

**CEQA Findings of Fact
for the
Tenaya Cabins Project**

SCH#2015021032

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APR 20 2017
Mariposa County Planning Dept.

April 17, 2017

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1 INTRODUCTION

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

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

These findings are organized as follows.

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

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

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

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

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

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

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

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

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

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

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

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

2 DEFINITIONS

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

“Board” means the Mariposa County Board of Supervisors.

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

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

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

“County” means Mariposa County.

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

“EIR” means environmental impact report.

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

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

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

“NOP” means Notice of Preparation of an EIR.

“Planning Commission” means the Mariposa County Planning Commission.

“Planning Department” means the Mariposa County Planning Department.

“Proposed Project” means the proposed Tenaya Cabins Project.

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

“USFWS” means the US Fish and Wildlife Service.

“USACE” means the United States Army Corps of Engineers.

“Zoning Ordinance” means the Mariposa County Code, Title 17, including all amendments thereto.

3 PROJECT DESCRIPTION

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

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

rock formations, trees, the Big Creek riparian corridor, Rainbow Lake, and wetlands; and maximize the buffer between the cabins and Highway 41.

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

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

The proposed site plan provides 1.5 parking stalls for each cabin plus seven additional stalls to account for retail, office and associate parking in accordance with the Fish Camp Town Planning Area Specific Plan, which results in 88 parking stalls. Per the California Accessible Code (2013 California Building Code Chapter 11B), seven cabins would be designed to conform to the requirements of the Americans with Disabilities Act (ADA) Standards for Accessible Design. Therefore, these seven cabins would have an ADA-compliant parking space. There would also be an ADA-compliant parking stall at the clubhouse for registration. Parking would be clustered to maintain visual separation between parked vehicles and the cabins.

Utilities would be installed underground within the limits of the paved access roads where feasible, and would comply with separation standards set by the State of California and the Mariposa County Health Department. Wastewater would be collected with a below-grade piping system and gravity fed to a lift station located near the low point of the property. From the lift station, wastewater would be pumped to the new Tenaya Lodge Wastewater Treatment Plant (WWTP) (operational as of January 2016) located south of the project site on the southwestern side of the Tenaya Lodge property, south of the cottages. In addition, an existing Tenaya Lodge leach field, located between the lodge and the project site, would be expanded to accommodate the project-related increase in tertiary-treated effluent discharge from the WWTP. An additional 637 linear feet of leach lines would be constructed to provide disposal capacity for the proposed Tenaya Cabins at full occupancy.

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

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

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

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

Mariposa County Discretionary Approvals

- ▲ Certification of the Final EIR
- ▲ Adoption of these findings and the MMRP
- ▲ Land Division (APN 010-350-008 into two parcels)
- ▲ Rezone APN 010-350-008 from 1-acre Residential to Resort Commercial to Resort Commercial Planned Unit Development (PUD) (Parcel 1)
- ▲ Rezone new parcel from 1-acre Residential to 1/2-acre Residential (Parcel 2)
- ▲ Amend the Mariposa County General Plan and Fish Camp Town Planning Area Specific Plan
- ▲ Approve Conditional Use Permit for:
 - 54 pre-manufactured cabins of approximately 750± square feet each (approximately 675± square feet of room space plus approximately 75 square feet of deck), and
 - a multi-function clubhouse, outdoor deck and recreation area to provide guest registration, laundry, retail, hospitality, banqueting, food service, pool, barbeque and hot tub. The clubhouse outdoor area/deck is designed to seat 60± people. Amplified sound for events at the clubhouse would conclude at 10:00 p.m.; however, events could continue past that time.

Mariposa County Ministerial Approvals

- ▲ Design/site review approval for all proposed structures
- ▲ Improvement plan approval
- ▲ Building permit approval

Responsible and Trustee Agencies

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

Expected Permits and Authorizations

Agency	Permit/Authorization	Action Requiring Permit Approval or Review
Federal		
U.S. Fish and Wildlife Service	Section 7 Consultation (through the U.S. Forest Service review process)	Potential impacts to federally listed species or their habitat (fisher or Yosemite toad)
U.S. Army Corps of Engineers	Section 404 Permit	Potential impacts to jurisdictional wetlands or waters
State		
California Department of Fish and Wildlife	Section 1602 Streambed Alteration Agreement	Potential disturbance to the bed or bank of jurisdictional waters
	Section 2081 Incidental Take Permit	Potential impacts to a state-listed species
California Department of Forestry	Timber Harvest Plan Timber Conversion Permit	Harvesting of timber on private lands
Central Valley Regional Water Quality Control Board (5F)	Section 401 Water Quality Certification	Potential impacts to state water quality; required when a federal permit is issued
	Board Order No. R6T-2007-0008 – Waiver of Waste Discharge Requirements Related to Timber Harvest	Potential impacts to state water quality resulting from tree and vegetation removal activities

Expected Permits and Authorizations

Agency	Permit/Authorization	Action Requiring Permit Approval or Review
	and Vegetation Management Activities	
	Statewide Construction General Permit No. CAS000002 - Board Order No. WQO 2009-0009-DWQ	Discharges of stormwater runoff associated with construction activity involving land disturbance of 1 or more acres Stormwater pollution prevention plan
California Department of Transportation, District 6	Encroachment Permit	Construction, operation, and maintenance within, under, or over state highway rights-of-way

Local

Mariposa County Air Pollution Control District	Dust Control Authority to Construct	Disturbance of more than 1 acre of topsoil Stationary sources (emergency diesel generator)
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Source: Compiled by Ascent Environmental 2015.

Project Objectives

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

4 PROCEDURAL HISTORY

- ▲ An application was filed by Delaware North in December 2014.
- ▲ Mariposa County prepared and filed a Notice of Preparation (NOP) for an EIR in February 2015 for the original project proposal, which included the same land division into two parcels and the same type of development as the current proposal, but included 34 cabins rather than 54. The NOP was sent to the California State Clearinghouse, federal, state, and local agencies, and members of the public.
- ▲ Following the changes to the proposed project, a revised NOP was released on July 17, 2015 notifying the public that Mariposa County would be preparing an EIR for the revised project that now proposes 54 prefabricated cabins and a clubhouse on Parcel 1, and a potential future residence on Parcel 2.
- ▲ A scoping meeting was held to provide agencies and the public with the opportunity to learn more about the Tenaya Cabins Project and to provide input as to the issues that should be addressed in the EIR. An agency and Native American tribal representative site visit was held at 1:00 p.m. on August 13, 2015 and a public scoping meeting was held at 6:00 p.m. on August 13, 2015. At these meetings, Mariposa County staff made presentations to describe the proposed project and to discuss key environmental issues identified in preliminary analyses, and received input from public agencies, tribal representatives, and members of the public on the scope of issues that should be addressed in the EIR.
- ▲ The County completed and distributed a Draft EIR for the proposed Project; it was released on August 26, 2016 for public review and comment for a 45-day period, which concluded on October 11, 2016. The Draft EIR was posted at the State Clearinghouse and the Notice of Availability (NOA) of the EIR was mailed to relevant public agencies, responsible agencies, and all interested parties. Copies of the Draft EIR, as well as documents and reports referenced in the Draft EIR, were available for public review at Mariposa County's Planning Department at 5100 Bullion Street, Second Floor, Mariposa, CA 95338; and on the County's website (<http://www.mariposacounty.org/index.aspx?nid=1460>). The Draft EIR was also available for public review at the Mariposa Library (4978 10th Street, Mariposa, CA 95338) and the Wawona Library (7971 Chilnualna Road, Wawona, CA 95389).

- ▲ The County held a public hearing on September 23, 2016 at 9:00 a.m. at the Mariposa County Planning Commission meeting, at the Government Center Board Chambers Mariposa County Government Center on 5100 Bullion Street, Second Floor, Mariposa, CA 95338 to consider the Draft EIR. Public comments on the Draft EIR were taken at this hearing.
- ▲ A public meeting was held at 9:30 a.m. on September 24, 2016 with the Fish Camp Planning Advisory Council at the Cottages at Tenaya Lodge, 1110 Highway 41, Fish Camp, CA 93623, to consider the Draft EIR. Public comments on the Draft EIR were taken at this meeting.
- ▲ The County received written comments on the Draft EIR from the agencies, groups, and individuals listed in Table 1-1 of the Final EIR during the comment period. The Final EIR contains responses to these comments, including a summary of each comment and the complete comment letter. Based on the comments received, edits were made to the Draft EIR as set forth in Chapter 2 of the Final EIR, which was made available for public review starting on January 13, 2017.
- ▲ In February 2017, prior to certification of the EIR, Mariposa County received the *Report of Waste Discharge – Amendment No. 2 for Tenaya Lodge Wastewater Treatment Facility (Amended ROWD)*, which indicated that additional storage or additional leach field lines would be required to handle peak effluent flows. Therefore, revisions were made to the necessary Draft EIR sections to disclose the new information and consider if the information altered the potential environmental impacts of the Tenaya Cabins Project. Mariposa County determined that the Draft EIR was complete and fully compliant with CEQA, and that recirculation was not required because (a) the wastewater disposal capacity information merely clarified or amplified information in the Draft EIR (Impact 4.12-2) and (b) because the revisions made insignificant modifications to an adequate EIR in the form of a feasible mitigation measure (Mitigation Measure 4.12-2) that the project proponent agreed to adopt. (CEQA Guidelines, § 15088.5, subd. (b).)
- ▲ The Fish Camp Advisory Council held a duly noticed public meeting on May 13, 2017 at the Tenaya Lodge, 1122 Highway 41, Fish Camp, CA 93623 to consider the proposed Project and the Final EIR and to make recommendations on the same to the Mariposa County Planning Commission.
- ▲ The Mariposa County Planning Commission held a duly noticed public hearing in June, 2017 at the at the Government Center Board Chambers Mariposa County Government Center on 5100 Bullion Street, Second Floor, Mariposa, CA 95338 to consider the proposed Project and the Final EIR and to make recommendations on the same to the Board of Supervisors.
- ▲ The Board of Supervisors held a duly noticed public hearing in June 2017 at the at the Government Center Board Chambers Mariposa County Government Center on 5100 Bullion Street, Second Floor, Mariposa, CA 95338 to consider the proposed Project and certification of the Final EIR.

5 RECORD OF PROCEEDINGS

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

- ▲ The first and second NOPs and all other public notices issued by the County in conjunction with the scoping period for the proposed Project (provided in Appendix B of the Draft EIR in CD format);
- ▲ All comments submitted by agencies or members of the public during the scoping comment period on the NOP (provided in Appendix B of the Draft EIR in CD format);
- ▲ The Draft EIR (August 2016) for the proposed Project;

- ▲ All comments submitted by agencies or members of the public during the comment period on the Draft EIR (provided in Chapter 3 of the Final EIR);
- ▲ All comments and correspondence submitted to the County with respect to the proposed Project, in addition to timely comments on the Draft EIR;
- ▲ The Final EIR (January 2017) for the proposed Project, including comments received on the Draft EIR and responses to those comments as well as revisions to the Draft EIR;
- ▲ The Consideration of New Project Information Received Prior to Certification of the Environmental Impact Report (April 2017);
- ▲ Documents cited or referenced in the Draft and Final EIRs;
- ▲ The Mitigation Monitoring and Reporting Program (MMRP) for the proposed Project (Attachment A);
- ▲ All findings and resolutions adopted by the County in connection with the proposed Project and all documents cited or referred to therein;
- ▲ All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the proposed Project prepared by the County, consultants to the County, the applicant, or responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA and with respect to the County's action on the proposed Project;
- ▲ All documents submitted to the County (including the Planning Commission) by other public agencies or members of the public in connection with the proposed Project up through the close of the final public hearing on the proposed Project;
- ▲ All minutes and/or verbatim transcripts, as available, of all information sessions, public meetings, and public hearings held by the County in connection with the proposed Project;
- ▲ Any documentary or other evidence submitted to the County at such information sessions, public meetings, and public hearings;
- ▲ Relevant portions of the Mariposa County Zoning Ordinance (Mariposa County Code, Title 17) and Fish Camp Town Planning Area Specific Plan, and all other County policies, procedures, or standards cited in materials prepared by or submitted to the County;
- ▲ Any other materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

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

6 FINDINGS REQUIRED UNDER CEQA

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

The Final EIR, consisting of the Draft EIR and responses to comments on the Draft EIR, are hereby incorporated by reference into these findings without limitation. This incorporation is intended to address the scope and nature of mitigation measures, the basis for determining the significance of impacts, the

comparative analysis of alternatives, and the reasons for approving the proposed Project in spite of the potential for associated significant but mitigable impacts.

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

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

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

Agricultural Resources (Draft EIR Section 4.1)

- ▲ Convert farmland (no impact)
- ▲ Conflict with zoning for agricultural use or a Williamson Act contract (no impact)

Population and Housing (Draft EIR Section 4.1)

- ▲ Displace Substantial Numbers of Existing Housing or People (no impact)
- ▲ Induce Substantial Population Growth (less than significant)

Public Services (Draft EIR Section 4.1)

- ▲ Require new or expanded school facilities (no impact)
- ▲ Require new or expanded parks or recreation facilities (less than significant)

Land Use and Forest Resources (Draft EIR Section 4.3)

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

Biological Resources (Draft EIR Section 4.4)

- ▲ Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan (no impact)
- ▲ Impacts to common migratory birds (less than significant)
- ▲ Conflict with Mariposa County General Plan policy on noxious weeds (less than significant)
- ▲ Loss of forest habitat and movement corridors (less than significant)
- ▲ Impacts to special-status plant species (less than significant)

Cultural Resources (Draft EIR Section 4.5)

- ▲ Impacts to historic architectural resources/structures (no impact)

- ▲ Disturb a unique paleontological resource (less than significant)
- ▲ Change in the significance of a tribal cultural resource (less than significant)

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

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

Delaware North, the project applicant, shall further consult with the Picayune Rancheria of the Chukchansi Indians to plan, design, agree on the content, and implement the following:

- a) Cultural Resource Interpretative Program (Program) for the Tenaya Cabins Project site, which shall include:
 - i. cultural resource interpretive display(s) inside the clubhouse,
 - ii. cultural resource seminar(s) or workshop(s) for interested groups, and/or
 - iii. cultural resource brochures and/or handouts for the patrons and public.

The primary goal of the Program shall be to educate the public on the cultural history of the Fish Camp area, particularly the Chukchansi Indians and their history in the region, as well as the significance of environmental resources to their culture.

The agreement for the Tenaya Cabins Cultural Resource Interpretive Program between the Tribe and Delaware North shall be submitted to, and approved by the County Planning Director prior to the issuance of a grading or building permit for the project. The Program shall define the location, material type(s), and dimensions of any/all displays proposed. The Program shall establish the themes, text, and images for all displays and brochures. The agreement shall define the financial obligation of Delaware North related to the display(s) and brochures/handouts and their maintenance. Delaware North shall make space available for cultural resource seminars/workshops, but shall not be financially responsible for their implementation. The Cultural Resource Interpretive Program agreement shall be submitted to, and approved by, the Planning Director. The County shall be responsible for verification of installation of interpretive display(s) and brochure(s) prior to the certificate of occupancy of project clubhouse or cabins.

Transportation and Circulation (Draft EIR Section 4.6)

- ▲ Impacts to parking (less than significant)
- ▲ Impacts to air traffic (no impact)
- ▲ Impacts to transit services (no impact)
- ▲ Impacts to pedestrian and bicycle facilities (no impact)
- ▲ Construction-related traffic impacts (less than significant)
- ▲ Operational impacts to intersections (less than significant)
- ▲ Operational impacts to roadway segments (less than significant)
- ▲ Safety-related impacts (less than significant)
- ▲ Emergency access (less than significant)

Air Quality (Draft EIR Section 4.7)

- ▲ Violate any air quality standard or contribute substantially to an existing or projected air quality violation (less than significant)
- ▲ Expose sensitive receptors to substantial pollutant concentrations (less than significant)
- ▲ Exposure of sensitive receptors to emissions of odors (less than significant)

Greenhouse Gas Emissions and Climate Change (Draft EIR Section 4.8)

- ▲ Generation of direct and indirect emissions of GHGs that would result in a significant impact on the environment (less than significant)
- ▲ Impacts of climate change on the project (less than significant)

Noise (Draft EIR Section 4.9)

- ▲ Noise effects related to airports (no impact)
- ▲ Project traffic noise impacts on existing noise-sensitive land uses outside of project site (less than significant)
- ▲ Transportation noise impacts to onsite proposed noise-sensitive uses (less than significant)
- ▲ Vibration-related impacts (less than significant)

Geology and Soils (Draft EIR Section 4.10)

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

Hydrology and Water Quality (Draft EIR Section 4.11)

- ▲ Floodplain/flood hazard impacts (no impact)
- ▲ Tsunami/seiche/mudflow impacts (no impact)
- ▲ Impact of groundwater drawdown on surface water (less than significant)
- ▲ Interfere with groundwater recharge (less than significant)

Utilities and Public Services (Draft EIR Section 4.12)

- ▲ Telecommunications and gas (less than significant)
- ▲ Snow removal (less than significant)
- ▲ Increase demand for water supply (less than significant)

- ▲ Exceed landfill capacity (less than significant)
- ▲ Increased demand for law enforcement services (less than significant)
- ▲ Result in inefficient and wasteful consumption of energy (less than significant)

Hazardous Materials and Hazards (Draft EIR Section 4.13)

- ▲ Sites of known or potential contamination (no impact)
- ▲ Private airstrip hazards (no impact)
- ▲ Expose people or the environment, including schools within 0.25 mile of the project site, to hazards because of the routine use, storage, or transport of hazardous materials or from accidental release or upset (less than significant)
- ▲ Impair implementation of our physically interfere with an adopted emergency response plan or emergency evacuation plan (less than significant)

Visual Resources (Draft EIR Section 4.14)

- ▲ Adverse effect on a scenic vista (no impact)
- ▲ Degrade the existing visual character or quality of the site and its surroundings, including scenic resources within a state scenic highway (less than significant)

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

Mitigation Measure 4.14-1: Provide vegetative screening

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

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

Cumulative Impacts (Draft EIR Chapter 5)

- ▲ Cumulative land use impacts (less than significant)
- ▲ Cumulative impacts to forest resources (less than significant)
- ▲ Cumulative loss of forest habitat and movement corridors (less than significant)
- ▲ Cumulative impacts to special-status plant species (less than significant)
- ▲ Cumulative change in the significance of a tribal cultural resource (less than significant; however, the County has recommended, and the applicant has agreed, to implement the Mitigation Measure 4.5-4, described above)

- ▲ Cumulative operational impacts to intersections (less than significant)
- ▲ Cumulative operational impacts to roadway segments (less than significant)
- ▲ Cumulative safety impacts (less than significant)
- ▲ Short-term construction-related air quality impacts (less than significant)
- ▲ Long-term operational-related air quality impacts (less than significant)
- ▲ Cumulative long-term exposure of people or property to strong seismic shaking (less than significant)
- ▲ Cumulative long-term exposure of people or property to seismically-induced hazards (less than significant)
- ▲ Cumulative demand for water (less than significant)
- ▲ Cumulative demand for wastewater treatment (less than significant)
- ▲ Cumulative demand for solid waste disposal (less than significant)
- ▲ Cumulative hazardous materials effects (less than significant)
- ▲ Cumulative impacts to emergency access (less than significant)
- ▲ Cumulative impacts to visual resources (less than significant; however, the County has recommended, and the applicant has agreed, to implement the Mitigation Measure 4.14-1, described above)

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

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

Biological Resources (Draft EIR Section 4.4)

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

Mitigation Measures

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

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

If construction activity is scheduled to occur during the nesting season (February 28 to September 1), a qualified biologist shall conduct preconstruction surveys to identify active special-status bird nests within the project site that could be affected by project construction. Surveys shall be

performed before activities occur (e.g., grading, tree removal, trenching, construction) and no less than 14 days and no more than 30 days before the beginning of activity. If no nests are found, no further mitigation is required.

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

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

Impact 4.4-4: Impacts to fisher

Mitigation Measures

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

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

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

If any occupied dens are detected, CDFW and USFWS shall be immediately notified and a disturbance-free buffer of 0.25 mile shall be flagged around the den at ground level. Monitoring of the den site, and any adjustment or removal of buffers shall occur in consultation with CDFW and USFWS. If buffer areas cannot be avoided during construction activities, the following construction schedule shall be implemented.

If construction activities must be conducted within the established buffer areas from occupied fisher dens, work in these areas must take place between July 1 and March 1, which is outside of the kit-rearing season. During this period and prior to work occurring within the established buffer, as indicated above the monitoring of the den and the removal of the buffer shall be conducted in

coordination with CDFW and USFWS. Once it has been determined that there would be no potential for mortality as a result of den disturbance, the tree may be removed or work conducted within the buffer area with oversight by the qualified biologist.

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

Impact 4.4-5: Impacts to special-status bats

Mitigation Measures

Mitigation Measure 4.4-5: Avoid and minimize impacts to special-status bats

To determine if special-status bats may be affected by construction, preconstruction acoustic surveys shall be conducted during an appropriate seasonal period to detect bats, which at this elevation would be mid-April to mid-October. If no special-status bat species are detected, no further mitigation is required.

If special-status bat species are detected, surveys to determine the presence of any roosting bats in tree cavities, under bark, or in foliage shall be conducted by a qualified biologist. All trees in the project footprint plus a 300-foot buffer (on the subject property) shall be surveyed. To avoid impacts to roosting bats, if any roost sites are detected, a disturbance-free buffer of 300 foot shall be flagged, and shall not be removed until a qualified biologist has determined that the roost site is no longer in use.

If buffer areas cannot be avoided, removal of trees with active roosts must occur after August 31 and before October 15 to avoid impacts to roosting bats. Construction activities during that time would not have adverse impacts on maternity roosts because young bats would be independent from their mothers and flying. In addition, day roosts could be identified because bats would still be emerging nightly to forage.

A passive eviction plan shall be developed in consultation with CDFW. The eviction plan may include opening the roosting cavity to allow air flow, placing a one-way door on the entrance(s) to the roost, or disturbing the roost using a high-frequency broadcasting device. The roost shall be monitored with acoustic surveys to ensure that no bats are in the roosts before the trees are removed.

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

Impact 4.4-6: Impacts to Yosemite toad

Mitigation Measures

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

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

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

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

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

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

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

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

Mitigation Measures

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

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

- ▲ To avoid temporary impacts to the water quality of wet meadow in the vicinity of the clubhouse and boardwalk, no vehicles or equipment shall be refueled within 100 feet of jurisdictional areas unless a bermed and lined refueling area is constructed. Spill kits shall be maintained on the site in sufficient quantity to accommodate at least three complete vehicle tank failures of 50 gallons each. Any vehicles driven or operated within or adjacent to drainages or wetlands shall be checked and maintained daily to prevent leaks. No vehicles or construction equipment shall be stored overnight within 100 feet of jurisdictional areas unless drip pans or ground covers are used.
- ▲ In addition, a minimum 25-foot construction setback shall be observed, where feasible, from the outer edge of all wet meadow and forested/shrub wetland/riparian communities, as shown in Exhibit 4.4-1. Setbacks shall be fenced or flagged before construction occurs in adjacent areas. In areas where a setback is not feasible, such as for the construction of the boardwalk and clubhouse, encroachment of the work area into wet meadow habitats will be kept to a minimum and similarly flagged or fenced. If a 25 foot buffer is not feasible a reduced setback may be utilized in other areas of the project site if approved by a qualified biologist.
- ▲ To facilitate site management and ensure avoidance of sensitive habitats, all wetlands, riparian areas and streams and their setback areas shall be clearly delineated on plan sets. No construction- or operation-related vehicular access shall occur through wetlands, riparian areas, or streams. A biological monitor shall be present during construction to ensure the setback areas are avoided.

If impacts to jurisdictional wetlands or other waters of the United States is not possible, the project applicant shall implement the following measures to compensate for the loss of wetlands and other waters of the United States.

- ▲ The preliminary wetland delineation shall submitted to and verified by USACE. If, based on the verified delineation, it is determined that fill of waters of the United States would result from project implementation, authorization for such fill shall be secured from USACE.
- ▲ Based on the 0.01 acre permanent impact identified, the project may qualify for use of a Nationwide Permit if required criteria are met.
- ▲ For those wetlands that cannot be avoided, the project applicant shall replace all wetland habitat at acreage and location agreeable to USACE and the RWQCB and as determined during the Section 401 and Section 404 permitting processes, and shall implement all permit conditions.

Finding: Implementation of Mitigation Measure 4.4-7, which has been required, will reduce impacts to sensitive habitats, wetlands, and waters to a less-than-significant level. Specifically, this mitigation measure requires avoidance of sensitive habitats such as the wet meadow, Big Creek, and jurisdictional areas, fencing or flagging construction setbacks; preparation and verification of a delineation of wetlands and waters; and, for jurisdictional wetlands that cannot be avoided, compensation of wetland habitat acreage in consultation with USACE and the Central Valley RWQCB. The County, therefore, finds that changes or alterations have been required in, or incorporated into,

the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. The County finds that USACE may issue a permit pursuant to Section 404 of the Clean Water Act. Further, the County finds that project changes or alterations are within the responsibility and jurisdiction Central Valley RWQCB related to Section 401 of the Clean Water Act. The County expects the Central Valley RWQCB to adopt project changes or alterations that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR pages 4.4-33 through 4.4-34)

Cultural Resources (Draft EIR Section 4.5)

Impact 4.5-1: Disturb unique archaeological resources

Mitigation Measures

Mitigation Measure 4.5-1a: Conduct archaeological monitoring outside of P-22-594/CA-MRP-280/H

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

Mitigation Measure 4.5-1b: Stop work in the event of an archaeological discovery outside of P-22-594/CA-MRP-280/H

If potentially significant cultural resources are discovered outside of site P-22-594/CA-MRP-280/H during ground-disturbing activities associated with individual project preparation, construction, or completion, the project proponent will require the construction contractor to stop work in that area until a qualified archaeologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with appropriate agencies and interested parties. A qualified archaeologist will follow accepted professional standards in recording any find including submittal of the standard California Department of Parks and Recreation (DPR) Primary Record forms (Form DPR 523) and location information to the California Historical Resources Information Center office (Central California Information Center) for California projects. The consulting archaeologist will also evaluate such resources for significance per CRHR eligibility criteria (PRC Section 5024.1; Title 14 CCR Section 4852).

If the archaeologist determines that the find does contain temporally diagnostic materials and does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, the lead agency will be notified and a data recovery plan will be prepared.

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

Impact 4.5-2: Accidental discovery of human remains

Mitigation Measures

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

California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097.

If human remains are discovered during any demolition/construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the project applicant shall notify the Mariposa County coroner and the NAHC immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the NAHC to be Native American, the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant (MLD), if any, identified by the NAHC. Following the coroner's findings, the archaeologist, and the NAHC-designated MLD shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section 5097.94.

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

Greenhouse Gases and Climate Change (Draft EIR Section 4.8)

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

Mitigation Measures

Mitigation Measure 4.8-2: Incorporate design features into project to be consistent with the Scoping Plan

To achieve consistency with the California Light-Duty Vehicle Greenhouse Gas Standards, the applicant shall:

- ▲ Install, at a minimum, two onsite electric charging stations for use by guests and employees to encourage use of plug-in electric and hybrid vehicles.

Finding: Implementation of Mitigation Measure 4.8-2, which has been required, will achieve project consistency with the Scoping Plan and reduce this impact to a less-than-significant level. Specifically, this mitigation measure requires that the proposed Project install at least two onsite electric charging stations for plug-in electric and hybrid vehicles to support goals to reduce greenhouse gas

emissions. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR page 4.8-13)

Noise (Draft EIR Section 4.9)

Impact 4.9-2: Noise impacts from onsite noise sources

Mitigation Measures

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

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

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

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

- ▲ Prior to issuance of any grading or building permits for the project, a site specific noise study shall be submitted by a qualified acoustical engineer addressing County noise performance standards for non-transportation noises at the surrounding off-site sensitive receptors within 800 feet of the project site.
- ▲ A qualified acoustic specialist shall be selected by the County and hired at the project applicant's expense to verify the effectiveness of all noise reduction measures. The noise study shall use approved calculation methodologies and include recommendations and measures to ensure compliance with County standards. A copy of the report shall be filed with the County and copies shall be provided to all off-site residential receptors located within 800 feet of the project site. If through this mitigation measure it is determined that the reduction of sound at the surrounding sensitive receptors associated with the implementation of mitigation measures is not sufficient to comply with County standards, then the stationary noise source shall not be permitted.
- ▲ As part of the site-specific noise study, the applicant shall assess the level of noise generated by the clubhouse speaker system to ensure that it does not exceed County standards (i.e., 50 dB Leq during daytime hours and 40 dB Leq during nighttime hours) at any sensitive receptor. The

speaker locations and settings shall be reviewed and approved by the County. The clubhouse speaker system shall be recalibrated once a year to ensure that it continues to operate in compliance with the County noise standards. The results of the calibration, including monitored noise levels, shall be provided to the County. If an exceedance of County standards occurs, the speaker system shall be recalibrated, volumes shall be lowered if necessary, and the system shall be re-reviewed by the County to demonstrate compliance with the County standards.

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

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

Mitigation Measures

Mitigation Measure 4.9-4: Restrict construction hours and apply noise-reducing mufflers to construction equipment

The County shall require the applicant to implement the following noise reduction measures during construction activities:

- ▲ All construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. for Monday through Friday and 9:00 a.m. to 8:00 p.m. on weekends and legal holidays.
- ▲ All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer recommendations. Equipment engine shrouds shall be closed during equipment operation.

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

Geology and Soils (Draft EIR Section 4.10)

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

Mitigation Measures

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

Finding: Implementation of Mitigation Measure 4.11-1, which has been required, will reduce potential construction-related surface water and groundwater water quality impacts to a less-than-significant level. Specifically, the project would require coverage by the statewide General

Construction Permit, which requires implementation of best management practices (BMPs), monitoring of numeric action levels, and adherence to a site-specific Stormwater Pollution Prevention Plan (SWPPP) prepared to address conditions at the site during construction. The water quality controls (BMPs) to be implemented consistent with applicable County and Central Valley RWQCB requirements are effective in protecting water quality. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. Further, the County finds that project changes or alterations are within the responsibility and jurisdiction of the Central Valley RWQCB related to the Construction General Permit. The County expects the Central Valley RWQCB to adopt project changes or alterations that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR page 4.10-12 and pages 4.11-23 and 4.11-24)

Hydrology and Water Quality (Draft EIR Section 4.11)

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

Mitigation Measures

Mitigation Measure 4.11-1: Prepare and implement a stormwater pollution prevention plan

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

- ▲ Temporary BMPs to prevent the transport of earthen materials and other construction waste materials from disturbed land areas, stockpiles, and staging areas during periods of precipitation or runoff, including: filter fences, fiber rolls, erosion control blankets, mulch (such as pine needles and wood chips); and temporary drainage swales and settling basins.
- ▲ Designated contractor staging areas for materials and equipment storage outside of riparian areas. Designated staging and storage areas would be protected by construction fencing and/or silt barriers, as appropriate. Following project completion, all areas used for staging would be stabilized or revegetated.
- ▲ Temporary BMPs to prevent the tracking of earthen materials and other waste materials from the project site to offsite locations, including stabilized points of entry/exit for construction vehicles/equipment and designated vehicle/equipment rinse stations, and sweeping.
- ▲ Temporary BMPs to prevent wind erosion of earthen materials and other waste materials from the project site, including routine application of water to disturbed land areas and covering of stockpiles with plastic or fabric sheeting.
- ▲ To avoid temporary impacts to the water quality of wet meadow in the vicinity of the clubhouse and boardwalk, no vehicles or equipment shall be refueled within 100 feet of jurisdictional areas unless a bermed and lined refueling area is constructed. Spill kits shall be maintained on the site in sufficient quantity to accommodate at least three complete vehicle tank failures of 50 gallons each. Any vehicles driven or operated within or adjacent to drainages or wetlands shall be checked and maintained daily to prevent leaks. No vehicles or construction equipment shall be stored overnight within 100 feet of jurisdictional areas unless drip pans or ground covers are used. In addition, a minimum 25-foot setback shall be observed from the outer edge of all wet

meadow and forested/shrub wetland/riparian communities (see Exhibit 4.4-1). Setbacks shall be fenced or flagged before construction occurs in adjacent areas. If a 25 foot buffer is not feasible a reduced setback may be utilized if approved by a qualified biologist.

- ▲ Temporary BMPs to capture and contain pollutants generated by concrete construction including lined containment for rinsate to collect runoff from washing concrete delivery trucks and equipment.
- ▲ Protective fencing to prevent damage to trees and other vegetation to remain after construction, including tree protection fencing and individual tree protection such as protective casings of wood slats around the bases of trees.
- ▲ Temporary BMPs for the containment or removal of drilling spoils generated from construction of bridge foundations and abutments.
- ▲ Daily inspection and maintenance of temporary BMPs to ensure proper function. The prime contractor would be required to maintain a daily log of Temporary Construction BMP inspections and keep the log onsite during project construction, available for review by the Central Valley RWQCB and Mariposa County.
- ▲ Tree removal activities, including the dropping of trees, would be confined to the construction limit boundaries.
- ▲ Construction boundary fencing to limit disturbance and prevent access to areas not under active construction.

Finding: Implementation of Mitigation Measure 4.11-1, which has been required, will reduce potential construction-related surface water and groundwater water quality impacts to a less-than-significant level. Specifically, the project would require coverage by the statewide General Construction Permit, which requires implementation of BMPs, monitoring of numeric action levels, and adherence to a site-specific Stormwater Pollution Prevention Plan (SWPPP) prepared to address conditions at the site during construction. The water quality controls (BMPs) to be implemented consistent with applicable County and Central Valley RWQCB requirements are effective in protecting water quality. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. Further, the County finds that project changes or alterations are within the responsibility and jurisdiction of the Central Valley RWQCB related to the National Pollutant Discharge Elimination System (NPDES) Construction General Permit. The County expects the Central Valley RWQCB to adopt project changes or alterations that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR pages 4.11-23 and 4.11-24)

Impact 4.11-2: Violate any water quality standard or water discharge requirement, or otherwise substantially degrade water quality: operational impacts

Mitigation Measures

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

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

- ▲ Best management practices for the containment and isolation of products, and use of non-toxic products whenever possible would reduce the quantity of contaminants exposed to stormwater.
- ▲ Recognizing that in some instances it is impossible to isolate all contaminants from stormwater discharges, stormwater controls shall be implemented to reduce the amount of runoff that

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

- ▲ Storm drainage from on- and offsite impervious surfaces (including roads) shall be collected and routed through specially designed vegetated swales, infiltration trenches, water quality inlets, detention basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants. BMPs shall be designed at a minimum in accordance with the Mariposa County Erosion and Sedimentation Policies for Construction Activities and the Specific Plan Topography and Soil Erosion requirements.
- ▲ No stormwater controls or BMPs shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

All BMPs shall be maintained as required to insure effectiveness. The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation. Proof of ongoing maintenance, such as contractual evidence, shall be provided to Mariposa County upon request. Maintenance of these facilities shall be provided by the project owner/permittee. Contractual evidence of a monthly parking lot sweeping and vacuuming, and catch basin cleaning program shall be provided upon request. Failure to do so will be grounds for discretionary permit revocation.

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

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

Mitigation Measures

Mitigation Measure 4.11-3: Prepare and implement a final drainage report that reduces runoff to pre-project conditions

As part of the project approval process, the applicant shall submit a Drainage Report prepared by a Registered Civil Engineer that addresses at minimum:

- ▲ written text addressing existing conditions,
- ▲ the effects of the proposed improvements,

- ▲ all appropriate calculations,
- ▲ watershed maps,
- ▲ changes in flows and patterns, and
- ▲ proposed on- and off-site improvements to accommodate flows from the project.

The final Drainage Report shall provide details showing that stormwater run-off shall be reduced to pre-project conditions (no net increase in runoff) through the installation of retention/detention facilities. Retention/detention facilities shall be designed to the satisfaction of the Mariposa County Public Works Department. The County may, after review of the project final drainage report, delete this requirement if it is determined that drainage conditions do not warrant installation of this type of facility. Maintenance of detention facilities by the property owner, or entity responsible for project maintenance shall be required.

No retention/detention facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

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

Impact 4.11-4: Substantially deplete groundwater supplies

Mitigation Measures

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

The County shall require documentation of an agreement between DN and FCMWC that describes and identifies the specific responsibilities of both parties for implementation of a monitoring program for FCMWC Well 1. The monitoring program shall, at a minimum, include short duration pumping tests to assess production capacity and pumping water levels. The agreement between DN and FCMWC shall document that tests will be completed on a monthly basis during the months of August, September, and October and shall include the following:

- ▲ Delaware North shall coordinate with FCMWC to test FCMWC Well 1 once a month during the months of August, September, and October. A qualified well driller, hydrologist or hydrogeologist, approved by the County, shall conduct the testing and provide monitoring reports.
- ▲ Each test shall be preceded by a minimum of eight (8) hours of non-operation in FCMWC Well 1.
- ▲ A static depth to water measurement shall be collected and recorded following the period of non-operation and preceding the start of the test.
- ▲ Following the period of non-operation and collection of the static depth to water measurement, FCMWC Well 1 shall be pumped at the full capacity of the existing pumping equipment for a period of at least four (4) hours.
- ▲ Depth to water measurements shall be collected in FCMWC Well 1 throughout the four (4) hour test. Depth to water measurements shall be collected at least every ten (10) minutes throughout the test.

- ▲ Production volume and rate measurements shall be collected from the discharge of FCMWC Well 1 at least every ten (10) minutes throughout the test.
- ▲ The three Tenaya Lodge wells shall be maintained non-operational for a period of at least four (4) hours prior to the start of the test and shall remain non-operational for the first two (2) hours of the test.
- ▲ After the first two (2) hours of the test have elapsed, the Tenaya Lodge wells shall be turned on and allowed to operate at full capacity.
- ▲ The production rate and pumping depth to water measurements from FCMWC Well 1 shall be compared to previous test results.
 - This evaluation will compare each test to previous tests, and also compare the first two (2) hours of each test (when the Tenaya Lodge wells are not operating) to the first two (2) hours of previous tests, and the second two (2) hours of each test (when the Tenaya Lodge wells are pumping) to the second two (2) hours of previous tests.
 - The comparisons shall consider specific capacity information for incremental time steps during the test (e. g. every hour) and compare these data to those from the same time step in previous tests.
 - The results of each test shall be compared to the previous tests from that year and to the tests from the same month in previous years.
- ▲ A sustained reduction of over ten (10) percent of the capacity of FCMWC Well 1, measured either by a reduction in pumping rate or a reduction in specific capacity, shall trigger the need for implementation of water demand management measures at the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages. A sustained ten (10) percent reduction shall apply only to decreases in the capacity of the well when compared to prior years. Small seasonal changes in well production capacity are to be expected, and these shall not trigger implementation of water demand management measures.
- ▲ Any reduction of over twenty (20) percent of the capacity of FCMWC Well 1, either compared to previous months or the previous year, shall trigger implementation of water demand management measures at the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages.

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

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

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

- ▲ Adjust operation of the three existing wells in the Tenaya Lodge water system; alternate well pumping so that the Tenaya wells do not pump at the same time.
- ▲ Reduce the rates of pumping in three existing wells in the Tenaya Lodge water system.

- ▲ Reduce occupancy at the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages to reduce the total demand for water.
- ▲ Install additional water conservation devices throughout the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages to reduce the total demand for water.

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

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

Utilities and Public Services (Draft EIR Section 4.12)

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

Mitigation Measures

Mitigation Measure 4.12-2: Increase treated wastewater disposal capacity

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

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

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

Hazards and Hazardous Materials (Draft EIR Section 4.13)

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

Mitigation Measures

Mitigation Measure 4.13-3: Provide supplementary fire protection staff and equipment

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

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

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

The above requirements, or equivalent as approved by the Mariposa County Fire Department, shall be included in a fully executed agreement between the Fire Department and DN prior to the issuance of grading or building permit for the project.

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

Cumulative impacts to special-status wildlife species (Draft EIR Chapter 5)

Mitigation Measures

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

Finding: Implementation of Mitigation Measures 4.4-3 through 4.4-6, which have been required, will reduce the project's contribution to cumulative special-status wildlife resource impacts to a less-than-cumulatively-considerable level. Specifically, implementation of the Mitigation Measures 4.4-3 through 4.4-6, included in Draft EIR, will assist in reducing the proposed Project's contribution by avoiding, minimizing, and compensating for impacts to special-status species and their habitat. As a result, the project would result in a less-than-significant contribution to cumulative impacts related to distribution, breeding productivity, population viability, or the regional population of any special-

status species; or change in species diversity locally or regionally. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR page 5-5)

Cumulative impacts to sensitive habitats, wetlands, and waters

Mitigation Measures

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

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

Cumulative impacts on unique archaeological resources

Mitigation Measures

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

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

Cumulative impacts on human remains

Mitigation Measures

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

Finding: Implementation of Mitigation Measure 4.5-2, which has been required, will reduce the project's contribution to cumulative loss of undiscovered or unknown human remains to a less-than-cumulatively-considerable level. Specifically, this mitigation measure would offset the proposed Project's contribution through avoidance and protection of undiscovered or unknown human remains. The County, therefore, finds that changes or alterations have been required in, or

incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR page 5-7)

Cumulative greenhouse gas emissions and climate change

Mitigation Measures

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

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

Cumulative short-term construction-generated noise

Mitigation Measures

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

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

Cumulative long-term ambient noise levels

Mitigation Measures

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

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

Cumulative impacts of erosion or loss of topsoil

Mitigation Measures

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

Finding: Implementation of Mitigation Measure 4.11-2, which has been required, will reduce the project's contribution to cumulative erosion impacts to a less than cumulatively considerable level. Specifically, the project would require coverage by the statewide General Construction Permit, which requires implementation of BMPs, monitoring of numeric action levels, and adherence to a site-specific Stormwater Pollution Prevention Plan (SWPPP) prepared to address conditions at the site during construction. The water quality controls (BMPs) to be implemented consistent with applicable County and Central Valley RWQCB requirements are effective in protecting water quality. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. Further, the County finds that project changes or alterations are within the responsibility and jurisdiction of the Central Valley RWQCB related to the NPDES Construction General Permit. The County expects the Central Valley RWQCB to adopt project changes or alterations that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Draft EIR pages 5-11 and 5-12)

Cumulative impacts of water quality degradation: construction and operation

Mitigation Measures

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

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

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

Mitigation Measures

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

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

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

Mitigation Measures

Implement Mitigation Measure 4.11-3 (see analysis above regarding these mitigation measures).

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

Cumulative wastewater treatment

Mitigation Measures

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

Finding: Implementation of Measure 4.12-2, which has been required, will increase the wastewater disposal capacity in the Tenaya Lodge WWTP system to provide sufficient treated effluent disposal capacity for the Lodge, Cottages, and proposed Tenaya Cabins during all months of the year. Implementation of Mitigation Measure 4.12-2 will reduce the project's contribution to cumulative wastewater treatment to a less than cumulatively considerable level. Specifically, this measure requires that a total of 908 linear feet of additional leach line be installed at the Tenaya Lodge central leach field (637 linear feet with the project and an additional 271 per the *Report of Waste Discharge – Amendment No. 2 for Tenaya Lodge Wastewater Treatment Facility* [February 2017]) prior to the building permit final for the Tenaya Cabins Project. The separate wastewater treatment systems at Tenaya Lodge and Silver Tip would not affect each other and would not prevent compliance with Central Valley RWQCB requirements. Further, the Fish Camp TPA does not contain a community sewer and wastewater treatment system; residents and businesses rely on septic systems. Increased levels of effluent from the Silvertip Resort and the Tenaya Cabins Project would not require an expansion of existing septic systems such that residents or businesses in Fish Camp would be affected. The County, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. (Final EIR, page 6 of Consideration of New Project Information)

Cumulative wildfire hazard

Mitigation Measures

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

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

Section 3. Findings Associated with Project Alternatives

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

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

The EIR disclosed that there were two alternatives considered by the County, but rejected during the planning or scoping process (see also discussion in Draft EIR in Chapter 6, Alternatives Analysis). The applicant considered *alternative vehicular access* from the existing Tenaya Lodge, which would avoid an additional intersection with Highway 41. However, this was determined to be infeasible due to the steep topography between the existing Lodge and the project site. In addition, potentially jurisdictional wetlands have been identified between the Lodge and the project site; constructing a roadway to County requirements would result in greater impacts to sensitive wetland habitats and water quality than the proposed project. Furthermore, this alternative would not reduce traffic on Highway 41, and all project-related traffic and roadway safety impacts would be less than significant (no mitigation required). Therefore, vehicular access through the Tenaya Lodge was removed from consideration.

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

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

- ▲ Alternative 1: No Project – No Development Alternative, which assumes no new development occurs on the project site.
- ▲ Alternative 2: No Project – Fish Camp Town Planning Area Specific Plan Alternative, 1-acre Lots, which assumes development in accordance with existing land use designations and zoning under the Fish Camp Specific Plan (single family residential with one-acre lots). With consideration of environmental site constraints, this would include up to 20 single-family residential lots with up to 20 secondary units, and associated infrastructure.
- ▲ Alternative 3: No Project – Fish Camp Town Planning Area Specific Plan Alternative, 1/2-acre Lots, which assumes an amendment to the General Plan and Fish Camp TPA Specific Plan to change the land use designation for the project site from single-family residential with one acre lots to single-family residential with half-acre lots. This alternative then assumes development of residential on the half-acre lots in accordance with the Fish Camp TPA Specific Plan. With consideration of environmental site constraints, this would include up to 40 single-family residential lots with up to 40 secondary units and associated infrastructure.

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

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

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

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

Alternative 1: No Project – No Development Alternative

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

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

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

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

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

Description: Alternative 2 would involve development in accordance with the existing Fish Camp TPA Specific Plan land use designations for the project site. The site is zoned single family residential with one acre lots (SRF – 1 acre), which would allow for up to 26 units on Assessor's parcel number 010-350-008. However, the development of residential units would be constrained by the identified environmental site constraints: Rainbow Lake, the Big Creek flood zone, and the wetlands at the southern end of the project site. Based on Table 4.4-1 and Exhibit 4.4-1 in Section 4.4, "Biological Resources of this Draft EIR, streams, wetlands, and

other sensitive habitats account for 3.73 acres and the majority of the project site (22.52 acres) is currently undeveloped forest lands. Assuming that residential development would be focused on the undeveloped forested lands, it is assumed that approximately 20 one-acre residential lots would be possible, as shown on Draft EIR Exhibit 6-1. In addition, each of those residences could have a secondary unit, resulting in a maximum buildout of 40 units, although given typical development patterns, second units would be expected to be few. The remaining upland acreage would be required to develop associated infrastructure, including roads, utility connections and capacity, and public services. It is assumed that a single entry to/from Highway 41 would be constructed with a roadway looping through the site to provide access to the lots, as well as a secondary emergency access connection to Highway 41.

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

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

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

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

single entry to/from Highway 41 would be constructed with a roadway looping through the site to provide access to the lots, as well as a secondary emergency access connection to Highway 41.

Summary of Impacts: Alternative 3: No Project - Fish Camp Town Planning Area Specific Plan Alternative, 1/2-acre Lots, would reduce the project's less-than-significant land use impact and significant mitigable noise impact because this alternative would maintain the single-family residential land use and does not include a clubhouse or use of amplified sound. However, Alternative 3 would result in a maximum of 74 units, which would be greater than the proposed Project (54 cabins), on the same project site. Alternative 3 would result in similar impacts as the proposed project to biological resources, cultural resources, geology/soils/seismicity, hazards and hazardous materials, and visual resources because development would occur on the same project site. Alternative 3 would result in greater impacts to forestry, air quality, greenhouse gas emissions and climate change, hydrology and water quality, and utilities and public services because of the greater number of units, which would need septic systems or a new wastewater treatment plant unless private agreements could be made with the Tenaya Lodge for sewer connections for treatment at the Tenaya Lodge WWTP. The potential for development of septic systems or new treatment facilities would result in greater impacts due to additional construction, ground disturbance, and possible effluent discharge water quality concerns, particularly with septic systems located adjacent to Big Creek as well as the fractured groundwater basin, which is the source of potable water for the region. In addition, the greater number of units could result in a greater number of vehicle trips and construction disturbance, which would result in greater air and GHG emissions.

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

Alternative 4: Reduced Density Alternative (34 Units)

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

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

Finding: Pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), the Board finds that Alternative 4, the Reduced Density Alternative, would meet the project objectives and would result in similar impacts to the proposed project, but the reduction in development footprint, cabins, and visitor and employee population would reduce the severity of the impacts for multiple resources. Per

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

Section 4. Mitigation Monitoring and Reporting Program

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

Attachment A

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires public agencies to adopt a mitigation reporting or monitoring program for all projects for which an environmental impact report (EIR) has been prepared (Public Resources Code, Section 21081.6; State CEQA Guidelines, Section 15091). This is intended to ensure the implementation of all mitigation measures adopted through the CEQA process. Specifically, Section 21081.6(a)(1) of the Public Resources Code requires a lead or responsible agency to "... adopt a reporting or monitoring program for changes made to the project or conditions of project approval, adopted to mitigate or avoid significant effects on the environment."

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

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

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

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

Steve Engfer, Associate Planner
Mariposa County Planning Department
PO Box 2039 Mariposa, CA 95338
Telephone: (209) 966-5151
Fax number (209) 742-5024
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Tenaya Cabins Mitigation Monitoring and Reporting Program

Mitigation Measure	Agency Responsible for Monitoring and Verifying Compliance	Timing of Initial Action	Frequency and Duration of Monitoring	Compliance Verification/ Approval
4.4 Biological Resources				
<p>Mitigation Measure 4.4-3: Avoid and minimize impacts to special-status bird species. To minimize potential disturbance to nesting birds, vegetation removal, grading and other ground disturbing activities associated with construction of the project shall occur during the non-breeding season (September 1-February 28), unless it is not feasible to do so, in which case the following measures shall also be applied.</p>	<p>Mariposa County Planning Department CDFW</p>	<p>Construction shall occur September 1 – February 28.</p> <p>or, if not feasible:</p>	<p>Construction schedule to be submitted to and approved by the County</p>	
<p>If construction activity is scheduled to occur during the nesting season (February 28 to September 1), a qualified biologist shall conduct preconstruction surveys to identify active special-status bird nests within the project site that could be affected by project construction. Surveys shall be performed before activities occur (e.g., grading, tree removal, trenching, construction) and no less than 14 days and no more than 30 days before the beginning of activity. If no nests are found, no further mitigation is required.</p>		<p>No less than 14 days and no more than 30 days before construction activities: preconstruction surveys</p>	<p>Completion prior to the start of construction activities</p>	
<p>If active nests are found, impacts on special-status bird species shall be avoided by establishment of appropriate buffers around the nests, as determined by a qualified biologist in consultation with CDFW. No project activity shall commence within the buffer area until a qualified biologist confirms that any young have fledged or the nest is no longer active. A 50-foot buffer around olive-sided flycatcher and Vaux’s swift nests are generally adequate to protect them from disturbance, but the size of the buffer may be adjusted by a qualified biologist in consultation with CDFW depending on site specific conditions and species sensitivity to disturbance. Monitoring of the nest by a qualified biologist during construction activities may be required to determine if activity has potential to adversely affect the nest, and to allow for increased buffer size or other measures to avoid impacts to the nest.</p>		<p>And, if active nests are found: Prior to initiation of construction activities: establish buffer zones Construction: monitoring</p>	<p>Until nest is no longer active</p>	
<p>Mitigation Measure 4.4-4: Avoid and minimize impacts to fisher. Although the USFWS has determined that the West Coast DPS of fisher does not require the protection of the ESA, the USFWS has recommended that a conference assessment be prepared and a conference report or conference opinion be obtained from the USFWS (Nagano, pers. comm., 2016). Because of this recommendation, reference to the USFWS is included in the following mitigation.</p> <p>The five trees previously identified as containing cavities that are potentially suitable for fisher den sites, and all trees along the utility corridor that contain suitable cavities that were not previously surveyed for potential den sites, shall be surveyed (using trail cameras) no more than 7 days before the initiation of construction activities within 0.25 miles of potentially suitable den sites to determine whether there are occupied dens. The protocol for pre-construction surveys of potential den sites shall be developed in coordination with CDFW and USFWS. If no occupied dens are detected then no further mitigation is required.</p>	<p>Mariposa County Planning Department USFWS CDFW</p>	<p>Preconstruction survey to be completed no more than 7 days before the initiation of construction</p>	<p>Completion prior to the start of construction activities.</p>	

Tenaya Cabins Mitigation Monitoring and Reporting Program

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

Tenaya Cabins Mitigation Monitoring and Reporting Program

Mitigation Measure	Agency Responsible for Monitoring and Verifying Compliance	Timing of Initial Action	Frequency and Duration of Monitoring	Compliance Verification/ Approval
<p>Mitigation Measure 4.4-6: Avoid and mitigate for impacts to Yosemite toad. Construction limits in suitable habitat for Yosemite toad (e.g., wet meadow) shall be clearly demarcated with high visibility construction fencing to minimize the disturbance area. No construction activities, including staging or stockpiling materials, shall occur outside of the construction limits.</p> <p>Before any construction activities begin, a qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training session shall include a description of Yosemite toad and its habitat, natural history, legal status, general measures that are being implemented to conserve Yosemite toad as they relate to the project, and the boundaries within which the project may be accomplished. Instructions on actions to take if a toad is encountered on the project site shall be provided, including name and phone number of biological monitor and USFWS contact information.</p>	<p>Mariposa County Planning Department USFWS</p>	<p>Prior to any construction or grading: training session</p>	<p>Completion prior to the start of construction activities</p>	
<p>A qualified biologist shall survey the work site two weeks before the onset of activities in areas of suitable habitat for Yosemite toad (e.g., wet meadow). The pre-construction surveys shall focus on areas that toads may occupy, such as mammal burrows and cover areas under rocks, and shall identify eggs, tadpoles, juvenile, and adult lifestages.</p>		<p>Two weeks before the onset of activities in areas of suitable habitat: preconstruction survey</p>	<p>Completion prior to the start of construction activities</p>	
<p>If a Yosemite toad is found on the project site, all construction activities in areas of potential habitat shall halt and USFWS shall be contacted. The project shall comply with requirements of the Endangered Species Act to exempt take of Yosemite toad, which may require additional conservation measures such as:</p> <ul style="list-style-type: none"> ▲ Delaying construction within wet meadow habitat until the meadow is dry to allow juvenile toads to disperse. ▲ Excluding toads from the work site, by installing a fabric silt fence that is monitored and maintained for the duration of construction activities between the work area and the adjacent habitat. ▲ Having a biological monitor on-site during construction to monitor the work areas for Yosemite toads. 		<p>If necessary during construction: implement ESA permit measures</p>	<p>Ongoing during construction</p>	
<p>Mitigation Measure 4.4-7: Avoid and mitigate for impacts to sensitive habitats, wetlands, and waters. As a first priority, the project applicant shall seek to avoid impacts to sensitive habitats through project design, setbacks, and other avoidance measures.</p> <ul style="list-style-type: none"> ▲ To avoid temporary impacts to the water quality of wet meadow in the vicinity of the clubhouse and boardwalk, no vehicles or equipment shall be refueled within 100 feet of jurisdictional areas unless a bermed and lined refueling area is constructed. Spill kits shall be maintained on the site in sufficient quantity to accommodate at least three complete vehicle tank failures of 50 gallons each. Any vehicles driven or operated within or adjacent to drainages or wetlands shall be checked and maintained daily to prevent leaks. No vehicles or construction equipment shall be stored overnight within 100 feet of jurisdictional areas unless drip pans or ground covers are used. ▲ In addition, a minimum 25-foot construction setback shall be observed, where feasible, from the outer edge of all wet meadow and forested/shrub wetland/riparian communities, as shown in 	<p>Mariposa County Planning Department USACE</p>	<p>Project design: impact avoidance</p>	<p>Application review</p>	

Tenaya Cabins Mitigation Monitoring and Reporting Program

Mitigation Measure	Agency Responsible for Monitoring and Verifying Compliance	Timing of Initial Action	Frequency and Duration of Monitoring	Compliance Verification/ Approval
<p>Exhibit 4.4-1. Setbacks shall be fenced or flagged before construction occurs in adjacent areas. In areas where a setback is not feasible, such as for the construction of the boardwalk and clubhouse, encroachment of the work area into wet meadow habitats will be kept to a minimum and similarly flagged or fenced. If a 25 foot buffer is not feasible a reduced setback may be utilized in other areas of the project site if approved by a qualified biologist.</p> <ul style="list-style-type: none"> ▲ To facilitate site management and ensure avoidance of sensitive habitats, all wetlands, riparian areas and streams and their setback areas shall be clearly delineated on plan sets. No construction or operation-related vehicular access shall occur through wetlands, riparian areas, or streams. A biological monitor shall be present during construction to ensure the setback areas are avoided. 				
<p>If impacts to jurisdictional wetlands or other waters of the United States is not possible, the project applicant shall implement the following measures to compensate for the loss of wetlands and other waters of the United States.</p> <ul style="list-style-type: none"> ▲ The preliminary wetland delineation shall submitted to and verified by USACE. If, based on the verified delineation, it is determined that fill of waters of the United States would result from project implementation, authorization for such fill shall be secured from USACE. ▲ Based on the 0.01acre permanent impact identified, the project may qualify for use of a Nationwide Permit if required criteria are met. ▲ For those wetlands that cannot be avoided, the project applicant shall replace all wetland habitat at acreage and location agreeable to USACE and the RWQCB and as determined during the Section 401 and Section 404 permitting processes, and shall implement all permit conditions. 	<p>Mariposa County Planning Department USACE</p>	<p>Prior to any construction or grading: permit approval</p> <p>Construction: implement permit conditions (buffers/monitoring)</p>	<p>Permit approval prior to the start of construction activities</p> <p>Ongoing during construction</p>	
<p>4.5 Cultural Resources</p>				
<p>Mitigation Measure 4.5-1a: Conduct archaeological monitoring outside of P 22 594/CA-MRP-280/H. Archaeological monitoring will be conducted in areas outside of site P-22-594/CA-MRP-280/H where there is likelihood that archaeological remains may be discovered but where those remains are not visible on the surface (per the confidential Cultural Resources Assessment on file at the county). Where necessary, the project proponent will seek Native American input and consultation.</p> <p>Mitigation Measure 4.5-1b: Stop work in the event of an archaeological discovery outside of P 22 594/CA-MRP-280/H. If potentially significant cultural resources are discovered outside of site P-22-594/CA-MRP-280/H during ground-disturbing activities associated with individual project preparation, construction, or completion, the project proponent will require the construction contractor to stop work in that area until a qualified archaeologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with appropriate agencies and interested parties. A qualified archaeologist will follow accepted professional standards in recording any find including submittal of the standard California Department of Parks and Recreation (DPR) Primary Record forms (Form DPR 523) and location information to the California Historical Resources Information Center office (Central California Information Center) for California projects. The</p>	<p>Mariposa County Planning Department</p>	<p>Construction: during earth-disturbing activities</p>	<p>Continuously during construction-related earth-moving activities</p>	

Tenaya Cabins Mitigation Monitoring and Reporting Program

Mitigation Measure	Agency Responsible for Monitoring and Verifying Compliance	Timing of Initial Action	Frequency and Duration of Monitoring	Compliance Verification/ Approval
<p>consulting archaeologist will also evaluate such resources for significance per CRHR eligibility criteria (PRC Section 5024.1; Title 14 CCR Section 4852).</p> <p>If the archaeologist determines that the find does contain temporally diagnostic materials and does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, the lead agency will be notified and a data recovery plan will be prepared.</p>				
<p>Mitigation Measure 4.5-2: Stop work if human remains are discovered. California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097.</p> <p>If human remains are discovered during any demolition/construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the project applicant shall notify the Mariposa County coroner and the NAHC immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. If the remains are determined by the NAHC to be Native American, the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant (MLD), if any, identified by the NAHC. Following the coroner’s findings, the archaeologist, and the NAHC-designated MLD shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section 5097.94.</p>	<p>Mariposa County Planning Department NAHC</p>	<p>Construction: during earth-disturbing activities</p>	<p>Continuously during construction-related earth-moving activities</p>	
<p>Mitigation Measure 4.5-4: Memorialize the cultural values of the project site through public education. Delaware North, the project applicant, shall further consult with the Picayune Rancheria of the Chukchansi Indians to plan, design, agree on the content, and implement the following:</p> <ol style="list-style-type: none"> a. Cultural Resource Interpretative Program (Program) for the Tenaya Cabins Project site, which shall include: <ol style="list-style-type: none"> i. cultural resource interpretive display(s) inside the clubhouse, ii. cultural resource seminar(s) or workshop(s) for interested groups, and/or iii. cultural resource brochures and/or handouts for the patrons and public. <p>The primary goal of the Program shall be to educate the public on the cultural history of the Fish Camp area, particularly the Chukchansi Indians and their history in the region, as well as the significance of environmental resources to their culture.</p>	<p>Mariposa County Planning Department Department of Museums</p>	<p>Prior to the issuance of a grading or building permit program approval</p>	<p>Verification of installation of interpretive display(s) and brochure(s) prior to the certificate of occupancy of project clubhouse or cabins</p>	

Tenaya Cabins Mitigation Monitoring and Reporting Program

Mitigation Measure	Agency Responsible for Monitoring and Verifying Compliance	Timing of Initial Action	Frequency and Duration of Monitoring	Compliance Verification/ Approval
<p>The agreement for the Tenaya Cabins Cultural Resource Interpretive Program between the Tribe and Delaware North shall be submitted to, and approved by the County Planning Director prior to the issuance of a grading or building permit for the project. The Program shall define the location, material type(s), and dimensions of any/all displays proposed. The Program shall establish the themes, text, and images for all displays and brochures. The agreement shall define the financial obligation of Delaware North related to the display(s) and brochures/handouts and their maintenance. Delaware North shall make space available for cultural resource seminars/workshops, but shall not be financially responsible for their implementation. The Cultural Resource Interpretive Program agreement shall be submitted to, and approved by, the Planning Director. The County shall be responsible for verification of installation of interpretive display(s) and brochure(s) prior to the certificate of occupancy of project clubhouse or cabins.</p>				
<p>4.8 Greenhouse Gas Emissions and Climate Change</p>				
<p>Mitigation Measure 4.8-1: Incorporate design features into project to be consistent with the Scoping Plan. To achieve consistency with the California Light-Duty Vehicle Greenhouse Gas Standards, the applicant shall:</p> <ul style="list-style-type: none"> ▲ Install, at a minimum, two onsite electric charging stations for use by guests and employees to encourage use of plug-in electric and hybrid vehicles. 	<p>Mariposa County Planning Department</p>	<p>Prior to the issuance of a grading or building permit: plan approval</p>	<p>Verification of installation prior to the certificate of occupancy of project clubhouse or cabins</p>	
<p>4.9 Noise</p>				
<p>Mitigation Measure 4.9-2: Reduce noise exposure to sensitive receptors from new stationary noise sources. The project applicant shall implement the following measures to reduce the effect of noise levels generated by onsite stationary noise sources:</p> <ul style="list-style-type: none"> ▲ Routine testing and preventive maintenance of the emergency diesel generator shall be conducted during the less sensitive daytime-business hours (i.e., 7:00 a.m. to 5:00 p.m.). The generator shall be equipped with noise control (e.g., muffler) devices in accordance with manufacturers' specifications. ▲ External mechanical equipment, including the diesel powered emergency generator, shall incorporate features designed to reduce noise emissions below the County stationary noise source criteria standards (i.e., 55 dB Leq during daytime hours and 45 dB Leq during nighttime hours). These features may include, but are not limited to, locating equipment within equipment rooms or enclosures that incorporate noise reduction features, such as acoustical louvers, and exhaust and intake silencers. Equipment enclosures shall be oriented so that major openings (i.e., intake louvers, exhaust) are directed away from nearby noise-sensitive receptors. ▲ The clubhouse speaker system shall be located, oriented, and calibrated so that it operates at noise levels that do not exceed County standards (i.e., 50 dB Leq during daytime hours and 40 dB Leq during nighttime hours) at any existing or planned sensitive receptor. 	<p>Mariposa County Planning Department</p>	<p>Prior to issuance of any grading or building permits: complete study</p> <p>Prior to certificate of occupancy of project clubhouse or cabin: verify equipment installation</p> <p>Operations: monitor equipment</p>	<p>Prior to issuance of any grading or building permits for the project</p> <p>Verification of installation prior to the certificate of occupancy of project clubhouse or cabins</p> <p>Yearly throughout project operations</p>	

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<p>To ensure that Mariposa County noise performance standards for non-transportation noise sources are not exceeded at any nearby sensitive land uses the project applicant shall comply with the following:</p> <ul style="list-style-type: none"> ▲ Prior to issuance of any grading or building permits for the project, a site specific noise study shall be submitted by a qualified acoustical engineer addressing County noise performance standards for non-transportation noises at the surrounding off-site sensitive receptors within 800 feet of the project site. ▲ A qualified acoustic specialist shall be selected by the County and hired at the project applicant's expense to verify the effectiveness of all noise reduction measures. The noise study shall use approved calculation methodologies and include recommendations and measures to ensure compliance with County standards. A copy of the report shall be filed with the County and copies shall be provided to all off-site residential receptors located within 800 feet of the project site. If through this mitigation measure it is determined that the reduction of sound at the surrounding sensitive receptors associated with the implementation of mitigation measures is not sufficient to comply with County standards, then the stationary noise source shall not be permitted. ▲ As part of the site-specific noise study, the applicant shall assess the level of noise generated by the clubhouse speaker system to ensure that it does not exceed County standards (i.e., 50 dB Leq during daytime hours and 40 dB Leq during nighttime hours) at any sensitive receptor. The speaker locations and settings shall be reviewed and approved by the County. The clubhouse speaker system shall be recalibrated once a year to ensure that it continues to operate in compliance with the County noise standards. The results of the calibration, including monitored noise levels, shall be provided to the County. If an exceedance of County standards occurs, the speaker system shall be recalibrated, volumes shall be lowered if necessary, and the system shall be re-reviewed by the County to demonstrate compliance with the County standards. 				
<p>Mitigation Measure 4.9-4: Restrict construction hours and apply noise-reducing mufflers to construction equipment. The County shall require the applicant to implement the following noise reduction measures during construction activities:</p> <ul style="list-style-type: none"> ▲ All construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. for Monday through Friday and 9:00 a.m. to 8:00 p.m. on weekends and legal holidays. ▲ All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer recommendations. Equipment engine shrouds shall be closed during equipment operation. 	<p>Mariposa County Planning Department</p>	<p>Construction phase</p>	<p>Continuously during project construction</p>	

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4.10 Geology and Soils				
<p>Mitigation Measure 4.10-2: Prepare and implement a stormwater pollution prevention plan. The project applicant shall implement Mitigation Measure 4.11-1, as required in the Final EIR. The project would require coverage by the statewide General Construction Permit. The General Construction Permit requires implementation of BMPs, monitoring of numeric action levels, and adherence to a site-specific Stormwater Pollution Prevention Plan (SWPPP) prepared to address conditions at the site during construction. Therefore, the project applicant shall prepare and implement a SWPPP, as described in Mitigation Measure 4.11-1.</p>	<p>Mariposa County Planning Department RWQCB</p>	<p>Prior to any construction or grading: SWPPP Construction: BMP implementation</p>	<p>Prior to construction Continuously during project construction</p>	
4.11 Hydrology and Water Quality				
<p>Mitigation Measure 4.11-1: Prepare and implement a stormwater pollution prevention plan. As described in Section 4.11.1, above, the project would require coverage by the statewide General Construction Permit. The General Construction Permit requires implementation of BMPs, monitoring of numeric action levels, and adherence to a site-specific SWPPP prepared to address conditions at the site during construction. Therefore, the project applicant shall prepare a SWPPP, which shall include measures such as the following:</p> <ul style="list-style-type: none"> ▲ Temporary BMPs to prevent the transport of earthen materials and other construction waste materials from disturbed land areas, stockpiles, and staging areas during periods of precipitation or runoff, including: filter fences, fiber rolls, erosion control blankets, mulch (such as pine needles and wood chips); and temporary drainage swales and settling basins. ▲ Designated contractor staging areas for materials and equipment storage outside of riparian areas. Designated staging and storage areas would be protected by construction fencing and/or silt barriers, as appropriate. Following project completion, all areas used for staging would be stabilized or revegetated. ▲ Temporary BMPs to prevent the tracking of earthen materials and other waste materials from the project site to offsite locations, including stabilized points of entry/exit for construction vehicles/equipment and designated vehicle/equipment rinse stations, and sweeping. ▲ Temporary BMPs to prevent wind erosion of earthen materials and other waste materials from the project site, including routine application of water to disturbed land areas and covering of stockpiles with plastic or fabric sheeting. ▲ To avoid temporary impacts to the water quality of wet meadow in the vicinity of the clubhouse and boardwalk, no vehicles or equipment shall be refueled within 100 feet of jurisdictional areas unless a bermed and lined refueling area is constructed. Spill kits shall be maintained on the site in sufficient quantity to accommodate at least three complete vehicle tank failures of 50 gallons each. Any vehicles driven or operated within or adjacent to drainages or wetlands shall be checked and maintained daily to prevent leaks. No vehicles or construction equipment shall be stored overnight within 100 feet of jurisdictional areas unless drip pans or ground covers are used. In addition, a minimum 25-foot setback shall be observed from the outer edge of all wet meadow and forested/shrub wetland/riparian communities (see Exhibit 4.4-1). Setbacks shall be fenced or flagged before construction occurs in adjacent areas. If a 25 foot buffer is not feasible a reduced 	<p>Mariposa County Planning Department RWQCB</p>	<p>Prior to any construction or grading: SWPPP Construction: BMP implementation</p>	<p>Prior to construction Continuously during project construction</p>	

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Mitigation Measure	Agency Responsible for Monitoring and Verifying Compliance	Timing of Initial Action	Frequency and Duration of Monitoring	Compliance Verification/ Approval
<p>setback may be utilized if approved by a qualified biologist.</p> <ul style="list-style-type: none"> ▲ Temporary BMPs to capture and contain pollutants generated by concrete construction including lined containment for rinsate to collect runoff from washing concrete delivery trucks and equipment. ▲ Protective fencing to prevent damage to trees and other vegetation to remain after construction, including tree protection fencing and individual tree protection such as protective casings of wood slats around the bases of trees. ▲ Temporary BMPs for the containment or removal of drilling spoils generated from construction of bridge foundations and abutments. ▲ Daily inspection and maintenance of temporary BMPs to ensure proper function. The prime contractor would be required to maintain a daily log of Temporary Construction BMP inspections and keep the log onsite during project construction, available for review by the Central Valley RWQCB and Mariposa County. ▲ Tree removal activities, including the dropping of trees, would be confined to the construction limit boundaries. ▲ Construction boundary fencing to limit disturbance and prevent access to areas not under active construction. 				
<p>Mitigation Measure 4.11-2: Install permanent stormwater controls and water quality BMPs. The project applicant shall implement the following stormwater controls and water quality BMPs:</p> <ul style="list-style-type: none"> ▲ Best management practices for the containment and isolation of products, and use of non-toxic products whenever possible would reduce the quantity of contaminants exposed to stormwater. ▲ Recognizing that in some instances it is impossible to isolate all contaminants from stormwater discharges, stormwater controls shall be implemented to reduce the amount of runoff that discharges directly to surface water. Water quality treatment facilities/best management practices (BMPs)/low impact development (LID) measures shall be designed according to the guidance of the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development/Redevelopment, and for Industrial and Commercial as well as the Mariposa County Erosion and Sedimentation Policies for Construction Activities and the Specific Plan Topography and Soil Erosion requirements. Final site plans shall illustrate stormwater controls and water quality BMPs as a condition of project approval. ▲ Storm drainage from on- and offsite impervious surfaces (including roads) shall be collected and routed through specially designed vegetated swales, infiltration trenches, water quality inlets, detention basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants. BMPs shall be designed at a minimum in accordance with the Mariposa County Erosion and Sedimentation Policies for Construction Activities and the Specific Plan Topography and Soil Erosion requirements. ▲ No stormwater controls or BMPs shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals. 	<p>Mariposa County Planning Department</p>	<p>Project design: final site plans</p>	<p>Plan to be approved prior to the issuance of a grading or building permit for the project.</p>	

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Mitigation Measure	Agency Responsible for Monitoring and Verifying Compliance	Timing of Initial Action	Frequency and Duration of Monitoring	Compliance Verification/ Approval
<p>All BMPs shall be maintained as required to insure effectiveness. The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation. Proof of ongoing maintenance, such as contractual evidence, shall be provided to Mariposa County upon request. Maintenance of these facilities shall be provided by the project owner/permittee. Contractual evidence of a monthly parking lot sweeping and vacuuming, and catch basin cleaning program shall be provided upon request. Failure to do so will be grounds for discretionary permit revocation.</p>		<p>Operations: maintain stormwater controls/BMPs</p>	<p>Ongoing during operations: proof of maintenance to be provided to Mariposa County upon request</p>	
<p>Mitigation Measure 4.11-3: Prepare and implement a final drainage report that reduces runoff to pre-project conditions. As part of the project approval process, the applicant shall submit a Drainage Report prepared by a Registered Civil Engineer that addresses at minimum:</p> <ul style="list-style-type: none"> ▲ written text addressing existing conditions, ▲ the effects of the proposed improvements, ▲ all appropriate calculations, ▲ watershed maps, ▲ changes in flows and patterns, and ▲ proposed on- and off-site improvements to accommodate flows from the project. <p>The final Drainage Report shall provide details showing that stormwater run-off shall be reduced to pre-project conditions (no net increase in runoff) through the installation of retention/detention facilities. Retention/detention facilities shall be designed to the satisfaction of the Mariposa County Public Works Department. The County may, after review of the project final drainage report, delete this requirement if it is determined that drainage conditions do not warrant installation of this type of facility. Maintenance of detention facilities by the property owner, or entity responsible for project maintenance shall be required.</p> <p>No retention/detention facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.</p>	<p>Mariposa County Planning Department</p>	<p>Project design: final site plans</p> <p>Operations: maintain stormwater controls/BMPs</p>	<p>Plan to be approved prior to the issuance of a grading or building permit for the project.</p> <p>Ongoing during operations: proof of maintenance to be provided to Mariposa County upon request</p>	
<p>Mitigation Measure 4.11-4: Prepare and implement well monitoring program. The County shall require documentation of an agreement between DN and FCMWC that describes and identifies the specific responsibilities of both parties for implementation of a monitoring program for FCMWC Well 1. The monitoring program shall, at a minimum, include short duration pumping tests to assess production capacity and pumping water levels. The agreement between DN and FCMWC shall document that tests will be completed on a monthly basis during the months of August, September, and October and shall include the following:</p> <ul style="list-style-type: none"> ▲ Delaware North shall coordinate with FCMWC to test FCMWC Well 1 once a month during the months of August, September, and October. A qualified well driller, hydrologist or hydrogeologist, approved by the County, shall conduct the testing and provide monitoring reports. ▲ Each test shall be preceded by a minimum of eight (8) hours of non-operation in FCMWC Well 1. ▲ A static depth to water measurement shall be collected and recorded following the period of non- 	<p>Mariposa County Planning Department FCMWC</p>	<p>Initiated in advance of project construction/completion and during operations: Monthly during August, September, and October</p>	<p>Prior to and ongoing during project operations: for five (5) years. If there is no defined drought during that five (5) year period, then Delaware North, FCMWC, and Mariposa County may extend the monitoring for a</p>	

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Mitigation Measure	Agency Responsible for Monitoring and Verifying Compliance	Timing of Initial Action	Frequency and Duration of Monitoring	Compliance Verification/ Approval
<p>operation and preceding the start of the test.</p> <ul style="list-style-type: none"> ▲ Following the period of non-operation and collection of the static depth to water measurement, FCMWC Well 1 shall be pumped at the full capacity of the existing pumping equipment for a period of at least four (4) hours. ▲ Depth to water measurements shall be collected in FCMWC Well 1 throughout the four (4) hour test. Depth to water measurements shall be collected at least every ten (10) minutes throughout the test. ▲ Production volume and rate measurements shall be collected from the discharge of FCMWC Well 1 at least every ten (10) minutes throughout the test. ▲ The three Tenaya Lodge wells shall be maintained non-operational for a period of at least four (4) hours prior to the start of the test and shall remain non-operational for the first two (2) hours of the test. ▲ After the first two (2) hours of the test have elapsed, the Tenaya Lodge wells shall be turned on and allowed to operate at full capacity. ▲ The production rate and pumping depth to water measurements from FCMWC Well 1 shall be compared to previous test results. <ul style="list-style-type: none"> ▼ This evaluation will compare each test to previous tests, and also compare the first two (2) hours of each test (when the Tenaya Lodge wells are not operating) to the first two (2) hours of previous tests, and the second two (2) hours of each test (when the Tenaya Lodge wells are pumping) to the second two (2) hours of previous tests. ▼ The comparisons shall consider specific capacity information for incremental time steps during the test (e. g. every hour) and compare these data to those from the same time step in previous tests. ▼ The results of each test shall be compared to the previous tests from that year and to the tests from the same month in previous years. ▲ A sustained reduction of over ten (10) percent of the capacity of FCMWC Well 1, measured either by a reduction in pumping rate or a reduction in specific capacity, shall trigger the need for implementation of water demand management measures at the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages. A sustained ten (10) percent reduction shall apply only to decreases in the capacity of the well when compared to prior years. Small seasonal changes in well production capacity are to be expected, and these shall not trigger implementation of water demand management measures. ▲ Any reduction of over twenty (20) percent of the capacity of FCMWC Well 1, either compared to previous months or the previous year, shall trigger implementation of water demand management measures at the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages. <p>This monitoring program shall be initiated as far as possible in advance of completion of project construction. Collection of baseline pumping rate and water level data from FCMWC Well 1 before the project becomes operational will improve the usefulness and reliability of the monitoring data.</p>			<p>second five (5) year period, not to exceed a total of ten (10) years.</p>	

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<p>The FCMWC Well 1 monitoring program shall be implemented for five (5) years. If there is no defined drought during that five (5) year period, then Delaware North, FCMWC, and Mariposa County may extend the monitoring for a second five (5) year period, not to exceed a total of ten (10) years.</p> <p>If triggered as a result of the FCMWC Well 1 monitoring program described above, DN shall implement one or more of the following water demand management measures at the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages to incrementally reduce groundwater pumping until supplemental monitoring of FCMWC Well 1 shows no residual reduction in the production capacity.</p> <ul style="list-style-type: none"> ▲ Adjust operation of the three existing wells in the Tenaya Lodge water system; alternate well pumping so that the Tenaya wells do not pump at the same time. ▲ Reduce the rates of pumping in three existing wells in the Tenaya Lodge water system. ▲ Reduce occupancy at the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages to reduce the total demand for water. ▲ Install additional water conservation devices throughout the Tenaya Cabins, Tenaya Lodge, and Tenaya Cottages to reduce the total demand for water. <p>If no agreement is reached between DN and FCMWC, then the mitigation measure requirements established for this monitoring program shall be followed as much as is determined to be possible pursuant to existing easement agreements recorded as Documents No. 932101, No. 932100, and No. 2057098, Mariposa County Records.</p>				
<p>4.12 Utilities and Public Services</p>				
<p>Mitigation Measure 4.12-2: Increase treated wastewater disposal capacity. Prior to the building permit final for the Tenaya Cabins, DN shall install a total of 908 linear feet of additional leach line at the Tenaya Lodge central leach field, including the 637 linear feet identified in the project and 271 linear feet identified in the <i>Report of Waste Discharge – Amendment No. 2 for Tenaya Lodge Wastewater Treatment Facility</i> (February 2017).</p> <p>DN shall comply with all Central Valley RWQCB waste discharge requirements (WDRs) applied to the Tenaya Lodge WWTP under the State Water Resources Control Board’s <i>General Waste Discharge Requirements for Discharges to Land by Small Domestic Wastewater Treatment Systems Order WQ-2014-0153-DWQ</i> (General Order).</p>	<p>Mariposa County Planning Department</p> <p>Central Valley RWQCB</p>	<p>Leach line installation: Prior to building permit final</p> <p>Operations: comply with waste discharge requirements</p>	<p>Leach line installation: Prior to building permit final</p> <p>Ongoing during operations: comply with waste discharge requirements</p>	
<p>4.13 Hazards and Hazardous Materials</p>				
<p>Mitigation Measure 4.13-3: Provide supplementary fire protection staff and equipment. Prior to operation of the Tenaya Cabins Project, DN shall provide a minimum of two trained and certified emergency staff on premises or in the Fish Camp community and available to respond to emergencies at all times. The supplementary staff would be trained to meet Mariposa County Fire Department Volunteer Fire Service standards. Staffing may be provided by Tenaya Lodge employees who have completed the required training.</p>	<p>Mariposa County Fire Department</p>	<p>Prior to issuance of grading or building permit: agreement</p>	<p>Agreement prior to issuance of grading or building permit</p>	

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<p>DN shall provide personal protection equipment (PPE) and positive communication equipment for all firefighting and emergency service personnel provided by DN. PPE and communication equipment shall be stored in a central, secure location. Communication systems shall permit uninterrupted contact between all firefighters at all times and at all locations on or within the property. In addition, there shall be positive communication at all times between a fire officer and recognized Emergency Command Center (ECC). All equipment required shall be approved by and become property of Mariposa County and maintained per manufacturer and National Fire Protection Association (NFPA) standards by DN.</p> <p>DN and Mariposa County shall negotiate a mutually-agreeable project contribution to support the Mariposa County Fire Department apparatus inventory. This shall be included as a condition of permitting for the project. The above requirements, or equivalent as approved by the Mariposa County Fire Department, shall be included in a fully executed agreement between the Fire Department and DN prior to the issuance of grading or building permit for the project.</p>		<p>Prior to the certificate of occupancy of project clubhouse or cabins: staff and equipment available</p>	<p>Verification of staff and equipment prior to the certificate of occupancy of project clubhouse or cabins</p>	
<p>4.14 Visual Resources</p>				
<p>Mitigation Measure 4.14-1: Provide Vegetative Screening. If tree die-off occurs on the project site to the extent that the visibility of built structures becomes prominent, as determined by the County, the applicant/operator shall plant a visual screen that effectively mutes the visibility. A planting plan shall be prepared by a landscape architect and be approved by the County; it shall use native tree and vegetation species and shall identify the sizes of plantings. Plantings shall be irrigated with recycled water and monitored for establishment for five (5) years. If plantings die, they shall be replaced on a one-to-one ratio until established. Irrigation shall meet the 2015 Model Water Efficient Landscape Ordinance (CCR Title 23, Chapter 2.7), as verified by Mariposa County.</p>	<p>Mariposa County Planning Department</p>	<p>If built structures visibility becomes prominent, as determined by the County.</p>	<p>5-year monitoring for tree establishment</p>	