

# ADDENDUM TO FINAL Environmental Impact Report

SilverTip Resort Village Project  
SCH #99091106

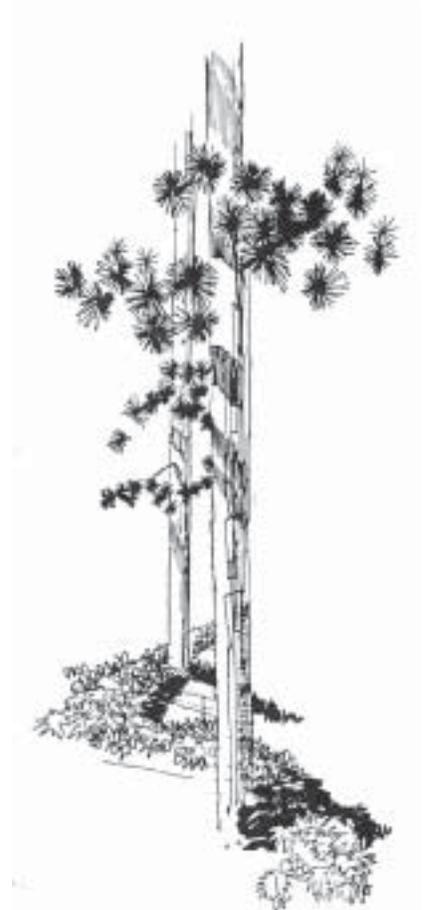
Prepared for:  
County of Mariposa  
Lead Agency  
c/o Mariposa County

Prepared by:  
Quad Knopf, Inc.

March, 2003



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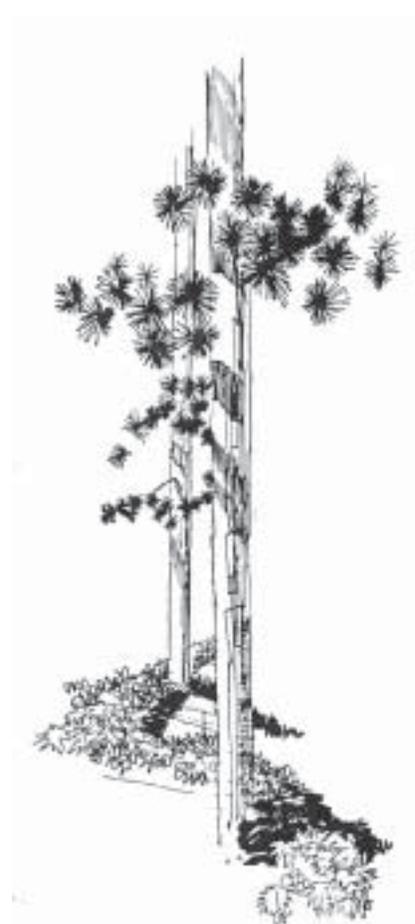
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March, 2003



# **ADDENDUM**

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# **INTRODUCTION**

This Addendum to the Final EIR for the SilverTip Resort Village Project Environmental Impact Report (SCH #99091106) has been prepared to correct an omission in the previously released Final EIR. It was discovered after publication of the Final EIR that the Responses to Comments received at the Mariposa County Planning Commission Meeting of September 15, 2001 were inadvertently omitted from the published document. The omitted responses are provided herein as an “Addendum” to “Chapter Five, Statements” of the Final EIR.

In addition to the Addendum, “Chapter Two, Overview of Comments Received” and the “Table of Contents” of the Final EIR are reprinted to include references to the September 15, 2001 Planning Commission Meeting.

Ten people spoke at the September 15, 2001 Planning Commission Meeting. Addendum to Chapter Five provides a summary of their comments and responses, per the requirements of the California Environmental Quality Act.

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### **Document 3 – Appendices A & B**

#### Appendices

Appendix A	Exhibits A through U to Letter 70
Appendix B	Exhibits I through 39 to Letter 70

### **Document 4 – Appendices C through I**

Appendix C	Exhibits 40 through 72 to Letter 70
Appendix D	CRWQCB Letter dated January 24, 2002
Appendix E	Transcript of August 25, 2001 Fish Camp Advisory Council meeting
Appendix F	Letter from Felger & Associates dated January 2, 2003
Appendix G	STR Chart (Average Year Precipitation)
Appendix H	STR Chart (100-year Return Frequency Precipitation)
Appendix I	Annual Report - Average Effluent Total Nitrogen (mg/L)(2001)

### **Document 5 – Appendices J & K**

Appendix J	Exhibits A through H to Letter 20
Appendix K	Documents I through 24 - Presentation by Jeff Dintzer, September 21, 2001

### **Addendum to Final Environmental Impact Report, March 2003**

# **CHAPTER TWO**

## **OVERVIEW OF COMMENTS RECEIVED**

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

CEQA requires public disclosure in an EIR of all project environmental effects and encourages public participation throughout the EIR process. As stated in §15299 of the CEQA Guidelines, the purposes of public review of environmental documents are:

- 1) sharing expertise
- 2) disclosing agency analyses
- 3) checking for accuracy
- 4) detecting omissions
- 5) discovering public concerns
- 6) soliciting counter proposals

Section 15201 of the CEQA Guidelines states that “Public participation is an essential part of the CEQA process.” A public review period of no less than 30 days nor longer than 60 days is required for a Draft EIR under Section 15087(c) of the CEQA Guidelines. If a State agency is a lead or responsible agency for the project, the public review period shall be at least 45 days. In this case, a review period extending from July 1, 2001 to October 1, 2001 was established for the Draft EIR and a review period extending from September 9, 2002 to November 1, 2002 was established for the Revised Draft EIR. A public meeting was held in Fish Camp before the Fish Camp Advisory Council on August 25, 2001 and public hearings were held before the Mariposa County Planning Commission on September 15, 2001 and September 21, 2001 to provide the public an opportunity to comment on the Draft EIR. In addition a second public meeting was held before the Fish Camp Advisory Council on October 19, 2002 and second public hearing was held before the Mariposa County Planning Commission on November 1, 2002 to allow public comment on the Revised Draft EIR. All comments, both oral and written, that pertain to the Draft and Revised Draft EIRs are addressed in this Final EIR.

### **2.2 AGENCIES AND INDIVIDUALS WHO COMMENTED ON THE DRAFT EIR**

- |             |   |
|-------------|---|
| Letter 1:   | Governor’s Office of Planning and Research, State Clearinghouse |
| Letter 2:   | State Department of Health Services                             |
| Letter 3:   | State Department of Forestry and Fire Protection                |
| Letter 4:   | Art Schneider   |
| Letter 5:   | Regional Water Quality Control Board, Central Valley Region     |
| Letter 5.1: | Regional Water Quality Control Board, Central Valley Region     |
| Letter 6:   | Art Schneider   |
| Letter 7:   | California Department of Transportation                         |
| Letter 8:   | Thomas Sullivan, AICP   |

Letter 9: Ken and Shirley Marshall  
 Letter 10: Wayne and Oneta Duncan  
 Letter 11: William T. Yaley  
 Letter 12: Richard Ryan  
 Letter 13: Audrey M. Noel, William C. Smith, Patricia Jiminez, Judith Hardaway,  
 Kimberly Cole  
 Letter 14: Neil A. Stonum  
 Letter 15: Terry J. Huntsman  
 Letter 16: Yosemite Area Audubon  
 Letter 17: Barbara K. Taylor  
 Letter 18: Arthur Schneider  
 Letter 19: Ken Mari  
 Letter 20: Fred Youngren  
 Letter 21: Art Schneider  
 Letter 22: Edgar S. Mills  
 Letter 23: Donald J. Starchman, Attorney at Law  
 Letter 24: Susanna Odry  
 Letter 25: James A. Eskra, EA  
 Letter 26: Kathleen Bagwell  
 Letter 27: Gregory J. Baxter  
 Letter 28: Dorothy E. and James O. Hertwig  
 Letter 29: Robert O. Keller  
 Letter 30: Philip H. Debry, D.D.S.  
 Letter 31: Gene Mickel  
 Letter 32: Barbara Taylor  
 Letter 33: Yosemite Area Audubon  
 Letter 34: Lynn M. Gill  
 Letter 35: Bart A. Brown  
 Letter 36: Ken Melton  
 Letter 37: Art Schneider  
 Letter 38: Regional Water Quality Control Board, Central Valley Region  
 Letter 39: Dr. Jan C. Mennig  
 Letter 40: Economic Development Corporation of Mariposa County  
 Letter 41: Mariposa County Chamber of Commerce and Mariposa County Visitor Center  
 Letter 42: Candy O'Donel-Browne  
 Letter 43: Angela Wells  
 Letter 44: Roger Wood  
 Letter 45: Gary W. Sawyers, Attorney at Law  
 Letter 46: Kirk Helland  
 Letter 47: Yosemite Alpine Community Service District  
 Letter 48: Mariposa County Health Department  
 Letter 49: U.S. Forest Service  
 Letter 50: Art Schneider  
 Letter 51: Janet J. Davidson

Letter 52:	Donald L. Davidson, M.D. (series of memoranda)
Letter 53:	Donald L. Davidson, M.D. and Janet J. Davidson (series of memoranda)
Letter 54:	Yosemite Alpine Village Association (series of letters)
Letter 55:	Petitions
Letter 56:	Art Schneider
Letter 57:	Candy O'Donel-Browne
Letter 58:	Diane D. Stewart
Letter 59:	Yosemite Area Audubon
Letter 60:	Bass Lake Lodge
Letter 61:	Pam and Barry Ferris
Letter 62:	American Indian Council of Mariposa County
Letter 63:	Picayune Rancheria of the Chukchansi Indians
Letter 64:	William R. Winterberg
Letter 65:	Mariposa County Chamber of Commerce and Mariposa County Visitor Center
Letter 66:	Yosemite National Park
Letter 67:	Mariposans for Environmentally Responsible Growth
Letter 68:	Angela Wells
Letter 69:	Jeffrey M. Reid, Attorney at Law, McCormick, Barstow, Sheppard, Wayne & Carruth LLP (series of letters)
Letter 70:	Cynthia M. Janis, Gibson, Dunn & Crutcher LLP (series of letters)
Letter 71:	The Friends of Yosemite Valley
Letter 72:	John and Kathleen Lutz
Letter 73:	U.S. Army Corps of Engineers

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

Letter 1R:	Governor's Office of Planning and Research, State Clearing House
Letter 2R:	Roger Mahony
Letter 3R:	Donald & Janet Davidson
Letter 4R:	Donald & Janet Davidson
Letter 5R:	Donald & Janet Davidson
Letter 6R:	Donald & Janet Davidson
Letter 7R:	Larry Walker Associates
Letter 8R:	Mariposa County Business Forum
Letter 9R:	Charles M. Salter Associates, Inc.
Letter 10R:	U.S. Army Corps of Engineers, Regulatory Branch (199800509)
Letter 11R:	U.S. Dept. of Agriculture, Forest Service, Bass Lake Ranger Station
Letter 12R:	Donn Harter
Letter 13R:	Bart Brown
Letter 14R:	Department of Transportation, District 6
Letter 15R:	Kirk W. Helland
Letter 16R:	Mariposa County Health Department
Letter 17R:	Sawyers & Aldridge, LLP
Letter 18R:	Governor's Office of Planning and Research, State Clearinghouse

Letter 19R: Barbara Taylor  
Letter 20R: Gibson, Dunn & Crutcher, LLP  
Letter 21R: Timothy J. Durbin, Inc.  
Letter 22R: California Regional Water Quality Control Board, Central Valley Region  
Letter 23R: Richard Ryan  
Letter 24R: EDC of Mariposa County  
Letter 25R: Yosemite Alpine Village Association  
Letter 26R: McCormick, Barstow, Sheppard, Wayte & Carruth LLP

## **2.4 INDIVIDUALS PROVIDING STATEMENTS ON DRAFT EIR**

### **Fish Camp Advisory Committee Meeting, August 25, 2001**

1. Richard Ryan
2. Lloyd Carter
3. Diane Stewart
4. Jack Hoover
5. Pam Ferris
6. Kirk Helland
7. Lou Aceto
8. Don Davidson
9. Eugene Glendenning
10. Doris Ryan
11. Charles Franklin
12. Barbara Taylor
13. Sandra Wood
14. Angela Wells
15. Karen Glendenning
16. Nadim Aziz
17. Richard Kunstman
18. Jan Davidson
19. Unknown Speaker

### **Mariposa County Planning Commission, September 15, 2001**

1. Eugene Glendenning
2. Don Davidson
3. Richard Kunstman
4. Barbara Taylor
5. Kirk Helland
6. Ed Mills
7. Doug Flaherty
8. Susanna Odry
9. Karen Glendenning

10. Angela Wells

**Mariposa County Planning Commission, September 21, 2001**

1. Neil Stonum
2. Ken Milton
3. Gene Mickel
4. Bill Yaley
5. Jan Mennig
6. Candy O'Donnell-Browne
7. Jeffrey Dintzer, Gibson, Dunn & Crutcher LLP
9. Tim Durbin
10. Barry Hilton, RWQCB
11. Lloyd Carter
12. Bill Winterberg
13. Bart Brown
14. Jan Davidson
15. Don Starchman, Attorney-at-Law
16. William Roy Winterberg
17. Don Davidson
18. Robert Keller
19. Barbara Taylor
20. Angela Wells
21. Richard Kunstman
22. Ronald Coleman
23. Ken Schmidt
24. Dana Ripley
25. Richard Strong

**2.5 INDIVIDUALS PROVIDING STATEMENTS ON REVISED DRAFT EIR**

**Fish Camp Advisory Committee Meeting, October 19, 2002**

1. Ronald Coleman
2. Glen Glendenning
3. Mr. Davidson
4. Ron Young
5. Barbara Taylor
6. Kirk Helland

**Mariposa County Planning Commission Meeting, November 1, 2002**

1. Ronald Coleman
2. Larry Mintier

3. Ken Schmidt
4. Dana Ripley
5. Kirk Helland
6. Richard Kunstman
7. Richard Ryan
8. Pam Ferris
9. Gene Mickel
10. Jan Mennig
11. Roger Biery
12. Bill Winterberg, Jr.
13. Greg Baxter
14. Barbara Taylor

# **ADDENDUM**

## **CHAPTER FIVE**

### **STATEMENTS**

**September 15, 2001 Meeting of the Planning Commission.** [Note: Summary of comments is based on the transcript of the meeting submitted by Gibson, Dunn & Crutcher, LLP, found in Exhibit 68, Appendix C of this Final EIR.]

**Statement 3SA:** Eugene Glendenning, President, Yosemite Alpine Village Association: The Fish Camp residents for the most part are not opposed to the development of the land associated with the proposed project. I think that's very important for the Planning Commission to understand. This is not a group of people saying no. Their concerns are associated with the changes to the Fish Camp Town Plan and various other zoning aspects along with the associated risks that are being presented.

I think it's also important to note that the Yosemite Alpine Village Association along with the Yosemite Alpine Community Services District has met with the applicants prior to any of these hearings. It was our intent to try to assist them in going forward with their project. We offered to let them buy out the wells, water line control and have Yosemite Alpine Community Services District, which provides the water to Yosemite Alpine Village, totally out of their development scope. We asked that certain things be addressed, and I'm sad to report that the developer, although promising at the meeting certain things, was unable to come forth and even make Yosemite Alpine Village Association whole.

We do not feel that it would be fair that they would force the Community Services District to have to spend money so they can build what they want so they can move on. It's very important to note that what they say isn't necessarily what they're going to do, and I think it set the tone for this entire project, and I think you need to be very careful in your deliberations as to what they may in the 11<sup>th</sup> hour come up to promise.

The Fish Camp community has serious concerns about the zoning, land use and permitted uses in this project.

We're also very concerned about the process that the County General Plan is currently undergoing. As you're aware, countywide they're doing an update of the General Plan. As part of that, all of the specific plans and special plans throughout the county are also under review.

Now, we have a project that is going to take out and totally rework, rezone, amend two-thirds of the existing developable land in the Fish Camp area. They are circumventing the process for this General Plan Update. We might as well not have a Plan Update. We might as well not have any participation if basically you can wholesale come into the Fish Camp area.

So we recommend that you deny the application solely on the fact that the General Plan Update is in process, or at least delay the process until that process is completed, and I recommend you find out what Mr. Toll's opinion would be with regard to that as well as the County Counsel.

We also ask you to review the Jones & Stokes report which we will be submitting as part of the record for purposes of CEQA, as well as the Fish Camp Town Plan, as well as the existing County plans and take a look at the deficiencies, take a look at the interaction and the rights that the people of Fish Camp have.

**Response:** Comment noted. This comment does not raise a significant environmental issue that requires a response.

**Statement 3SB:** As far as the Draft EIR deficiencies, we are still compiling our list, and obviously the list will take longer than the 15 minutes we have allocated. Therefore, we will be submitting it in writing, and I encourage each of you to look at those items. We plan to put them forth in a manner, singular issues so it will be easier for you to look at, but we have noted that there are deficiencies in the Draft EIR, both being incomplete and in some cases complete omissions.

We have noted deficiencies in the Draft EIR because responding agencies have responded to this project as being one singular project, and in our negotiations with PacificUS, it was told to us that they consider the Draft EIR does indeed open the door to build basically anything they want to.

So you have to consider all of the alternatives, almost like a Chinese menu. They might pick one from A, one from B, one from C. They have no intentions of immediately building out the cabins on the back side. You are looking at a potential of four parcels with four owners. One, obviously, could be taken out of the mix. That would be Mr. Keller's two-and-a-half-acre residence. That's clearly not under consideration and we have no objection to that.

What we have, however, is concern for the three parcels with three potential different owners. And you have a situation like a wastewater treatment plant that will be spread over three different owners and potential for liability of another corporation, or a multi-parcel association is very risky. What is the history of this company setting up these kinds of companies? What is the history of PacificUS owner associations and affiliates with regard to the financial aspects? How well have they fared over time? Has anyone else been left holding the bag? I know the County has had issues in the past where you have had situations where bonds have been defaulted upon. We have other wastewater treatment problems in the county.

Deficiencies of the Draft EIR also exist on improper conclusions being drawn and also by non-substantiated conclusions. We will submit all these items on or before October 1<sup>st</sup>, and again, we encourage you to review those, and we will be available to answer any questions one might have.

**Response:** See Responses to Letter 54 and specifically Responses to Comments 54M, 54N and 54AA. The statement that PacificUS could "build basically anything they want to" is simply incorrect. In addition to Specific Plan amendments, a rezoning and a tentative map, the project

requires approval of a conditional use permit. If approved, it would include specific conditions of approval with which the project must comply. The comments regarding the business history of PacificUS is not a significant environmental issue which requires a response. This final EIR includes responses to all written comments submitted.

**Statement 3SC:** Alternative sites. CEQA requires alternative sites to be placed into the record. In this particular case, I think the County with limited land resources left for development needs to fully investigate, and I ask you to fully investigate the alternative sites provided. I'm not saying pick a project in Fish Camp and necessarily vote on somebody else, but they have gone through the effort to identify two sites, and I think it's your obligation to fully explore those.

The first thing is we feel there are potential significant impacts and we feel that they were trying to stack the decks against the alternative sites which are no greater and in many cases significantly less than the potential significant impacts of the Fish Camp area.

The Hazel Green site has the proposed benefits of being on Highway 120 and better access. The road is probably going to be developed before Highway 41 for more traffic, which covers some issues that we have at Fish Camp. It's also not in the middle of town, as this project would be.

The Yosemite West site might be one of those situations for the county. As we all know, Yosemite West has a wastewater treatment problem right now. If they put a location down there as a development, can't they solve both the Yosemite West problems and also maintain Highway 41 access. That's the corridor they want to go after. An area that again will not be in the center of town, will be the end of Yosemite West. It would be at the bottom of a very steep canyon, so height maybe would not become a problem. It would drain into the same drainage basin, so we're not looking at anything new there. In the wintertime, the occupancy in Fish Camp drops. They have a ski resort called Badger Pass. There's nothing close. Moving into Yosemite West would take 45 minutes off the trip each direction for people. They could increase their occupancy during the wintertime. So those and many other items associated with alternative sites should be looked at.

**Response:** Chapter Four of the Draft EIR contains an analysis of the alternative sites referenced in the statement. The Planning Commission and Board of Supervisors will review and consider all project alternatives, and may select one of the alternatives to the proposed project identified in the Draft EIR. When considering alternative sites, Section 15126.6(f)(1) of the CEQA Guidelines provides for the alternatives analysis to consider feasibility. "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 (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). The latter factor (whether the proponent can reasonably acquire, control or otherwise have access to the alternative sites) is applicable in this situation.

**Statement 3SD:** Project deficiencies and risks. I'd like to personally raise just a couple of the points, then I'll let the rest of the audience cover the rest, but these I'd really like to get in, if I could.

The multiple site wastewater treatment plant. We have checked with the Regional Water Quality Control Board, and part of their plan is to have the wastewater disposal associated with the parcel. Then they are going to pump that to a holding tank or pond yet to be determined on the residential parcel adjacent to residential, which causes all kinds of concerns for the existing property owners, then pumping it up to a clear cut that will be 165-feet wide and 650-feet long, which is not reflected in those pictures that he showed you. They superimposed a picture of a hotel. They did not cut out the trees for the roads, they did not cut out the trees or clear cut the leach lines. They did not show all the streets being removed. That was computer drawn. That's the best case scenario by a long shot, and I think you need to know that. But we found out that they do not have to do any of that. No leach lines, no holding tanks. The proposed wastewater treatment system that they have is allowed direct discharge into Big Creek.

Our contention is their system, because of the water draining from that area which discharges into Big Creek anyway, and we will be pursuing that, but why not step up to the plate and say we are going to minimize the impact on the areas, and since that water's going to get into Big Creek anyway, let's just put it there and hold on to that standard. It holds them to a higher standard. It doesn't cost them one more penny in the wastewater treatment plant, and that could save some dollars from leach lines, but it does hold them to a higher standard, and I ask you on a conditional use permit to require that aspect. So deny the conditional use permit with respect to the wastewater treatment plant in its entirety. The proposal is not compatible with the plan nor nature of Fish Camp. And we ask that Specific Plan Amendment 99-1, that Zoning Amendment 99-1 be denied. The promised TOT tax to the County will not be forthcoming, if in their process they do not link the cabins to the hotel and they build condominiums, time shares and the like.

**Response:** See Revised Draft EIR, Section 3.4, Water Quality and Quantity, and Responses to Letter 54 and specifically Responses to Comments 54M, 54N, and 54AA.

**Statement 3SE:** Legacy. Yosemite is a crown jewel, and I highly recommend that you are in a position to demand the best quality development on what we have left.

The last thing I have is landowner rights. Some people believe in landowner rights. Mr. Keller's apparent landowner right was selling his land for dollars. I encourage that. That's fine. That money is not being affected in any manner whatsoever. He has those, that's fine. So his land rights have been satisfied. The developers do not stay. They are not residents. They come, they develop, they leave. But there's also a third part. The people that are in Fish Camp have land rights too. We encourage you to protect the land rights of the people of Fish Camp.

**Response:** Comment noted. This statement does not raise a significant environmental issue which requires a response.

**Statement 3SF:** Don Davidson, Fish Camp Homeowners Association: As I listened to Mr. Glendenning's presentation, I'm here to show you some specifics of objections to this plan and

there is going to be some overlap, so I will try to do my best not to be redundant, but I may hit some points that are somewhat similar.

I call your attention to Impact #3.7-5, cumulative change in the visual character of Fish Camp due to the proposed project and others. No mitigation is proposed. I don't understand that. It really should be proposed. This project in and of itself provides a striking and unacceptable change in the visual character of Fish Camp. The conclusion stated in the DEIR, page 3-113, states that no other development applications are pending or anticipated to be submitted or are reasonably foreseeable within the Fish Camp TPA, and no other sites are designated for resort commercial development applications are pending or anticipated to be submitted or are reasonably foreseeable within the Fish Camp TPA and no other sites are designated for resort commercial development. Reference to the Fish Camp TPA in this mitigation is in my opinion outrageous and even disingenuous in the face of the present developer's plan of action. This developer, who is requesting a radical change in the Fish Camp TPA, then refers to the current TPA as a basis to rule out further commercial development.

**Response:** See Response to Comment 52I.

**Statement 3SG:** The proposal for this project represents 10.4% of the land mass of Fish Camp. That is unprecedented. The potential legal precedent that this development is proposing clears the way for another request for change in zoning. If that's implausible, remember that, although the boundary lines are a little sketchy, two of the three parcels in this project are currently residential. There's no limitation on further projects. Fish Camp is a small if not tiny area in Mariposa County, land-wise and population-wise, yet Fish Camp currently produces 30 percent of Mariposa County's TOT income.

When will the issue of the quality of life of residents of Fish Camp be considered? The project directly degrades the quality of our lives. What is the possible justification for this amount of change in the township of Fish Camp? If you include the eight acres of residential, that is not going to be residential. It actually is going to be residential. It actually is larger than 10.4 percent. Of what possible benefit is this? In many instances the EIR is incomplete, it's inadequate, and has complete omissions. The cumulative change on visual impact, I consider significant. So what is the justification for this project which is clearly not in the best interests or benefits of Fish Camp? Is it in fact solely the dollar signs? I would really like an answer to that question because as I see it, that is the striking reality of what this project represents and it's the sole justification for it.

**Response:** See Responses to Comments 18L, 59D, 1SKK and 3SG. The remainder of the comment does not raise a significant environmental issue which requires a response.

**Statement 3SH:** The next thing I'd like to call your attention to is Impact #3.7-1 which is alteration of the existing visual quality of the project site. I refer you to Impact #3.1-1, which is in essence a request by the developer for the County to change the Fish Camp TPA to allow this project, which is now prohibited. This is the most egregious aspect of the entire project. Fish Camp developed its own TPA following guidelines and requirements from the State of California for the development of a County General Plan some 20 years ago. Some 800 hours of

work went into the development of this TPA. It was very carefully done and considered uses, needs and represented what was beneficial for Fish Camp at that time and continues to represent it into the future. The TPA certainly is subject to change, but that change should occur with legal process. If the County wishes to develop a new General Plan, then the procedure should include the Fish Camp Planning Council having the opportunity to develop a new TPA consistent with the guidelines and regulations regarding general plans. Fish Camp has certain objectives and needs now that may differ from the objectives and needs that were present when the first TPA was developed 20 years ago, but I see absolutely no way that this project would fit into any TPA the County might develop, just as it doesn't fit into any of the current TPA. This project is simply incompatible with the rural mountain features that characterize Fish Camp.

**Response:** See Responses to Comments 18L, 52A, 59D, 1SKK and 3SG.

**Statement 3SI:** Now, the County of Mariposa also has certain needs and objectives, and in fact, one of the County's needs and objectives coincides exactly with one of Fish Camp's, quote, "needs and objectives," and that is provision of a fire department for Fish Camp. That objective's been present for all of the years that the existing TPA has been present, but in the last two to three years, it has become critical because we have not been able to muster a population of firefighters from Fish Camp and the adjacent areas. We have vehicles, yes, we have a fire department house, yes, we have an annual fundraiser, which I'm told is the best in the county as far as raising funds for our firefighters, but we don't have any people to man the machines. A pie in the sky concept has been floated around that employees are available as firefighters, but despite every effort, essentially no personnel has become available, judged by the reality that we still don't have firefighters. That same pie in the sky concept is now being floated around about the SilverTip project. It will not work. In the face of Fish Camp's expanded need for firefighters if this project goes in, we'd still not have a fire department.

What has been found is in fact that employees apparently take training, but we're talking about a relatively transient group of people, and then they go someplace else, perhaps a new job that pays firefighters. The only way to have Fish Camp have firefighters in reality is to expand our residential numbers toward our full capacity. This project proposes without mitigation whatever, and I urge you to look at Impact #3.11-1, increased demand for housing within the Fish Camp planning area. Mitigation, none required, page 3-152 in the DEIR. This project proposed to reduce by approximately 18% the total residential acreage of Fish Camp. In reality, that represents 50% or more of the residential potential that remains, and that's the residential potential from which we could derive volunteer firefighters who have a vested interest in the area and who do stay for a long period of time.

This is a public safety issue of the highest nature for those residents of Fish Camp and to the County of Mariposa. The issue needs to be addressed and in my opinion precludes the expansion of the commercial areas of 35.9 acres on the basis of the health and safety of the residents of Fish Camp. What is the justification for this request? How will it benefit the township of Fish Camp? What is the justification for reducing Fish Camp's residential potential by 18%? And the future residential potential by 50%? What justifies this as appropriate land management and use? The Draft EIR fails utterly to address these issues and therefore is inadequate.

**Response:** See Responses to Comments 52C, 52D and 52E.

**Statement 3SJ:** I draw your attention to Impact #3.7-4, substantial increase in light and glare due to development of the operation. I pulled out something from the draft. It lists four things that CEQA considers important. This project violates three of those, and I want to draw your attention to the fourth one, which is one that I don't consider mitigatable. The fourth one says, "Create a new source of substantial light and glare that would adversely affect day and nighttime use in the area."

Now, the other big project we have is geographically and physically isolated and it doesn't have these kinds of problems. I went up to Block A last night to see the glow that can be seen from the Tenaya Hotel. It's very perceptible. No, it glows two or three times larger in the wintertime because the glow is accentuated when you've got snow on the ground. This project's going to be in the middle of our town. There are no physical barriers for the light sources that are going to be produced here. There is no mitigation available for these lights or this increase in light, and it is in my opinion a clearcut CEQA violation.

**Response:** See Responses to Comments 52G and 52H.

**Statement 3SK:** Impact #3.7-3, creation of an aesthetically offensive public view due to the development of the project. This project essentially blocks what you see from both directions. It's true it's not a scenic vista or highway, but it doesn't preclude the Planning Commission having more restrictive regulations for that scenic vista, because a lot of people who come to Yosemite Park know about that scenic vista. The EIR states in the second paragraph of the conclusion of the EIR for Impact #3.7-1, "Development of the project site that does not respect the scale of the site in the regional setting would be potentially significant." Now, it doesn't say how this project respects the scale of the site in the regional setting. It makes a glib reference to the proposed zoning change, as if changing the zoning will change somehow the respect of the site in the regional setting, and it won't. This project fails to respect the scale of the site in the regional setting no matter what the zoning in that area is. Now the conclusion of that particular impact goes on to say in its second line that the opinions of the residents and the general public isn't the significant factor, but what are the factors that relate to creation of an aesthetically offensive site open to the public view if they're not the opinions of the residents and the general public?

**Response:** See Response to Comment 52F.

**Statement 3SL:** Richard Kuntsman: Two weeks ago, the Planning Director correctly instructed the Fish Camp Town Planning Advisory Committee that their recommendations to the Planning Commission should be based on factual arguments, not on emotion. I submit that our entire body of laws are all codifications of our emotional responses regarding how we believe we should behave with respect to one another.

When a community has made a good-faith effort to develop a plan that will govern the manner in which it grows, it reacts with anger to the suggestion that this plan can be overturned without the community's consent. That's an emotional response to a perceived threat. Later, there will be

solid arguments developed to counter that threat. The Fish Camp Specific Plan is a legal document legally adopted as part of the County General Plan by the County Board of Supervisors. The Planning Director identified numerous approvals that are required for the proposed project to be permitted.

Since neither the height of the proposed project or the proposed land use intensities are consistent with community's expectations as expressed in the Specific Plan, the recommendation must be to deny approval of the above amendments.

The failure to meet community expectations is emphasized by the conclusion on page 3-19 of the DEIR which states in part, "The increase in the intensity of use is a potentially significant unavoidable impact for which no additional mitigation measures are available to reduce impact to a level that is less than significant." And those impacts are potential land use conflicts including increased traffic, noise, odors, light and glare and a general increase in activity and change in appearance of the project site.

**Response:** See Responses to Comments 16A and 59D.

**Statement 3SM:** The DEIR also fails to analyze economic impact to the local businesses.

**Response:** See Responses to Comments 16B and 59R.

**Statement 3SN:** Barbara Taylor: I live in Subdivision D, the subdivision that you see just as you reach the bottom of the hill, and it's across from Big Creek. I would like to bring one very serious issue before this Commission on the proposed SilverTip project. In relation to the SilverTip proposed project, I call your attention to a major problem concerning the water rights and supply of water to property owners in Subdivision D that is far from being resolved. It is my belief that until this problem can be solved, the approval for this project cannot move forward, let alone the many other issues that may be brought before this board today. Directing your attention to the Draft EIR, page 3-43, our water system is described. This water system serves Subdivision D with 26 cabins and other existing uses. The old Silvertip Lodge was originally on this system.

The sources of our water supply include two springs located nearby in the Sierra National Forest. According to BSK & Associates, who were hired to do a review of the water quality and quantity of this water system in 1990, these two springs produced 16 gallons of water per minute. An 85,000 gallon storage tank was added to the system in 1977, of which Subdivision D participated in the cost of the tank. The water is filtered and chlorinated before entering the tank. In addition, it should be noted that well number 4 with a pump producing 30 gallons of water per minute also is in the BSK report found in Volume I of the Appendices, and it's not numbered, but it's under Yosemite Resort Properties Water System, and this well was added to the system according to the BSK report in 1991. This single document memorializes and clearly defines the Yosemite Resort Properties Water System. Now, PacificUS is proposing to use this system for their development, the two springs, the 85,000 gallon storage tank that is the only existing water tank on the property, well number 4, and all the accoutrements.

**Response:** See Revised Draft EIR, Section 3.4, Water Quality and Quantity, and Responses to Comments 2A, 17A, 44A, 45D, 11RA, 17RC, 17RF and 17RM.

**Statement 2S0:** Notice page 3-44 of the Draft EIR where PacificUS says that they are contemplating the construction of a new water supply system for Subdivision D. They suggest a mutual water company be formed and run by our property owners.

I submit a letter today dated July 30<sup>th</sup> of this year from Carl Carlucci, Department of Health Services and Drinking Water Division. Note Mr. Carlucci will not allow the formation of a new public water system by Block D owners and offers good reasons for not granting this permit.

**Response:** See Responses to Comments 2A and 69F.

**Statement 3SP:** I suggest that the water supply versus demand information listed on the Draft EIR, page 3-60 is incorrect data or it's out of date information because new homes have been built in our subdivision and more people are living here since this report was published. Even now, without any resort to use this water, it would appear that we have just enough water to meet our water needs. A thorough analysis is requested in order to calculate what the Yosemite Resort Properties Water System uses now and what may be projected into the future.

**Response:** See Revised Draft EIR, Section 3.4, Water Quality and Quantity, and Response to Comment 17RC.

**Statement 3SQ:** Finally I ask you: Where is our water supposed to be coming from if not from the present Yosemite Resort Properties Water System? PacificUS needs our entire water source and storage tank for their project. It would appear there is not enough water to go around for our water demands and this development too.

**Response:** See Revised Draft EIR, Section 3.4, Water Quality and Quantity, and Response to Comment 17RC.

**Statement 3SR:** Kirk Helland: I own a home and it's right next to the proposed half million gallon sewer pond and the leach field, so I'm here to address this conflict. Let me refer to the Specific Plan. And I'll read this. This is Section 8, Specific Plan Implementation: "The following findings must be made regarding any amendment to this plan. The amendment will not result in damage or have an adverse impact on the value of adjacent properties." I submit to you that on land that's adjoining our neighborhood that is currently zoned for residential development only, putting in a half million gallon sewer pond, or is it a covered tank, or whatever it is plus a leach line, that's going to devalue our properties.

**Response:** See Response to Comment 46D.

**Statement 3SS:** I'd also like to make comments on the project alternatives, not the site alternatives, but the project alternatives, and from the CEQA guidelines, the EIR must follow the rule of reason, which let me quote that, "The range of alternatives required in the EIR is governed by a, quote, 'rule of reason.'" Let me ask the question. Why did PacificUS fail to

provide a project proposal which would be in accordance with the Fish Camp's Specific Plan and which does in fact allow reasonable commercial development mixed with residential areas? They did not consider a simple plan in accordance with our Specific Plan which we could all probably agree with.

**Response:** See Responses to Comments 46A and 46B.

**Statement 3ST:** Ed Mills: My property is adjacent to the leach field. It's the closest one to the west end of the leach field, and I'm concerned that it's too close. If it's put in as shown, I will lose the green belt between my house right there and the hotel down here. It will be wide open if they cut down too many trees. Now, I don't know how many they're going to cut. They say it's not going to be clear cut, but if you take out five or six trees in there, I have a 50-foot-wide gap.

Secondly, this stream which is listed on Figure 2-7 is shown as an existing drainage ditch. That goes through my property. It runs all year. It is not a drainage ditch. Now, the water may disappear underground before it gets to the meadow, but as it passes my house, it's running water.

**Response:** See Responses to Comments 22A, 22B and 22C.

**Statement 3SV:** Doug Flaherty: I bought this place up here so that I could get away from the hustle and bustle of the main part of the city. I've traveled a lot. I'm done traveling. I've had it with car alarms. I have had it. I don't want to hear car alarms going off in the middle of the night during the day and all that. You don't address them in the EIR.

**Response:** See Response to Comment 52S and proposed Mitigation Measure #54A appearing on page 4-103 of the Final EIR.

**Statement 3SW:** Susanna Odry: The resort project is adjacent to my property. In fact, the access to the resort and its various services faces my property. I would like to ask you how you can assure me that my property will be able to retain its current peace.

**Response:** See Response to Comment 24C.

**Statement 3SX:** I would also like to find out how my property can be kept from becoming a wayside disposal grounds as is certain to occur.

**Response:** See Response to Comment 24D.

**Statement 3SY:** I would like to find out how you can assure me that the residents of this community will be able to feel safe and secure in the community from unsavory elements and detriments when the heart of the town is opened up for hundreds or thousands of visitors and as many vehicles, buses and other transportation devices to line the streets and pollute the air and subject the town to noise and increased likelihood of accidents and fires.

**Response:** See Response to Comment 24I.

**Statement 3SZ:** Lastly, I would like to find out how the Commission can assure me that my property will retain its current value with all the above-listed events affecting it.

**Response:** See Response to Comment 24J.

**Statement 3SAA:** Karen Glendenning: I represent the Yosemite Alpine Community Services District. We are charged with providing water to our residents within our area. Currently our borders are the same as Yosemite Alpine Village Association. This is the area we're talking about. My concerns are we have our two wells that service our homesites located within the meadow area of the proposed project property. Our concerns are locations of our wells are below the leach fields. One of our concerns is that they are proposing to use a leach field to percolate the tertiary treated effluent during the wintertime. Groundwater raises dramatically during wintertime. Pumping extra water to leach fields will be compromised. You will not have a soil surface contact to slow down the water and to take out the contaminants. Even though it has been treated, we still have concerns about the nitrates, we're worried about the phosphates and also about other heavy metals that were coming through the water. We are concerned as to location of our wells with the roadways that are proposed within the project. As I understand it, the County does require a 12 percent grade for roadways. We are concerned about where the roadways are located, and with the fill supporting these roadways that would interfere with us being able to get to our wellheads. We also have concerns about runoff coming down and going into our wellheads. The developer has talked about mosquitoes. They were considering putting a light oil on open water which would percolate down and get to our wellheads.

**Response:** See Revised Draft EIR, Section 3.4, Water Quality and Quantity and Responses to Comments 33D, 7RB, 7RC and 7RD. Roadways will be located in a manner that access to wellheads will not be jeopardized. All wells have been sealed, or will be sealed, consistent with County and State requirements and in a manner that will preclude contamination.

**Statement 3SBB:** Angela Wells: Since 1996, \$6,751,319 have been taken out of this community. I'd like to know from this County how many of those dollars have been reinvested in Fish Camp services, equipment, repairs, and I believe an audit is needed if it has not been done in the past.

Specific findings must be made regarding any amendment to the Town Plan which specifically state that the amendment will not result in the overtaxing of the existing community circulation system or free of traffic hazard. I submit that the Draft EIR does not address those issues. Have you exercised due diligence on behalf of all county taxpayers regarding the financial capabilities, past financial commitments, achievement of those commitments or lack thereof? Why should the County be left holding the bag for a bad development that later on, when that developer is long gone and there is nobody there to assess those impacts to? Have any economic impact fees been assessed to this developer in advance, have those fees been set aside in escrow, and are they available to this County so that the county taxpayers are not left coming up with a bond measure to support wastewater treatment facilities that were not properly thought through as in the Don Pedro wastewater facility and Yosemite West.

I would like to know. I would like an idea of the Planning Commission and the Board of Supervisors' training, experience and expertise regarding planning and development, construction of wastewater treatment facilities and CEQA.

And lastly, we're circulating a petition in opposition to amending the Town Plan for Fish Camp because this community, like all communities within this county, has the right to preserve their Town Plan and to plan for their community as they see fit, unlike Tenaya Lodge which was disapproved by this Town Plan, disapproved by the Planning Commission and then approved by the Board of Supervisors and expanded in terms of the original room size. I think that's a disgrace that this community has lived with and they do not foresee that they should have run through this sequence of events again. So please, do respect their right to preserve their community.

**Response:** Comments noted. See Responses to Comments 12E, 54L, 54M, 68C, 70NN and 70YY.