Exhibit 1-B concerning issues related to groundwater dependent vegetation at the seep/spring site to the east of the project site.

Botanical studies performed for the project surveyed all vegetation on the project site, in both winter and spring months. The author of the botanical study finds that dry/drought years had no affect on germination of species (See Appendix I to the FEIR).

**Comment Letter #30 (Robert and Gayle Frickel)**

Comment 30-A: The commenter states that the project will result in immitigable visual impacts.

Response 30-A: The DEIR has found that only the visual effects of the project are a significant environmental impact that cannot be fully mitigated.

Comment 30-B: The commenter states that the project's impacts on hydrology, vegetation, wildlife, and pollution to Lone Pine Creek are inconclusive.

Response 30-B: The commenter does not address a specific environmental impact for this project, but rather states overall impacts are inconclusive. See response to Comment Letters #1-E, #4 Exhibit B&C, #13-A&B, and #14-A concerning hydrology; response to Comment Letter #4 Exhibit 1-B on vegetation; response to Comment Letter #4 Exhibit 2 on issues of wildlife; responses to Comment Letters # 6A, 6B, 7A, and 7B on issues of pollution.

**Comment Letter #31 (Dorothy Bonnefin)**

Comment 31: The commenter states they are in support of the project, as lighting and other issues have been made as unobtrusive as possible.

Response 31: The comment does not address as specific environmental impact for the project. Comments of support or opposition to the project are better directed to the Planning Commission.

**Comment Letter #32 (George Whitman)**

Comment 32-A: The commenter states that the project provides needed housing for Inyo County.

Response 32-A: The comment does not address a specific environmental impact for the project. Comments of support or opposition to the project are better directed to the Planning Commission.

Comment 32-B: The commenter states the project complies with the zoning in place for the project property.

Response 32-B: So noted.

**Comment Letter #33 (Helen N. Hernandez)**

Comment 33: The commenter states that while air pollution impacts from the proposed project will be minimal, CC&Rs should prohibit vehicle maintenance and require special chimneys.

Response 33: See the response to Comment Letter #8 concerning required air pollution mitigation measures for the project.

**Comment Letter #34 (Laura Saldana)**

Comment 34: The commenter states that the project will provide needed housing.

Response 34: The comment does not address a specific environmental impact for the project. Comments of support or opposition to the project are better directed to the Planning Commission.

**Comment Letter #35 (Cody Brown)**

Comment 35: The commenter notes that the hydrogeological studies performed for the project indicate that impacts from the project will not reach compelling or significant levels.

Response 35: So noted.

**Comment Letter #36 (Ann Hancock)**

Comment 36-A: The commenter states the DEIR does not fully address visual impacts of the project.

Response 36-A: The DEIR has found the visual effects of the project to be a significant environmental impact.

Comment 36-B: The commenter states that the DEIR does not deal with impacts to off-site seeps/springs and vegetation associated with them.

Response 36-B: See response to Comment Letter #4 Exhibit 1-B.

**Comment Letter #37 (I. Lindsey)**

Comment 37-A: The commenter states the DEIR does not fully address visual impacts of the project.

Response 37-A: The DEIR has found that only the visual effects of the project are a significant environmental impact that cannot be fully mitigated.

Comment 37-B: The commenter states that the DEIR does not deal with impacts to off-site seeps/springs and vegetation associate with them.

Response 37-B: See response to Comment Letter #4 Exhibit 1-B.

**Comment Letter #38 (Sierra Club – Range of Light Group, Wilma Wheeler)**

Comment 38-A: The commenter states that the hydrogeological study done for the project is not conclusive on the issue of aquifer recharge.

Response 38-A: The hydrogeological study prepared for the project (See Appendix G to the DEIR, and Appendix A to the FEIR) concludes the aquifer is capable of supporting the water needs for the project at a full build-out of 54 units, estimating 4-6 gpm for each well.

Comment 38-B: The commenter states that the hydrogeological study done for the project does not deal with impacts to vegetation in the area.

Response 38-B: See response to Comment Letter #4 Exhibit 1-B.

Comment 38-C: The commenter states that there is no analysis regarding second dwelling unit impacts to the aquifer or stormwater runoff.

Response 38-C: The hydrogeological study done for the project (See Appendix G to the DEIR, and Appendix A to the FEIR) was based on a full project build-out of 54 units, which includes a second dwelling unit for each of the proposed 27 lots. Stormwater runoff calculations for the project were also based on a full project build-out of 54 units, estimating 4,000 sq.ft. of building coverage for each lot, or two 2,000 sq.ft. homes.

**Comment Letter #39 (Hans-Dieter Simon)**

Comment 39-A: The commenter states the project will damage the visual resources of the area.

Response 39-A: The DEIR has found that only the visual effects of the project are a significant environmental impact that cannot be fully mitigated.

Comment 39-B: The commenter states that the water needs of the project could cause negative impacts.

Response 39-B: The hydrogeological study prepared for the project (See Appendix G to the DEIR, and Appendix A to the FEIR) indicates that there is adequate water to support project needs. See response to Comment Letter #4 Exhibit 1-B for issues relating to impacts to groundwater dependent vegetation at the seep/spring site off the project site to the east.

Comment 39-C: The commenter states that the waste generated by the proposed development could create problems.

Response 39-C: See response to Comment Letters #4 Exhibit 1-E and #13-E.

### **Comment Letter #40 (Judy Peek)**

Comment 40: The commenter states the project is not appropriate in terms of its placement and type housing, and states that a land trade with the BLM should be further investigated.

Response 40: The comment does not address a specific environmental impact with respect to location and type of housing. See response to Comment Letter #4-N and #14-C on the issue of a land trades generally, and response to Comment Letter #5-E on the specific issue of land trades with the BLM.

### **Comment Letter #41 (John Lewis)**

Comment 41-A: The commenter states the project will damage the visual resources of the area.

Response 41-A: The DEIR has found that only the visual effects of the project are a significant environmental impact that cannot be fully mitigated.

Comment 41-B: The commenter states that a single 48-hour pump test is inadequate to evaluate fluctuations in water levels due to seasonal changes and drought conditions.

Response 41-B: See response to Comment Letter #13A and #13B.

Comment 41-C: The commenter states that the hydrogeological study done for the project does not deal with impacts to vegetation in the area.

Response 41-C: See response to Comment Letter #4 Exhibit 1-B concerning issues related to groundwater dependent vegetation located at the seep/spring to the east of the project site.

Comment 41-D: The commenter states that a land trade should be further investigated.

Response 41-D: See response to Comment Letters #4-N and #14-C.

**Comment Letter #42 ( Marlene Cierniak)**

Comment 42: The commenter states she supports the project, noting commerce is needed in the County.

Response 42: The comment does not address a specific environmental impact for the project. Comments of support or opposition to the project are better directed to the Planning Commission.

**Comment Letter #43 (Coral Henderson)**

Comment 43-A: The commenter states that the proposed project does not comply with the General Plan's direction to protect visual resources.

Response 43-A: The DEIR has found that only the visual effects of the project are a significant environmental impact that cannot be fully mitigated.

Comment 43-B: The commenter states that the proposed project does not comply with the General Plan's direction to site new development contiguous to existing development

Response 43-B: See response to Comment Letter #4-A, D, and F.

Comment 43-C: The commenter states a land trade should be pursued.

Response 43-C: See response to Comment Letters #4-N and #14-C.

**Comment Letter #44 (Paula B. Clark)**

Comment 44-A: The commenter states that the visual impacts of the project are immitigable.

Response 44-A: The DEIR has found that only the visual effects of the project are a significant environmental impact that cannot be fully mitigated.

Comment 44-B: The commenter states that the DEIR done for the project does not deal with impacts to seeps/spring and related vegetation to the east of the project site.

Response 44-B: See response to Comment Letter #4 Exhibit 1-B.

**Comment Letter #45 (Cody Mike)**

Comment 45: the commenter states the project will not have adequate fire protection and will increase the risk of wildfires.

Response 45: Mitigation measures for fire protection are required for the project to decrease impacts to a less than significant level. See response to Comment Letters #5-C and #16-H.

**Comment Letter #46 (Myles Allen)**

Comment 46: The commenter states that shared septic tanks would decrease pollution impacts.

Response 46: Septic tanks may be shared if on the same property, with the same owner. However, pollution from septic tanks are not identified as a significant impact for the project. See response to Comment Letters #4 Exhibit 1-E and #13-E for issues relating to septic system pollution impacts.

**Comment Letter #47 (Kelsey Francone)**

Comment 47: The commenter states that the proposed project will negatively affect the views of the area.

Response 47: The DEIR has found that only the visual effects of the project are a significant environmental impact that cannot be fully mitigated.

**Comment Letter #48 (Esther Checo)**

Comment 48-A: The commenter states the pump tests done for the project do not prove adequate water availability.

Response 48-A: See response to Comment Letters #1-E and #4 Exhibit 1-C.

Comment 48-B: The commenter states there are potential dangers in placing water wells too close to septic systems.

Response 48-B: See response to Comment Letters #4 Exhibit 1-E, #13-E, and #20-C.

Comment 48-C: The commenter states the housing developed for the project will not benefit county residents.

Response 48-C: The comment does not address a specific environmental impact for the project.

**Comment Letter #49 (Joshua Lambdin)**

Comment 49: The commenter states a land swap should be pursued.

Response 49: See response to Comment Letters #4-N and #14-C.

**Comment Letter #50 (Margaret Warner)**

Comment 50: The commenter urges that the project should be evaluated on the basis of its conformance with the development criteria established by the county.

Response 50: So noted. The project conforms to the Inyo County General Plan designation of Residential Rural Medium Density (RRM), 1 dwelling unit per 2.5 acres, and the Inyo County Zoning designation of Rural Residential (RR), 2.5 acre minimum.

**Comment Letter #51 (Duane Warth)**

Comment 51: The commenter inquires whether the existing power line along Whitney Portal Road is adequate to provide power to the proposed subdivision.

Response 51: The Los Angeles Department of Water and Power reports that the existing power line is adequate to provide power to at least the first phase of the project. An upgrade of the existing line will likely be needed for the second and third phases.

**Comment Letter #52 (Larry S. Luke)**

Comment 52: The commenter states the project will result in significant and immitigable impact to visual and ecological resources.

Response 52: The DEIR has found that only the visual effects of the project are a significant environmental impact that cannot be fully mitigated. Biological studies performed for the project indicate that no wildlife or botanical species will be significantly impacted by the project (See Appendix I to the DEIR, and Appendix B and Appendix I to the FEIR).

**Comment Letter #53 (Dean Webb)**

Comment 53: The commenter states the project will destroy the viewshed of the area.

Response 53: The DEIR has found that only the visual effects of the project are a significant environmental impact that cannot be fully mitigated.

**Comment Letter #54 (Dorothy Bonnefin)**

Comment 54: The commenter suggests a community water and sewer district would be a better solution than the individual water wells and septic systems proposed for the project.

Response 54: See response to Comment Letter #4-F on the issue of community systems.

## **Comment Letter #55 (Donna Carson)**

Comment 55-A: The commenter states the project will ruin area views.

Response 55-A: The DEIR has found that only the visual effects of the project are a significant environmental impact that cannot be fully mitigated.

Comment 55-B: The commenter states the water wells and septic tanks proposed for the project will negatively impact ground water and vegetation.

Response 55-B: See response to Comment Letter #4 Exhibit 1-B on the issue of groundwater dependent vegetation. See response to Comment Letter #4 Exhibit 1-E, #13-E, and

#20-C on the issue of impacts from septic systems.

Comment 55-C: The commenter states the project will set a precedent for other development in the area.

Response 55-C: The comment does not address a specific environmental impact for the project.

Comment 55-D: The commenter states the project will increase traffic dangers.

Response 55-D: The traffic study prepared for the project indicates that Levels of Service (LOS) on Whitney Portal Road will remain unchanged as a result of the project (See Appendix J to the DEIR).

Comment 55-E: The commenter states the project site will flood during wet years.

Response 55-E: The drainage plan (See Appendix E to the DEIR) for the project maintains the existing parameters of the drainage areas/gullies on site, and increased stormwater runoff will be only 0.5% over pre-development levels. See response to Comment Letters #3-B, #4 Exhibit 1-A, and #13-C on issues of drainage impacts.

**Comment Letter #56 (Michael Prather)**

Comment 56: The commenter states the public comment period should be extended.

Response 56: See response to Comment Letter #1-A.

## **Comment Letter #57 (Dean Vander Wall)**

Comment 57-A: The commenter states the project will result in significant impacts to area views.

Response 57-A: The DEIR has found that only the visual effects of the project are a significant environmental impact that cannot be fully mitigated.

Comment 57-B: The commenter states that a land swap should be pursued.

Response 57-B: See response to Comment Letters #4-N and #14-C.

Comment 57-C: The commenter states that further study should be done into water usage and availability for the project.

Response 57-C: The DEIR address the issue of hydrology in Section 3.4. The hydrogeological study prepared for the project (Appendix G to the DEIR and Appendix A to the FEIR) concludes the aquifer is capable of supporting the water needs for the project at a full build-out of 54 units, estimating 4-6 gpm for each well.

Comment 57-D: The commenter states further information is needed on the issue of wastewater.

Response 57-D: See response to Comment Letters #4 Exhibit 1-E, #13-E, and #20-C.

Comment 57-E: The commenter states that further flood mitigation is needed for the project.

Response 57-E: The drainage plan for the project (See Appendix E to the DEIR) maintains the existing parameters of the drainage areas/gullies on site and increased stormwater runoff only 0.5% over pre-development levels. See response to Comment Letters #3-B, #4 Exhibit 1-A, and #13-C.