Filed_____, 2020

No._____ By _____
Clerk of the Board of Supervisors

# RESOLUTION

OF THE PLANNING COMMISSON OF THE COUNTY OF TUOLUMNE

WHEREAS, Terra Vi submitted an application for Site Development Permit SDP18-003 to allow a lodging development that includes guest rooms, detached cabins, employee housing, a market, event space, and other support buildings on a 64.04 acre site ("Project"); and

WHEREAS, in accordance with Section 15082 of the CEQA Guidelines the County of Tuolumne ("County"), as lead agency under the California Environmental Quality Act (Public Resources Code § 21000 et seq.) and the State CEQA Guidelines (Cal. Code of Regs. Title 14, § 15000 et seq.) (collectively "CEQA") released a Notice of Preparation ("NOP") for the Draft Environmental Impact Report ("Draft EIR") (State Clearinghouse Number 2019110286 ) for the Terra Vi Project which was circulated to responsible, trustee, and federal agencies, interested groups and individuals for review and comment on May 2, 2019, which started the 30-day comment period for scoping information for the EIR; and

WHEREAS, an EIR public scoping meeting was noticed and held on May 13, 2019, at the Groveland Community Hall, located at 18720 Main St, Groveland, to solicit public and agency comments on the scope of the Draft EIR; and

WHEREAS, A subsequent NOP was issued on November 15, 2019 due to a clerical error and another 30 day scoping period for the document was held; and

WHEREAS, The County contracted with a consultant, PlaceWorks to prepare a Draft EIR for the Project in accordance with Public Resources Code § 21000 et seq; and

WHEREAS, a Draft EIR was prepared for the Project and the County filed a Notice of Availability of the Draft EIR on June 15, 2020, which commenced a 45-day public review period ending on July 30, 2020; and

WHEREAS, the County received written comments on the Draft EIR during the public review period, and the County considered and evaluated the comments received, in accordance with CEQA Guidelines Section 15088; and

WHEREAS, the County prepared a Final EIR, which consists of the Draft EIR (including appendices), comments received on the Draft EIR, a list of commenters, responses to public comments,, and other added information, as required by CEQA Guidelines Section 15132; and

WHEREAS, on November 21, 2020, the County noticed a public hearing by the Tuolumne County Planning Commission, which the Planning Commission held on December 1, 2020, at 5:00 P.M., to consider, and accept public testimony and consider the Final EIR and project; and

WHEREAS, the Planning Commission weighed the evidence presented at said public hearing, including the staff report on file, together with the record of environmental review, including the Draft EIR; public comments on said documents and responses thereto; Final EIR; and evidence and public testimony presented at the public hearing; and

WHEREAS, the Planning Commission reviewed and considered all such information prior to making a determination; and

WHEREAS, no comments made in the public hearings conducted by the County, or any additional information submitted to County, have produced significant new information requiring recirculation or additional environmental review under CEQA Guidelines Section 15088.5; and

WHEREAS, prior to approving any proposed project for which an EIR has identified significant environmental effects, the Planning Commission, as the County's decisionmaking body on the project, is required, pursuant to Public Resources Code section 21081, subdivision (a), and CEQA Guidelines, section 15091, to adopt findings demonstrating that the Planning Commission has considered and adopted all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant project-related environmental effects; and

WHEREAS, pursuant to these provisions, proposed Findings of Fact have been prepared for the Project, which are attached hereto as Exhibit A, regarding the significant environmental effects of the Project and proposed mitigation measures identified in the Final EIR; and

WHEREAS, the Planning Commission is required by Public Resources Code section 21081.6, subdivision (a), to adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted by the County are carried out; and

WHEREAS, pursuant to this provision, County staff has prepared a Mitigation Monitoring and Reporting Program, attached hereto as Exhibit B and incorporated by reference herein, that incorporates the mitigation measures identified in the Final EIR; and

WHEREAS, the Planning Commission has independently reviewed and considered the Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program required for approval of the Project.

**NOW, THEREFORE, BE IT RESOLVED** the Planning Commission of the County of Tuolumne, State of California makes the following certifications:

1. The Final Environmental Impact Report has been completed in compliance with the California Environmental Quality Act.

2. The Final EIR was were presented to the Planning Commission, and the Planning Commission reviewed and considered the information contained in the Final EIR prior to approving the Project; and

3. The Final EIR reflects the County's independent judgment and analysis; and

4. The Findings of Fact and Statement of Overriding Considerations have been adopted, attached hereto as Exhibit A and incorporated by reference; and

5. The Mitigation Monitoring and Reporting Program has been adopted, attached hereto as Exhibit B and incorporated by reference.

ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF TUOLUMNE ON December 1, 2020.

AYES: _____ NOES: _____

ABSENT: _____ ABSTAIN: _____

ATTEST: _____ No. _____

Clerk of the Board of Supervisors

**CEQA FINDINGS OF FACT**
**for the**
**SITE DEVELOPMENT PERMIT SDP18-003**
**for**
**TERRA VI PROJECT**

## I. INTRODUCTION

The Tuolumne County Planning Commission (the Commission), in the exercise of its independent judgment, makes and adopts the following findings regarding its decision to approve Site Development Permit SDP18-003 (referred to as the "project"). This document has been prepared in accordance with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA) and the CEQA Guidelines (Cal. Code Regs. Tit. 14, § 15000 et seq.).

## II. STATUTORY REQUIREMENTS FOR FINDINGS

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same section provides that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." (Pub. Resources Code, § 21002.) Section 21002 goes on to provide that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, §21081(a); CEQA Guidelines, §15091(a).) For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions:

(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.

(CEQA Guidelines, § 15091(a); Pub. Resources Code, § 21081(a).) Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors." (See also *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 565.)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a Statement of Overriding Considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043(b); see also Pub. Resources Code, §21081(b).) The EIR determined that all significant impacts could be avoided or substantially lessened to a less than significant level, therefore a Statement of Overriding Considerations for this project is not required.

The Commission issues these findings to document its independent judgment regarding the potential environmental effects analyzed in the Final EIR and to document its reasoning for approving the project.

## III. BACKGROUND AND PROJECT DESCRIPTION

### A. Project Location

The project site is east of the town of Groveland and west of Yosemite National Park in southern Tuolumne County and is located on the Ascension Mountain, CA 7.5' U.S. Geological Survey (USGS) Quadrangle, on a private inholding within the Stanislaus National Forest. It falls within a portion of Section 26, Township 1 South, Range 18 East, Mount Diablo Baseline and Meridian. The project site is located within unincorporated Tuolumne County, and is comprised of two parcels (Assessor's Parcel Numbers 068-120-060 and 068-120-061), totaling approximately 60.04 acres. Figure 3-1in the DEIR shows the location of the project site.

### B. Project Objectives

The project objectives are:

1. Provide a financially viable, environmentally sensitive lodging option to address the increased demands for eco-sensitive resorts and Yosemite recreation tourism.
2. Develop and operate a lodging facility at a scale sufficient to support a variety of accommodations, amenities and on-site recreation capabilities on an undeveloped property which is zoned for a commercial recreation use and is within 10 miles of the Yosemite National Park, Big Oak Flat entrance.
3. Create a one-of-a-kind place where individuals, families and groups can experience one of nature's most beautiful settings. Incorporate indoor – outdoor relationships throughout the resort; design public spaces which include lobbies, dining, event and special amenity areas to have open connections to nature both visually and physically.
4. Provide diverse recreational and wellness experiences to promote year-round use through education, outdoor recreation activities, wellness and well-being programs. The lodging facility will serve as a portal to the Stanislaus National Forest and U.S. Forest Service lands for hiking, trail running, biking and other outdoor activities.
5. Provide a helicopter landing zone for emergency personnel to provide immediate medical treatment and transportation to regional hospitals for both the project users and the surrounding community.
6. Reduce visual impacts at the project entrance by using low-rise structures that gradually increase in height as the building elements are pushed in an away from the neighboring properties. This design creates a maximum set-back for buildings, incorporates desirable height transitions, and enlarges the open space between the building structures and neighboring properties.

7. Reduce noise to nearby residential properties by locating the activity recreation areas on the opposite side of the property and using the building orientation in a manner that provides substantial sound mitigation.
8. Minimize light spillage by following Dark- Sky influenced design programs and following the California Title 24 Building Energy Efficiency Standards. An example of this is achieved by using downward positioned, fully shielded, high efficiency 3000K (Kelvin) LED (low-emitting diode) fixtures.
9. Design and construct Type I fire resistive structures, fire prevention systems and defensible space areas by providing increased building separation, low building heights, high performance fire extinguishing and alarm systems, surplus water storage, hold-in-place refuge and complete perimeter accessibility to ensure fire-fighting and life-safety capabilities in the event of a wildland fire.
10. Provide a robust parking design that is convenient but planned in such a way so not to dominate the site. Accomplish this by avoiding large expanses of asphalt and incorporating gently curving roads that follow the natural topography of the site. Use berms and landscape elements to screen and visually break up on-site roadways and parking areas.
11. Incorporate a Yosemite Area Regional Transportation System (YARTS) stop area to foster and promote the use of public transportation for lodge guests, visitors and employees.
12. Provide up to 30 day-use parking stalls for the public benefit to encourage the use of the public transportation or ride sharing to ease Yosemite National Park traffic.
13. Develop a site which has a safe, reliable and sustainable source of water.
14. Develop a site for which the geology (native physical structure and substance) is ideal for a septic system, whereby the optimal operating performance and service-life can be maintained.

### C. Project Description

Site Development Permit SDP18-003 propose to develop a hotel lodge comprised of various single, two-, and three-story elements. The building design accommodates a setback, maximizing the distance between taller structures and adjacent residential properties to minimize visibility from both public and private views. Elements of the project include a public market, general lodge with 100 guestrooms and multi-purpose uses, indoor and outdoor areas, and 26 cabin guestrooms in seven buildings, as well as 5 employee apartments with four rooms in each unit, for a total of 20 employee rooms. The proposed project would develop 18 percent (11.5 acres) of the project site with buildings, roads, and parking. Wastewater would be treated on-site with excess treated effluent disposed in leach fields on the west side of Sawmill Mountain Road. Additional project plans are provided in Appendix B of Draft EIR.

The project would incorporate design elements into the building program which would include green building materials such as energy-efficient windows, skylights, doors, insulation, roofing, lighting, plumbing, and heating and cooling equipment. The proposed development would create a comprehensive energy-efficient building infrastructure and envelope. Solar panels are proposed to be constructed on the roof of the buildings.

Water will be provided via on-site wells, which will be developed as a public water system through the State Water Resources Control Board. Wastewater treatment will be provided via on-site sewage treatment and disposal systems. Additional project information can be found in Chapter 3 of the DEIR.

### D. Discretionary Permitting Process

An application for Site Development Permit SDP18-00s was submitted on November 21, 2018. Initial project notification letters were sent to stakeholder agencies including the California Department of Fish and Wildlife, CalFire, Regional Water Quality Control Board, Groveland Community Services District, Native American Heritage Commission, California Highway Patrol, Yosemite National Park, US Forest Service, Bureau of Land Management, San Francisco Public Utilities Commission, Army Corps of Engineers, Tuolumne Heritage Committee, Central Sierra Environmental Resources Center, Tuolumne County Visitors Bureau, CalTrans, Audubon Society, City of Sonora, Chicken Ranch Rancheria of Me-Wuk Indians, Tuolumne Band of Me-Wuk Indians, and the Sierra Club.

The public was invited to provide initial comments on the project through directly communicating with County staff, receiving updates via email, and viewing project information on a County webpage. In addition, property owners within 1,000 feet of the project site were notified of the project on December 10, 2018 and October 7, 2019 and were asked to submit any comments or opinions of the project.

## IV. ENVIRONMENTAL REVIEW PROCESS

In accordance with Section 15082 of the CEQA Guidelines, the County issued a Notice of Preparation (NOP) for the project on May 2, 2019, which started the 30-day comment period for scoping information for the EIR. The County held a public scoping meeting on May 13, 2019 in the community of Groveland. A subsequent NOP was issued on November 15, 2019 due to a clerical error and another 30 day scoping period for the document was held. Pursuant to CEQA Guidelines sections 15023(c), and 15087(f), the State Clearinghouse in the Office of Planning and Research was responsible for distributing the document to State agencies, departments, boards and commissions for review and comment. The County followed required procedures with regard to distribution of the appropriate notices and environmental documents to the State Clearinghouse. The State Clearinghouse made that information available to interested agencies for review and comment.

Concerns brought up at the scoping period were included for analysis in the DEIR. All comments received during the scoping period have been included in the FEIR.

The County released the DEIR on June 15, 2020, for a 45-day public review and comment period. The DEIR was submitted to the State Clearinghouse for distribution to reviewing agencies, posted on the County's website, and made available at the County offices in Sonora. A notice of availability was published in the Union Democrat newspaper. The DEIR was also distributed to responsible and trustee agencies, other affected agencies, surrounding counties, and interested parties, as well as to all parties requesting a copy of the DEIR, in accordance with Public Resources Code section 21092(b)(3).

The County received written comments on the DEIR from local agencies, organizations, and individuals. After reviewing these letters carefully, County staff determined that none of the comments provided any basis for identifying any new significant impacts or other significant new information that would require recirculation of some or all of the DEIR.

The Final EIR, which includes responses to comments on the DEIR, was issued on November 19, 2020.

## V. RECORD OF PROCEEDINGS

In accordance with Public Resources Code section 21167.6(e), the record of proceedings for the Commission's decision to approve the project includes the following documents at a minimum:

- The NOP and all other public notices issued by the County in conjunction with the Draft EIR, as well as all comments submitted by agencies or members of the public during the comment period on the NOP;
- The Draft EIR and all appendices;
- All comments submitted by agencies or members of the public during the comment periods on the Draft EIR;
- All comments and correspondence submitted to the County with respect to the project, including comments submitted subsequent to the release of the Final EIR;
- The Final EIR, including responses to comments on the DEIR, and appendices;
- Documents cited or referenced in the Draft EIR and the Final EIR;
- All recommendations and findings adopted by the Planning Commission in connection with the project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by the County, consultants to the County, 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 project;
- Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6(e).

Pursuant to CEQA Guidelines section 15091(e), the documents constituting the record of proceedings are available for review during normal business hours at the Tuolumne County Community Development Department, 48 Yaney Street, 4th Floor, Sonora, CA 95370. The custodian of these documents is CDD Director – Quincy Yaley.

## VI. MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the project and is included in the same Resolution that adopts these Findings. The County will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period. The Final MMRP is attached to and incorporated into the Final EIR and is approved in conjunction with certification of the DEIR and adoption of these Findings of Fact.

## VII. FINDINGS FOR DETERMINATIONS OF NO IMPACT OR LESS THAN SIGNIFICANT IMPACT

The Commission has reviewed and considered the information in the DEIR and the Final EIR addressing potential environmental effects, proposed mitigation measures, and alternatives. The Commission, relying on the facts and analysis in the DEIR and the Final EIR, which were presented to the Commission and reviewed and considered prior to any approvals, concurs with the conclusions of the DEIR and the Final EIR regarding the potential environmental effects of the project.

The Commission concurs with the conclusions in the Final EIR that all of the following impacts will be less than significant or no impact:

- Forestry Resources
- Air Quality
- Energy
- Forestry Resources
- Geology, Soils, and Seismicity
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Recreation

## VIII. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The DEIR identified a number of significant and potentially significant environmental effects (or impacts) that the project will contribute to or cause. All of these significant effects can be fully avoided through the adoption of feasible mitigation measures.

### A. Findings for Impacts Mitigated to Less Than Significant

This section includes the project's direct and indirect impacts as well as cumulative impacts. The text in this section does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, this section provides a summary description of each impact, describes the applicable mitigation measures identified in the DEIR or Final EIR and adopted by the Commission, and states the Commission's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the DEIR and Final EIR, and the Commission hereby incorporates by reference into these Findings the discussion and analysis in those documents supporting the Final EIR's determinations. In making these Findings, the Commission ratifies, adopts, and incorporates into the Findings and analyses and explanations in the DEIR and Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these Findings.

The Commission has adopted all of the mitigation measures identified herein.

***AESTHTICS***

**Impact AES-4:** The proposed project includes the installation of photovoltaic panels to generate solar energy.

**Explanation:** Because the location and materials for the panels is not yet known, the panels have the potential to become sources of glare, which would be a significant impact.

**Mitigation Measure AES-4:** Proposed photovoltaic panels shall be designed to ensure the following:

- The angle at which panels are installed precludes, or minimizes to the maximum extent practicable, glare observed by viewers on the ground.
- The reflectivity of materials used shall not be greater than the reflectivity of standard materials used in residential and commercial developments.
- Panels shall be sited to minimize their visibility from Highway 120.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure AES-4, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

***BIOLOGICAL RESOURCES***

**Impact BIO 1-1:** The project has the potential, through habitat modification, to adversely affect the Crotch bumble bee, a species identified as a candidate for listing as endangered under the CESA.

**Explanation**: Because the project may result in a loss of potential habitat modification for special-status species the following mitigation measure is adopted to reduce and compensate for significant impacts to this species:

**Mitigation Measure BIO 1-1(a):** Preconstruction Bee Surveys. Prior to issuance of grading permits for any staging, construction, or ground disturbing activities between February 1 and November 30th of the construction year, a qualified biologist shall survey the project boundaries for active Crotch bumble bee nests. If identified, CDFW shall be consulted for guidance on buffer distances to avoid colony disturbance (e.g., buffer surrounding the nest itself, entry/exits, and avoiding direct disturbance). If full avoidance cannot be achieved through buffers, no construction shall occur until the nest is no longer occupied. No pesticides or herbicides shall be used so long as the species occupies the site.

This measure shall be incorporated into the project bid package and contract. The measure is the responsibility of the qualified biologist under contract to either the County or construction contractor.

**Mitigation Measure BIO 1-1(b):** Environmental Awareness Training. All contractors involved in site development, applicable County department staff, and environmental specialists (e.g., biologist) shall attend a mandatory Environmental Awareness Training prior to any site disturbances. The program shall address proper implementation of mitigation measures contained herein. This measure shall be incorporated into the project bid package and contract and implemented

throughout project construction. The project biologist shall have the authority to stop work or remove any construction worker on-site that has not completed training. The measure is the responsibility of the qualified biologist under contract to either the County or construction contractor.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO 1-1(a) and BIO 1-1.b, which have been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO 1-2:** The project has the potential, through habitat modification, to adversely affect the Fisher, a species state-listed as threatened under the CESA.

**Explanation:** Because the project may result in impacts to the Fischer species, the following mitigation measures are adopted to reduce and compensate for significant impacts to this species:

**Mitigation Measure BIO-1.2(a):** Implement Mitigation Measure BIO-1.1b.

**Mitigation Measure BIO-1.2(b):** Avoid Inadvertent Animal Trapping During Construction. To avoid inadvertently trapping special-status or common animal species during construction, all excavated steep-walled holes or trenches more than two feet deep shall be covered at the end of each working day with plywood or similar material, or provided with one or more escape ramps constructed of earth fill or wooden planks, or equivalent, at each end of the trench. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped animal is discovered, the contractor shall place an escape ramp or other appropriate structure to allow the animal to escape. Alternatively, the contractor shall contact the project biologist or California Department of Fish and Wildlife for assistance. Similarly, stored pipes or other materials providing potential cover for animals shall be inspected prior to installation or use to ensure that they are unoccupied.

**Mitigation Measure BIO-1.2(c):** Food and Trash Disposal. All food and food-related trash shall be enclosed in sealed trash containers at the end of each workday and removed completely from the construction site every day to avoid attracting wildlife. This measure shall be implemented throughout project construction. The measure is the responsibility of the construction contractor.

**Mitigation Measure BIO-1.2(d):** Construction Hours. project construction shall be limited to 7:00 a.m. to 7:00 p.m. unless an emergency exists.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-1.2(a), BIO-1.2(b), BIO-1.2(c) and BIO-1.2(d), which have been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in, or

incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-1.3:** The project has the potential, through habitat modification, to adversely affect the spotted bat (*Euderma maculatum*).

**Explanation:** Because the project may result in impacts to the spotted bat, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-1.3: I**mplement Mitigation Measure BIO-1.2d.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-1.3, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-1.4**: The project has the potential, through habitat modification, to adversely affect the Western mastiff bat (*Eumops perotis californicus*).

**Explanation:** Because the project may result in the potential, through habitat modification, to adversely affect the Western mastiff bat, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-1.4:** Implement Mitigation Measure BIO-1.2d.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-1.4, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-1.5:** The project has the potential, through habitat modification, to adversely affect the Silver-haired bat (*Lasionycteris noctivagans*).

**Explanation:** Because the project may result potential, through habitat modification, to adversely affect the Silver-haired bat, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-1.5a:** Preconstruction Surveys Suitable Bat Roosting (or Nursery) Areas and Provisions for Protection, if Identified. The project sponsor contractor shall implement the following measures:

- 15 days or fewer before commencing ground-disturbing activities between April and September of the construction year, a qualified biologist shall survey snags, trees, rock crevices and other suitable cavities and structures on the site for roosting bats or bat nurseries.

- If bats are not found and there is no evidence of bat use, construction may proceed.
- If bats are found or evidence of use by bats is present, CDFW shall be consulted for guidance on measures to avoid or minimize disturbance to the colony or nursery. Subject to CDFW approval, measures may include excluding bats from roosts before construction begins. If nurseries are discovered, no work shall occur within buffer areas as established by CDFW until all young are self-sufficient and have left the nursery.
- This mitigation measure shall be incorporated into the project bid package and contract. Surveys shall occur within 15 days of commencing construction that occurs between April and September.

**Mitigation Measure BIO-1.5b:** Implement Mitigation Measure BIO-1.2d.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-1.5(a) and BIO-1.5(b), which have been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-1.6:** The project has the potential, through habitat modification, to adversely affect the Hoary bat (*Lasiurus cinereus*).

**Explanation:** Because the project may result in adversely impacts the Hoary bat, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-1.6:** Implement Mitigation Measures BIO-1.5a and BIO-1.2b.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-1.6, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-1.7:** The project has the potential, through habitat modification, to adversely affect the Long eared myotis (*Myotis evotis*).

**Explanation:** Because the project may result in adversely impacts the Long eared myotis bat, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-1.7:** Implement Mitigation Measures BIO-1.5a and BIO-1.2b.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-1.7, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-1.8:** The project has the potential, through habitat modification, to adversely affect the special-status olivesided flycatcher (*Contopus cooperi*).

**Explanation:** Because the project may result in adversely impacts the olivesided flycatcher, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-1.8:** Pre-Construction Bird/Raptor Survey. Prior to issuance of grading permits for construction occurring between February 1st and August 30th (e.g., excavation, ground disturbance, or vegetation removal) a preconstruction survey for nesting birds shall be in accordance with the CDFW guidelines and a nodisturbance buffer shall be established, if necessary.

If equipment staging, site preparation, vegetation removal, grading, excavation or other project-related construction activities are scheduled during the avian nesting season (generally February 1 through August 30), a focused survey for active nests would be conducted by a qualified biologist within 15 days prior to the beginning of project-related activities.

Following initial pre-construction surveys in year one of project construction, bird surveys shall be repeated annually so long as outside construction continues. Surveys shall be repeated within 15 days prior to resuming outdoor construction activities for the first time between February 1st and August 30th whenever outdoor construction activities have ceased for more than one month (e.g., if outdoor construction shuts down for the season due to winter rains in late November, preconstruction bird surveys would occur again within 15 days prior to recommencing outdoor site work between February 1st and August 30th. If work recommences in January and continues without interruption through August 30th, then no additional preconstruction survey is required).

Surveys shall be conducted in all suitable habitat in the BSA. If an active nest is found, the bird shall be identified to species and the approximate distance from the closest work site to the nest estimated. No additional measures need be implemented if active nests are more than the following distances from the nearest work site: (a) 300± feet for raptors unless otherwise specified; (b) 345 feet for spotted owls; or (c) 75± feet for other non-special status bird species. Disturbance of active nests shall be avoided to the extent possible until it is determined that nesting is complete and the young have fledged. For species protected under the California Fish and Game Code (CFGC), if active nests are closer than those distances to the nearest work site and there is the potential for bird disturbance, CDFW shall be contacted for approval to work within 300± feet of raptors, or 75± feet of other non-special-status bird species.
This measure shall be incorporated into the project bid package and contract. Surveys shall occur within 15 days of commencing construction that occurs between February 1st and August 30th.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-1.8, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-1.9:** The project has the potential, through habitat modification, to adversely affect the special-status American peregrine falcon (*Falco peregrinus anatum*).

**Explanation:** Because the project may result in adversely impacts the American peregrine falcon, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-1.9:** Implement Mitigation Measure BIO-1.8.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-1.9, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-1.10:** The project has the potential, through habitat modification, to adversely affect the special-status California spotted owl (*Strix occidentalis occidentalis*).

**Explanation:** Because the project may result in adversely impacts the California spotted owl, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-1.10:** Implement Mitigation Measure BIO-1.8.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-1.10, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-1.11:** The project has the potential, through habitat modification, to adversely affect protected bird species.

**Explanation:** Because the project may result in adversely impacts to bird species, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-1.11:** Implement Mitigation Measure BIO-1.8.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-1.11, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-1.12:** The project has the potential to interfere substantially with the movement of native resident wildlife species.

**Explanation:** Because the project may result in adverse impacts to the movement of native resident wildlife species, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-1.12:** Implement Mitigation Measures BIO-1.2b, BIO-1.2c, and BIO -1.2d.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-1.12, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-1.13:** The project has the potential, through habitat modification, to adversely affect the special-status Small's southern clarkia (*Clarkia australis*).

**Explanation:** Because the project may result in adverse impacts to the Small's southern clarkia, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-1.13:** BIO-1.13: Pre-Construction Botanical Survey. Surveys shall occur during the bloom season prior to issuance of grading permits during the bloom period for *Clarkia australis* (May through August) and *Erythranthe filicaulis* (April through August). If found, the location of special status plant populations shall be clearly identified in the field by staking, flagging, or fencing prior to the commencement of activities that may cause disturbance. A buffer surrounding the populations shall be established by a qualified botanist based on the plant species, its habitat, and the nature of the proposed project activity. No activity shall occur within the buffer area. If sensitive plant species cannot be avoided, transplanting (perennial species), seed collection and dispersal (annual species) may be undertaken by a qualified botanist. If transplanting or seed collection/dispersal is employed, ongoing monitoring for 5 years shall be conducted to assess the effectiveness of mitigation. The performance standard for mitigation is no net reduction in the size or viability of the local plant population. Prior to salvaging plants, written permission shall be obtained from the landowner and CDFW shall be notified 10 days prior to salvage activities or, for emergency situations, CDFW shall be notified within 14 days following salvage activities consistent with the provisions of the California Native Plant Protection Act

(California Fish and Game Code Sections 1912 and 1913) and California Penal Code Section 384a. Salvage shall be in accordance with California Fish and Game Code Sections 1912 and 1913(c) including CDFW notification. The performance standard for this mitigation measure is no net reduction in the size or viability of local sensitive plant populations. This measure shall be incorporated into the project bid package and contract. Surveys shall occur during the bloom season prior to commencing construction during the bloom period for *Clarkia australis* (May through August) and *Erythranthe filicaulis* (April through August).

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-1.13, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-1.14:** The project has the potential, through habitat modification, to adversely affect the special-status Slender-stemmed monkeyflower (*Erythranthe filicaulis*).

**Explanation:** Because the project may result in adverse impacts to Slender-stemmed monkeyflower, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-1.14:** Implement Mitigation Measure BIO-1.13.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-1.14, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-1.15:** The project has the potential to interfere substantially with the movement of native resident wildlife species.

**Explanation:** Because the project may result in adverse impacts to of native resident wildlife species, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-1.15:** Trash shall be stored in an animal-resistant enclosure, or bear shed throughout the life of the project. Trash enclosure design shall be approved by the project biologist prior to installation. The project proponents are encouraged to visit http://www.waste101.com/bear-aware/ or contact the Tahoe Truckee Sierra Disposal or similar entity, for appropriate designs.

This measure shall be implemented prior to issuance of an occupancy permit. The measure is the responsibility of the construction contractor. A Notice of Action shall

be filed with the County Clerk on the project parcels including the project conditions specifying that this measure shall be continued throughout the life of the project.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-1.15, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-2:** The project has the potential to spread invasive plant species.

**Explanation:** Because the project may result in the spread invasive plant species, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-2:** Minimize the spread of invasive plant species through the following:

- The project landscaping planting palette shall be revised to ensure that all plantings are non-invasive species. All hay, straw, hay bales, straw bales, seed, mulch or other material used for erosion control on the project site shall be free of noxious weed seeds and propagules (Food and Agriculture Code Sections 6305, 6341 and 6461).
- All equipment brought to the project site shall be thoroughly cleaned of all dirt and vegetation prior to entering the site to prevent importing noxious weeds and shall be cleaned of all dirt and vegetation prior to exiting the site to prevent exporting noxious weeds. (Food and Agriculture Code Section 5401).
- All material brought to the site, including rock, gravel, road base, sand, and topsoil, shall be free of noxious weeds and propagules. (Food and Agriculture Code Sections 6305, 6341 and 6461).

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-2, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-3.1:** The project has the potential to degrade waters of the U.S. indirectly by degrading water quality through construction activities.

**Explanation:** Because the construction activities has the potential to degrade waters of the U.S. indirectly by degrading water quality through construction activities, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-3.1:** Install Temporary Environmentally Sensitive Area (ESA) Fencing to Protect Sensitive Drainages during Construction Activities that Disturb Soils. Prior to issuance of grading permits, the project contractor shall implement the following:

- Install high-visibility/ESA fencing (e.g., orange construction safety fencing) a minimum of 50 feet from the centerline of both sides of Ephemeral Channel-1 (Northwest corner of the project site) during any time when disturbing soils within 50 feet of the drainage channel (fencing is not required when soil disturbances are not occurring so long as erosion control from any prior soil disturbances within 50 feet has been installed). Fencing shall be of flexible material that allows for deer passage. Install silt fencing, fiber rolls, or equivalent erosion and sediment control devices on the project side of the ESA fencing to prevent disturbances and erosion into the adjacent drainage. Silt fencing or other materials, as required, shall be installed consistent with the applicable water quality requirements specified in the project's Storm Water Pollution Prevention Plan (SWPPP) or Water Pollution Control Plan (WPCP). Fencing or other erosion control materials or devices shall be shown on the final construction documents.
- No construction-related materials, equipment, trash or other related debris shall be allowed, stored or staged within the fenced area. ESA Fencing shall remain in place until soil disturbances within 50 feet have been completed and erosion control measures have been installed in accordance with approved plans. Fallen fencing shall immediately be repaired as necessary to remain visible during all construction activities.
- Fenced areas shall be avoided throughout project construction (i.e., active soil disturbing activities) and shall be monitored by the project manager throughout construction.
- This measure shall be incorporated into the project bid package and contract.
- All ESA Fencing shall be removed from the site after construction activities are completed.
-

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-3.1, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-3.2:** The project has the potential to fill waters of the U.S. totaling 0.001 acre.

**Explanation:** Because the construction activities has the potential to fill waters of the U.S., the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-3.2:** Comply with Section 404 of the federal Clean Water Act. Within the Caltrans right-of-way, the applicant shall secure an encroachment permit from Caltrans and comply with all conditions of the Caltrans encroachment permit including the following as it applies to Ephemeral Channel-2:

- Prior to issuance of grading permits, comply with Section 404 and Section 401 of the Clean Water Act and comply with all current regulations (i.e., at the time of disturbance) pertaining to fill of Ephemeral Channel-2 (0.001 acre).

- If regulations in place at the time of site disturbance require permits from the USACE for filling an ephemeral drainage: the acreage, location, and method(s) for compensation for fill shall be determined during the permitting process in accordance with USACE standards. The project shall adhere to a "no net loss" standard for waters of the U.S. and waters of the State. Suitable habitat shall be restored, enhanced, and/or replaced at an acreage and location and by methods approved by the USACE and Central Valley Regional Water Quality Control Board, as jurisdictionally appropriate. The replacement of waters will be equivalent to the nature of the habitat lost and will be provided at a suitable ratio to ensure that, at a minimum, there is no net loss of habitat acreage or value. The replacement habitat will be set aside in perpetuity for habitat use.
- Compensation may also include purchasing credits from a Corps and/or state or federally approved mitigation bank at a ratio prescribed in the applicable Section 404 Permit as necessary to achieve no net loss of waters of the U.S. For waters of the state, compensation may be through the National Fish and Wildlife Foundation Sacramento District California In-Lieu Fee Program.
- Alternatively, if final project plans allow for full avoidance and no fill of Ephemeral Channel 2 pursuant to the determination of the project's wetlands biologist; Mitigation Measures BIO-3.1 and BIO-3.2 may be substituted to ensure avoidance.
- This measure shall occur prior to issuance of grading permits. All permit provisions shall be implemented and maintained in accordance with the applicable permits.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-3.2, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-3.3:** The project has the potential to adversely impact waters of the U.S. indirectly by degrading water quality through construction activities.

**Explanation:** Because the project may result in adverse impacts waters of the U.S. indirectly by degrading water quality through construction activities, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-3.**4: Best Management Practices (BMPs) to Protect Water Quality (Including NOI/NPDES/SWPPP). Prior to issuance of grading permits, the project contractor shall implement the following:

- Prepare an Erosion Control Plan for implementation for any construction to take place between October 15 and May 15 of any year. In the absence of such an approved plan, all construction shall cease on or before October 15, except that necessary to implement erosion control measures. If necessary, the plan shall be submitted to the County Public Works Department for review and approval.

- Submit to the State Water Resources Control Board Storm Water Permitting Unit, a Notice of Intent (NOI) to obtain coverage under the General Construction Activity Storm Water Permit -California's National Pollution Discharge Elimination System (NPDES) general permit for construction related storm water discharges for the disturbance of one acre or more. Disturbances of less than one acre may also require an NOI for coverage under the NPDES General Permit for construction-related storm water discharge and the State Water Resources Control Board Permitting Unit shall be contacted for determination of permit requirements. Commercial and Industrial developments may require an NOI even if less than one acre is to be disturbed. Obtain coverage or an exemption from these requirements. [Federal Water Pollution Control Act, Section 401, California Clean Water Act]. The permit may include preparation of a Stormwater Pollution Prevention Plan (SWPPP). This measure shall be incorporated into the project bid package and contract.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-3.3, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-4.1:** The project has the potential to indirectly interfere with the movement of native resident mule deer traveling to and from winter range through the introduction of additional people, pets and traffic.

**Explanation:** Because the project may result in adverse impacts to native resident wildlife species, the following mitigation measures are adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-4.1a:** Enhance Rim Fire Burned Deer Winter Range and/or Data. Prior to issuance of a certificate of occupancy, the project proponents shall contribute $1,100 per acre for approximately 43.4 acres to a non-profit (e.g., Yosemite Stanislaus Solutions) to be used for activities associated with either enhancing deer winter range or providing updated research data to support herd management within the footprint of the Rim Fire.

**Mitigation Measure BIO-4.1b:** Keep Dogs Leashed. The project sponsor shall implement the following:

- Dogs shall be kept on leash or otherwise prohibited from running free outdoors. Signs shall be posted along all project trails stating that dogs shall be kept on leash.
- The project website, booking site, and/or brochures shall advise visitors of this requirement. A Notice of Action shall be filed with the County Clerk on the project parcels including the project conditions specifying that this measure shall be continued throughout the life of the project.

**Mitigation Measure BIO-4.1c:** Stay on Trails/Education. The project sponsor shall implement the following:

- Visitors shall be required to stay on designated trails at the project site when hiking within the project boundaries to minimize wintering deer/human interactions. Signs shall be posted along all project trails stating that visitors shall stay on trails and shall not approach deer (in particular between November 30 and April 30 when deer are expected to be migrating to and from their wintering grounds). In consultation with the project biologist, the project proponents shall prepare an interpretive trail sign/plaque or signs/plaques describing the life history of the Yosemite Deer Herd, the area's importance as wintering deer habitat and as a migratory corridor, and the necessity to avoid approaching non-resident deer during their winter migrations.
- The project website, booking site, and/or brochures shall advise visitors of the requirement to avoid approaching non-resident deer during winter migrations.

**Significance After Mitigation:** Less than Significant

**Finding:** Implementation of Mitigation Measure BIO-4.1a, BIO-4.1b, and BIO-4.1c, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-4.2**: If there is fencing associated with the project, it has the potential to trap, injure, or impede deer movements, resulting in deer injuries or fatalities. This would indirectly interfere with the movement of native resident mule deer traveling to and from winter range.

**Explanation:** Because the project may interfere with native resident mule deer, the following mitigation measures are adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-4.2a:** Deer-Friendly Fencing. Prior to issuance of a final certificate of occupancy, the project contractor shall implement the following:

- To prevent trapping, injuring, or impeding deer movement; barbed wire fencing is prohibited. Non barb-wired fencing immediately surrounding structures (e.g., storage facilities, swimming pools) where deer are less likely to travel is permitted. Additional Fencing design shall be subject to review and approval by the project biologist following one of the recommended designs found in a Landowner's Guide to Wildlife Friendly Fences: How to Build a Fence with Wildlife in Mind. 2nd edition, 2012 (or as may be updated) by the Montana Dpt. of Fish Wildlife and Parks. Alternative fencing designs shall be approved by CDFW prior to installation.

- A Notice of Action shall be filed with the County Clerk on the project parcels including the project conditions specifying that this measure shall be continued throughout the life of the project.

**Mitigation Measure BIO-4.2b:** Implement Mitigation Measures BIO-4.1b and BIO-4.1c.

**Significance After Mitigation:** Less than Significant

**Finding:** Implementation of Mitigation Measure BIO-4.2a, BIO-4.2b which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-5.1:** The project has the potential to conflict with Public Resources Code 21083.4 related to oak tree protection.

**Explanation:** Because the project may conflict with Public Resources Code section 21083.4, the following mitigation measures are adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-5.1a:** Implement Mitigation Measure BIO-1.1b.

**Mitigation Measure BIO-5.1b:** Native Oak Tree Protection. Throughout project construction, for native oak trees greater than 5 inches diameter at breast height (DBH), to be retained, to the maximum extent feasible:

- Limit ground-disturbing activities to outside the dripline of native oaks and preferably outside 1-1/2 times the dripline.
- No storage equipment, supplies, vehicles, debris, construction wastewater, paint, stucco, concrete or any other clean-up waste, and temporary or permanent structures shall be placed within the driplines.
- Avoid cutting oak roots.
- Use boring, rather than trenching, within driplines.
- Avoid equipment damage to limbs, trunks, and roots of oak trees.
- Do not attach signs, ropes, cables or other items to trees.

**Significance After Mitigation:** Less than Significant

**Finding:** Implementation of Mitigation Measure BIO-5.1(a) and BIO-5.1(b), which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-5.2:** Although not planned to do so, construction activities have the potential encroach within open space boundaries intended to protect wildlife habitat.

**Explanation:** Because project construction activities may encroach within open space boundaries intended to protect wildlife habitat, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-5.2:** Install ESA Fencing along the existing Open Space Zoning District boundaries where active construction will occur within 50 feet of the boundaries. The project contractor shall install ESA fencing along existing open space boundaries where active construction will occur within 50 feet of existing

open space boundaries. Fencing shall be shown on the final construction documents.

This measure shall be incorporated into the project bid package and contract and implemented prior to issuance of grading permits.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-5.2, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact BIO-7:** Increased traffic from the proposed project in combination with proposed adjacent projects could increase deer fatalities along Highway 120 within the project vicinity, interfering with migrating native mule deer.

**Explanation:** Because the project contribute to an increase in deer fatalities, interfering with migrating native mule deer, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure BIO-7:** Implement Mitigation Measures BIO-4.1a and BIO-4.2a.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure BIO-7, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

***CULTURAL AND TRIBAL RESOURCES***

**Impact CULT-1:** Ground disturbing activities may result in unanticipated discoveries of cultural resources. Construction activities as part of the proposed project could impair or destroy previously undiscovered prehistoric or historical resources extracted during earth disturbing activities.

**Explanation:** Because the project may impair or destroy prehistoric or historical resources, the following mitigation measures are adopted to reduce and compensate for significant impacts:

**Mitigation Measure CULT-1(a):** Prior to the issuance of grading permits, the County shall confirm the applicant has required all construction crews to undergo adequate training for the identification of federal- or State-eligible cultural resources, and that the construction crews are aware of the potential for previously undiscovered archaeological or paleontological resources on-site, of the laws protecting these resources and associated penalties, and of the procedures to follow should they discover cultural resources during project-related work.

Examples of prehistoric resources may include: stone tools and manufacturing debris; milling equipment such as bedrock mortars, portable mortars, and pestles; darkened or stained soils (midden) that may contain dietary remains such as shell and bone; as well as human remains. Historic resources may include: burial plots; structural foundations; mining spoils piles and prospecting pits; cabin pads; and trash scatters consisting of cans with soldered seams or tops, bottles, cut (square) nails, and ceramics.

**Mitigation Measure CULT-1(b):** In the event that unanticipated discoveries of potentially sensitive cultural resources are encountered during the construction period, all activity should cease within 100 feet of the find until a qualified archaeologist or paleontologist, who meets federal criteria under 36 CFR 61, can determine the significance of the find and determine the appropriate mitigation. If the deposits are determined to be non-significant by a qualified archaeologist or paleontologist, avoidance is not necessary. If the deposits are determined to be potentially significant by the qualified archaeologist or paleontologist, the resources shall be avoided if feasible. If avoidance is not feasible, project impacts shall be mitigated in accordance with the recommendations of the archaeologist and paleontologist, in coordination with the County, local tribes, and the CEQA Guidelines Section 15126.4 (b)(3)(C), which requires implementation of a data recovery plan.

The data recovery plan shall include provisions for adequately recovering all scientifically consequential information from and about any discovered archaeological or paleontological materials and include recommendations for the treatment of these resources.
In-place preservation of the archaeological or paleontological resources is the preferred manner of mitigating potential impacts, as it maintains the relationship between the resource and the archaeological or paleontological context. In-place preservation also reduces the potential for conflicts with the religious or cultural values of groups associated with the resource. Other mitigation options include, but are not limited to, the full or partial removal and curation of the resource.

The County shall confirm that the project applicant has retained a qualified archeologist and paleontologist for the preparation and implementation of the data recovery plan. The recovery plan shall be submitted to the project applicant, the County, and the Central California Information Center. A data recovery plan shall not be required for resources that have been deemed by the Central
California Information Center as adequately recorded and recovered by studies already completed. Once the recovery plan is reviewed and approved by the County and any appropriate resource recovery completed, project construction activity within the area of the find may resume.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure CULT-1(a) and CULT-1(b), which have been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the [project that avoid the significant environmental effect as identified in the Final EIR.

**Impact CULT-2:** Ground disturbing activities may result in unanticipated discoveries of archaeological resources.

**Explanation:** Because the project may result in unanticipated discoveries of archaeological resources, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure CULT-2:** Implement Mitigation Measures CULT-1a and CULT-1b.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure CULT-2, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact CULT-3:** Construction activities may result in unanticipated discovery of human remains interred outside of dedicated cemeteries.

**Explanation:** Because project construction may result in unanticipated discovery of human remains, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure CULT-3:** If human remains are encountered during ground-disturbing activities within the project site, the project contractor and/or onsite supervisor shall immediately halt all work within 100 feet of the discovery and the project contractor shall immediately notify the Tuolumne County Coroner (Coroner), and the Tuolumne County Community Development Department. In coordination with the County, the project applicant and contractor shall contact a qualified archaeologist meeting federal criteria under 36 CFR 61 to assess the situation and consult with the appropriate agencies. If the human remains are of Native American origin, the Coroner shall notify the NAHC within 24 hours of this identification. The NAHC will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment or disposition, with proper dignity, of the remains an any associated grave goods. Upon completion of the assessment, the qualified archaeologist shall prepare a report documenting the background to the finds and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the project applicant, the County, and the Central California Information Center. Once the report is reviewed and approved by the County, and any appropriate treatment completed, project construction activity within the area of the find may resume.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure CULT-3, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or

alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact CULT-4:** Implementation of the proposed project may cause a substantial adverse change in the significance of a TCR, as defined in Public Resources Code Section 21074.

**Explanation:** Because the project may cause a substantial adverse change in the significance of a TCR, the following mitigation measures are adopted to reduce and compensate for significant impacts:

**Mitigation Measure CULT-4(a):** Implement Mitigation Measures CULT-1a and CULT-1b.

**Mitigation Measure CULT-4(b):** Prior to the initiation of any construction activities, the project applicant shall provide one-time site access to a Tuolumne Band representative(s) to remove native plants for the purpose of transplanting them to the Four Seasons Native Plant Nursery on the Tuolumne Rancheria.

**Mitigation Measure CULT- 4(c):** The project site plan shall be amended to identify a 50-foot buffer around the top of the knoll (see Figure 4.4-1 of this Draft EIR) as a Me-Wuk Open Space area. This area will be available for quiet enjoyment for the following uses: guest/visitor recreational activities, guest/visitor assembly, and guest/visitor programs. The project developer shall not construct or otherwise place any permanent structures or improvements within the 50-foot buffer.

**Mitigation Measure CULT-4(d):** Prior to the initiation of any construction activities, the project applicant shall provide one-time site access to a Tuolumne Band representative(s) to gather firewood on the project site.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure CULT-4(a), CULT-(b), CULT-4(c), and CULT-4(d) which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

***HAZARDS AND HAZARDOUS MATERIALS***

**Impact of HAZ-5:** Operation of an emergency helipad on the proposed project could result in safety hazard impacts to people working or residing within the project area.

**Explanation:** Because the project may result in safety hazard impacts to people working or residing within the project area, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure HAZ-5:** Prior to the start of any helipad operations on the project site, the project shall receive airspace determination approvals from the Federal Aviation Administration, a building permit from the Tuolumne County Building Division, and a Letter of Land Use Consistency from the Tuolumne County Airport Land Use Commission.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure HAZ-5, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

***HYDROLOGY AND WATER QUALITY***

**Impact of HYD-1:** The proposed project may increase post-project runoff thus violating water quality standards.

**Explanation:** Because the project may result in increase post-project runoff, the following mitigation measure are adopted to reduce and compensate for significant impacts:

**Mitigation Measure HYD-1(a):** A Drainage Plan for the site shall be prepared prior to issuance of building permits to address the post-construction requirements of the Statewide Construction General Permit. The Drainage Plan shall specify how runoff on the site will be managed in order to protect water quality. The plans will include detailed runoff calculations to appropriately size culverts, bridges, retention ponds/areas, and roadside ditches to meet the drainage requirements of the project site. The purpose of the plan will be to prevent the creation of localized on- or off-site flooding and to prevent any negative water quality effects off-site. If necessary, the plan shall be submitted to the Engineering Development Division of the Tuolumne County Public Works Department for review and approval.

**Mitigation Measure HYD-1(b):** Detention and/or retention facilities shall be designed to the satisfaction of the Tuolumne County Engineering Development Department staff and shall be included in the drainage report as described in Mitigation Measure HYD-1. These facilities shall capture surface runoff and retain flows such that the rate of surface runoff does not exceed existing flows. Maintenance of retention facilities shall be required by Tuolumne County. HYD-2: The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure HYD-1(a) and HYD 1(b), which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact HYD-3:** The proposed project would increase impervious surfaces and post-project stormwater volumes which could exceed pre-project development volumes thus requiring the expansion of existing stormwater facilities or the construction of new facilities.

**Explanation:** Because the project would increase impervious services and requiring stormwater volumes, the following mitigation measures are adopted to reduce and compensate for significant impacts:

**Mitigation Measure HYD-3:** Implement Mitigation Measures HYD 1(a) and HYD 1(b).

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure HYD-3, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

***NOISE***

**Impact NOI-1.1.:** The project would generate a substantial permanent increase in maintenance yard noise in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, State, or federal standards.

**Explanation:** Because the project would generate noise standards, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure NOI-1.1:** In order to satisfy applicable Tuolumne County General Plan daytime and nighttime noise level limits at the nearest existing sensitive use to the project, and subsequently result in maintenance yard noise levels at or below ambient noise conditions at that use, the following noise mitigation measures shall be implemented:

- Construct a solid noise barrier measuring 11-feet in height along the north, east and west sides of the maintenance yard boundary, as depicted in Figure 4.12-2. The barrier could be constructed of either masonry or precast concrete panels. A noise barrier constructed of wood (or wood composite) fence material with overlapping slat construction would also be sufficient. The purpose of overlapping slats and using screws rather than nails is to ensure that prolonged exposure to the elements does not result in visible gaps through the slats which would result in reduced noise barrier effectiveness.
- Ensure that the generator selected for the maintenance yard have a reference noise level not to exceed 70 dB at a distance of 50 feet. Depending on the power requirements of the equipment, the implementation of a custom engineered generator enclosure may be required in order to achieve an overall equipment noise level of 70 dB at 50 feet.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure NOI-1.1, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact NOI-1.2**.: The project would generate combined on-site operational noise in the vicinity of the project in excess of standards established in the Tuolumne General Plan daytime and nighttime hourly average noise level standards.

**Explanation:** Because the project would generate combined on-site operational noise in excess of standards, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure NOI-1.2(a):** To satisfy applicable Tuolumne County General Plan noise level increase criteria at the nearest existing sensitive use to the project, the project shall limit on-site truck deliveries to daytime hours only (7:00 a.m. to 10:00 p.m.) and limit refuse collection activities to daytime hours only (7:00 a.m. to 10:00 p.m.).

**Mitigation Measure NOI-1.2(b):** Implement Mitigation Measure NOI-1.1.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure NOI-1.2(a) and NOI-1.2(b), which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact NOI-3.2:** Noise levels associated with use of the proposed emergency helipad could exceed the Tuolumne County General Plan 40 dB Lmax interior noise level standard within the sensitive interior areas of the proposed development.

**Explanation:** Because the project would generate noise levels associated with the helipad that could exceed standards, the following mitigation measures are adopted to reduce and compensate for significant impacts:

**Mitigation Measure NOI-3.2(a):** Window and door assemblies of all lodging within the proposed development should be upgraded to a minimum STC rating of 32.

**Mitigation Measure NOI-3.2(b):** Disclosure statements should be provided to inform guests of the potential for elevated interior noise levels during emergency operations at the helipad, especially during nighttime hours.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure NOI-3.2(a) and NOI-3.2(b), which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

***PUBLIC SERVICES AND RECREATION***

**Impact PS-1:** The proposed project has the potential to increase demand for fire protection services to the project site. The construction or alteration of fire protection facilities to meet the increase in demand could cause significant environmental impacts.

**Explanation:** Because the project has the potential to increase demand for fire protection, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure PS-1:** Prior to issuance of the certificate of occupancy, the project sponsor shall provide trained and certified emergency staff. The project shall provide enough staff to ensure that two emergency staff are on premises and available to respond to emergencies at all times.

The emergency staff shall be trained to meet Tuolumne County Fire Department volunteer fire service standards. Staffing may be provided by Terra Vi employees who have completed the required training.

The Terra Vi project shall provide personal protection equipment (PPE) and positive communication equipment for all emergency staff. 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 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 Tuolumne County and maintained per manufacturer and National Fire Protection Association (NFPA) standards by the Terra Vi project sponsor.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure PS-1, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact PS-2:** The proposed project, in combination with cumulative projects, has the potential to increase demand for fire protection services in the service area. The construction or alteration of fire protection facilities to meet the increase in demand could cause significant environmental impacts.

**Explanation:** Because the project has the potential to cumulatively increase demand for fire protection, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure PS-2:** Implement Mitigation Measure PS-1.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure PS-2, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact PS-3:** The proposed project has the potential to increase demand for police services to the project site. The construction or alteration of police facilities to meet the increase in demand could cause significant environmental impacts.

> **Explanation:** Because the project has the potential to increase demand for police services, the following mitigation measure is adopted to reduce and compensate for significant impacts:
>
> > **Mitigation Measure PS-3:** The Terra Vi Lodge shall include private security personnel on staff (Manager on Duty) to provide security, complaint resolution, and interfaces with law enforcement/emergency personnel in case of an incident, emergency, or evacuation. These personnel shall be on-site 24 hours a day, seven days a week. The security personnel shall make regular rounds of the Terra Vi Lodge and employee housing and report internally any incidences, as well as report to local authorities if the situation warrants it.
>
> **Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure PS-3, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact PS-4:** The proposed project, in combination with cumulative projects, has the potential to increase demand for police services in the service area. The construction or alteration of police facilities to meet the increase in demand could cause significant environmental

> **Explanation:** Because the project has the potential to increase cumulative demand for police services, the following mitigation measure is adopted to reduce and compensate for significant impacts:
>
> > **Mitigation Measure PS-4:** Implement Mitigation Measure PS-3.
>
> **Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure PS-4, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

***TRANSPORTATION***

**Impact TRANS-1.1:** The project has the potential to generate transit ridership in excess of available capacity on the YARTS line serving the SR 120 corridor, during the peak usage period (May 27 to September 2).

**Explanation:** Because the project has the potential to generate transit ridership, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure TRANS-1.1:** The project has the potential to generate transit ridership in excess of available capacity on the YARTS line serving the SR 120 corridor, during the peak usage period (May 27 to September 2).

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure TRANS-1.1, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact TRANS-1.2:** The project would result in construction automobile and truck traffic that accesses the site from SR 120 and, in combination with necessary lane closures, this activity would temporarily disrupt background traffic flow. The project's construction truck traffic could result in deterioration of the condition of Sawmill Mountain Road.

**Explanation:** Because the project result in construction traffic that may disrupt traffic flow, the following mitigation measures are adopted to reduce and compensate for significant impacts:

**Mitigation Measure TRANS-1.2(a):** The project applicant or contractor shall prepare a Construction Traffic Control Plan as part of the Caltrans encroachment permit application for all work within the state right of way on SR 120.

**Mitigation Measure TRANS-1.2(b):** Prior to the start of any construction activity on-site or in the SR 120/Sawmill Mountain Road intersection, the applicant shall coordinate with the Tuolumne County Public Works Department for an on-site inspection of Sawmill Mountain Road to assess the road surface conditions. Following completion of project construction, but prior to issuance of an occupancy permit, the applicant shall schedule a post-construction inspection to determine if deterioration of the road surface occurred, and if so, the applicant/contractor shall restore the road to pre-construction conditions.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure TRANS-1.2(a) and TRANS-1.2(b), which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

**Impact TRANS-3:** The site distance for project-generated traffic turning right (westerly) from Sawmill Mountain Road onto SR 120 is 400 feet, which does not meet the minimum site distance requirements of 500 feet.

**Explanation:** Because the project has impacts related to site distance, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure TRANS-3:** Construction of the proposed left turn lane from SR 120 to Sawmill Mountain to accommodate project-generated traffic will require cutting the hillside and vegetation removal in conformance with Caltrans standards, which will open the line of sight to an acceptable distance, as determined by Caltrans. The project sponsor shall obtain encroachment permit approval from Caltrans prior to the start of construction on the proposed project site and shall complete improvements to SR 120 prior to operation of the proposed project.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure TRANS-3, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

***UTILITIES AND SERVICE SYSTEMS***

**Impact UTIL-10:** The proposed project would increase post-project runoff and may result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

**Explanation:** Because the project would increase post-project runoff and may result in the construction of new stormwater drainage facilities or expansion of existing facilities, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure UTIL-10:** Implement Mitigation Measures HYD-1(a) and HYD-1(b).

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure UTIL-10, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

***WILDFIRE***

**Impact WF-2:** The project includes several project features that would address and reduce wildfire hazards. However, project landscaping plans are not consistent with these measures. Therefore, the project has the potential to, due to the increase of people and vehicles on the

project site, exacerbate wildfire risks and expose project occupants to pollutant concentrations from a wildfire or uncontrolled spread of wildfire.

**Explanation:** Because the project has the potential to exacerbate wildfire risks and expose project occupants to pollutant concentrations from a wildfire or uncontrolled spread of wildfire, the following mitigation measure is adopted to reduce and compensate for significant impacts:

**Mitigation Measure WF-2:** Prior to issuance of building permits, the applicant shall submit a Wildland Fire Prevention Plan and Vegetation Management Plan to the Tuolumne County Fire Prevention Bureau for review and approval. The project site plan and landscaping documents shall be revised to conform to the Vegetation Management Plan. These revisions shall include, but are not limited to, the following measures:

- The perimeter of all structures shall be surrounded by a 5-foot non-combustible zone.
- Project landscaping shall be fire resistant, with a planting palette consisting of native hardwoods and other fire-resistant native vegetation.
- Landscape plantings shall be installed in a way that strategically staggers placement and planting heights to provide effective screening of the proposed project from adjacent roadways.
- Areas within 200 feet of all structures shall be managed as defensible space (in compliance with the California Fire Code and
- Public Resources Code Section 4291, with vegetative fuels that would produce 2-foot or shorter flames.
- The entire project site, including open all undeveloped areas, shall be managed as fire-resistant landscaping that adheres to CAL FIRE's firescaping requirements, with widely spaced trees and shrubs.
- Any new plantings in the undeveloped areas of the site shall include a greater proportion of oaks.
- Undeveloped areas of the project site shall be managed so that they do not grow back in as high a density as existed before the 2013 Rim Fire. Brush and grass in these areas shall be maintained and managed so that continuous groupings do not exceed 120 square feet in area.

**Significance After Mitigation:** Less Than Significant

**Finding:** Implementation of Mitigation Measure WF-2, which has been required or incorporated into the project, will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

### B. Findings for Significant and Unavoidable Impacts

This section includes the project's direct and indirect impacts. The text in this section does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, this section provides a summary description of each impact, describes the applicable mitigation measures identified in the DEIR or Final EIR and adopted by the Commission, and states the

Commission's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the DEIR and Final EIR, and the Commission hereby incorporates by reference into these Findings the discussion and analysis in those documents supporting the Final EIR's determinations. In making these Findings, the Commission ratifies, adopts, and incorporates into these Findings and analyses and explanations in the DEIR and Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these Findings.

The Commission has adopted all of the mitigation measures identified herein.

***GREENHOUSE GAS EMISSIONS***

**GHG-1.1:** Construction of the proposed project would result in a net increase in GHG emissions.

**Explanation:** Because construction of the project would result in a net increase in GHG emissions, the following mitigation measures are adopted to reduce and compensate for significant impacts:

**Mitigation Measure GHG-1.1(a):** The proposed project shall use electrically powered construction equipment, where feasible.

**Mitigation Measure GHG-1.1(b):** The net increase in GHG emissions associated with the Terra Vi Lodge Project could be further reduced by the applicant purchasing carbon credits to offset GHG emissions. Carbon credits however, are market-based. The availability, amount, and price of carbon credits fluctuate over time. As a result, it is unknown if local carbon credit offsets would be available at the time the project is implemented. Additional carbon credit offsets are available on a statewide or national level. However, even though the impact of GHG emissions is considered to be global in scale, the CEQA legal adequacy of applying statewide or national offsets to individual local projects has been questioned. In addition, while the County considered application of carbon credits to offset GHG emissions due to the proposed project, the County General Plan places a higher priority on implementing local mitigation measures before application of offsets. As a result of the unknown availability of local carbon credits, mitigation measures needed to eliminate any net increase in GHG emissions are considered to be not available, application of this mitigation measure is not considered to reduce the GHG emissions impacts of the project to a less-than-significant level, and this impact is considered to be significant and unavoidable.

**Significance After Mitigation:** Significant and Unavoidable

**Finding:** Implementation of Mitigation Measures GHG-1.1(a) & GHG-1.1(b), which have been required or incorporated into the project, will reduce the severity of this impact, but not to a less than significant level. The Commission hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.

The Commission finds that fully mitigating this impact is not feasible; there are no additional feasible mitigation measures beyond Mitigation Measures GHG-1.1(a) & GHG-1.1(b) to reduce

greenhouse gas impacts. The Commission has reviewed suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. The Commission concludes, however, that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.

**Impact GHG-1.2:** Operation of the proposed project would result in a net increase in GHG emissions.

**Explanation:** Because operation of the project would result in a net increase in GHG emissions, the following mitigation measures are adopted to reduce and compensate for significant impacts:

**Mitigation Measure GHG-1.2(a):** The proposed project shall use electrically powered landscape equipment during outdoor landscaping and maintenance activities.

**Mitigation Measurement GHG-1.2(b):** As noted in the description of Mitigation Measure GHG-1.1b, because of the unknown availability of local carbon credits, mitigation measures needed to eliminate any net increase in GHG emissions are considered to be not available application of this mitigation measure is not considered to reduce the GH emissions impacts of the project to a less-than-significant level, and this impact is considered to be significant and unavoidable.

**Significance After Mitigation:** Significant and Unavoidable

**Finding:** Implementation of Mitigation Measures GHG-1.2(a) and GHG-1.2(b), which have been required or incorporated into the project, will reduce the severity of this impact, but not to a less than significant level. The Commission hereby directs that this mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.

The Commission finds that fully mitigating this impact is not feasible; there are no additional feasible mitigation measures beyond Mitigation Measures GHG-1.2(a) and GHG-1.2(b) to reduce greenhouse gas impacts. The Commission has reviewed suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. The Commission concludes, however, that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.

***NOISE***

**Impact NOI-3.1:** Noise levels associated with use of the proposed emergency helipad could result in substantial temporary increases in ambient daytime and/or nighttime noise levels at nearby existing sensitive uses.

**Explanation:** The following mitigation measure is adopted:

**Mitigation Measure NOI-3.1:** As part of the design and approvals process for the proposed helipad, the project sponsor shall relocate the helipad to a location on

the project site farther from residential buildings, if another feasible location can be identified.

**Significance After Mitigation:** Significant and Unavoidable

**Finding:** Implementation of Mitigation Measure NOI-3.1, which has been required or incorporated into the project, will reduce the severity of this impact, but not to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in, or incorporated into, the project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.

The Commission finds that fully mitigating this impact is not feasible; there are no additional feasible mitigation measures beyond Mitigation Measure NOI-3.1 to reduce noise impacts. The Commission has reviewed suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. The Commission concludes, however, that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.

## IX. PROJECT ALTERNATIVES

### A. Basis for Alternatives-Feasibility Analysis

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of *potentially* feasible alternatives, an alternative may ultimately be deemed by the lead agency to be "infeasible" if it fails to fully promote the lead agency's underlying goals and objectives with respect to the project. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 999-1000 (*CNPS*); *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314-315; *City of Del Mar v. City of San Diego* (1983) 133 Cal.App.3d 401, 417.) "'Feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Ibid*.; see also *CNPS*, *supra*, 177 Cal.App.4th at p. 1001.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible.

Under CEQA Guidelines section 15126.6, the alternatives to be discussed in detail in an EIR should be able to "feasibly attain most of the basic objectives of the project[.]" For this reason, the project objectives described above provided the framework for defining possible project

alternatives. (See *In re Bay-Delta* (2008) 43 Cal.4th 1143, 1166.) Alternatives also were evaluated based on general feasibility criteria suggested by the CEQA Guidelines.

Based on the requirements of CEQA Guidelines section 15126.6 and the Project's Objectives, the following alternatives to the project were identified:

Alternative 1: No Project Alternative
Alternative 2: Alternative Site Alternative
Alternative 3: Reduced Footprint Alternative

The Commission finds that a good-faith effort was made in the DEIR to evaluate a reasonable range of alternatives that could feasibly attain most of the basic objectives of the project but that would avoid or substantially lessen any of the significant effects of the project, even when the alternatives might impede the attainment of the project objectives and might be more costly. As a result, the scope of alternatives analyzed in the DEIR is not unduly limited or narrow. (See DEIR, Chapter 4.)

### 1. Significant Unavoidable Impacts of the Project

Section VIII to these Findings of Fact sets forth all of the significant effects associated with the project, along with all of the adopted mitigation measures aimed at reducing the severity of those significant effects. In some instances, the adopted mitigation measures will reduce impacts to less than significant levels. In other instances, however, the significant impacts will still remain significant (and thus unavoidable) even after the adoption of all feasible mitigation measures. These significant unavoidable impacts are briefly summarized below:

**Greenhouse Gases**

*Construction of the project would result in a net increase in GHG emissions.* The project would result in an estimated 769 $MTCO_2e$ during the first year of construction, and 263 $MTCO_2e$ during the second year of construction. The EIR applied a conservative threshold of no net change in GHG emissions. Because construction of the project will result in a net increase in GHG emissions, this impact is significant. Mitigation measure GHG-1.1a requires that the project shall use electrically powered construction equipment where feasible and Mitigation Measure GHG-1.1b explains why further mitigation is not available. With the implementation of mitigation, this impact remains significant.

*Operation of the proposed project would result in a net increase in GHG emissions.* Although the project incorporates several design features which would help reduce GHG emissions during project operation, including enhanced transit use by guests, inclusion of solar photovoltaic electricity generating systems on the roof of the hotel portion of the project, use of recycled water for outdoor water uses, use of low-flow fixtures for indoor water use, and more (see Draft EIR, page 4.8-10), the project will result in 1,948 $MTCO_2e$ in annual operational emissions. The EIR applied a conservative threshold of no net change in GHG emissions. Mitigation measure GHG-1.2a requires that the project shall use electrically powered landscape equipment during outdoor landscaping and maintenance activities and Mitigation Measure GHG-1.2b explains why further mitigation is not available. With the implementation of mitigation, this impact remains significant.

**Noise**

*The proposed emergency helipad could expose people residing or working in the project area to excessive noise levels.* Helicopter noise exposure associated with the emergency helipad at the nearest existing sensitive receptors is difficult to accurately quantify because helicopter noise exposure is highly dependent upon operational information such as aircraft model, number of flights per day, time of day of flights, and flight path, which is unknown. The proposed emergency helipad is approximately 430 feet from the nearest existing sensitive land use (receiver 1). Based on the project noise study file data and assuming (conservatively) two daily helicopter arrivals and departures, day-night average noise level exposure is calculated to be 55 dB $L_{dn}$ at 430 feet. The maximum noise level for the combined helicopter arrival and departure at that same distance would be 72 dB $L_{max}$. It is reasonable to assume that noise levels associated with emergency services, such as those proposed at the project emergency helipad, would likely be exempt from Tuolumne County noise level criteria. However, based on the information above, noise levels associated with those emergency operations would likely result in substantial temporary increases in ambient daytime and/or nighttime noise levels at nearby existing sensitive uses. As a result, the impact to existing sensitive uses is significant.

Mitigation Measure NOI-3.1 requires the project sponsor to relocate the helipad to a location farther from residential buildings, if feasible. The project applicant has identified a potential alternative helipad location, and the feasibility of this location will be determined through the design and approvals process. In addition, while mitigation measures related to flight path design and helipad location could potentially be effective in reducing noise levels at the existing residences nearest to the project emergency helipad, it is also possible that noise exposure associated with the selected flight path could impact other sensitive uses along the route. Mitigation measures such as limitations on aircraft models and frequency of flights per day (i.e., number per day and time of day) are generally considered to be infeasible in application. Because there are no identified feasible mitigation measures that would ensure noise levels generated by emergency flight operations at the project emergency helipad would not result in substantial increases in ambient noise levels, the impact is significant.

## 2. Scope of Necessary Findings and Considerations for Project Alternatives

As noted above, these Findings address whether the various alternatives substantially lessen or avoid any of the significant impacts associated with the project and then consider the feasibility of each alternative. Under CEQA, as noted earlier, "[f]easible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines, § 15364.) The concept of feasibility permits agency decisionmakers to consider the extent to which an alternative is able to meet some or all of a project's objectives. In addition, the definition of feasibility encompasses "desirability" to the extent that an agency's determination of infeasibility represents a reasonable balancing of competing economic, environmental, social and technological factors supported by substantial evidence.

These Findings consider the extent to which the alternatives are able to meet the project objectives, as described in the EIR and in Section III.B, above.

## B. Alternatives Considered but Dismissed from Further Evaluation

***Reoriented Project Layout***

The County considered an alternative under which the project site plan would be redesigned to position the lodge on the eastern portion of the project site, to provide a greater buffer between the proposed project and the residential properties to the north of the project site. This alternative was determined to be infeasible due to the site terrain. The eastern site area contains two knolls; in order to move the development footprint into the eastern portion of the project, substantial earthwork would be required to accommodate the lodge and guest buildings. In addition, this alternative would require a rezoning to change the Open Space Zoning. In addition, portions of this area are identified as culturally sensitive. Lastly, because the project site does not extend to Highway 120, access to the site would still need to be via Sawmill Mountain Road, or through a new easement on Caltrans property. Therefore, because this alternative was determined to have greater impacts from grading and excavation, would require a zone change, is within a culturally sensitive area, and poses site access issues, it was not selected for inclusion in the alternatives analysis. The Commission concurs with the conclusions in the EIR rejecting this alternative as infeasible. (DEIR Section 6-4)

***Alternative Site Access***

The County considered an alternative under which the primary access point for the project would be located along Highway 120, rather than Sawmill Mountain Road. The environmental analysis in this Draft EIR does not identify any significant impacts associated with the location of the project's proposed access point. Therefore, such an alternative would not avoid any significant environmental impacts. The Commission concurs with the conclusions in the EIR rejecting this alternative as infeasible. (DEIR Section 6-4)

***Relocated Leach Field***

The County considered an alternative under which the leach fields for the project would be relocated to the eastern portion of the project site, rather than the northwestern corner of the site. The environmental analysis in this Draft EIR does not identify any significant impacts associated with the location of the project's leach fields. Therefore, such an alternative would not avoid any significant environmental impacts. The Commission concurs with the conclusions in the EIR rejecting this alternative as infeasible. (DEIR Section 6-4)

***Alternative Water Source***

The County considered an alternative under which the project would use imported water as its water source, rather than groundwater pumped from on-site wells. The environmental analysis in this Draft EIR does not identify any significant impacts associated with the project's proposed use of on-site groundwater wells. Therefore, such an alternative would not avoid any significant environmental impacts. The Commission concurs with the conclusions in the EIR rejecting this alternative as infeasible. (DEIR Section 6-4)

***Alternate Locations***

Members of the public suggested several alternate sites within the county as potential locations for a relocated project. The County considered an Alternative Site Location Alternative that would develop the same project in different locations. The following locations were considered but

rejected for the reasons below. The Commission concurs with the conclusions in the EIR rejecting these alternative locations as infeasible. (DEIR Section 6-4)

Smith Station Road. The County considered an alternative that would relocate the proposed project to the property at the southeast corner of the intersection of Smith Station Road and Highway 120. An active conditional use permit has been issued for this site that would allow cabins. As an active permit for a different type of project is pending on this site, this site was rejected as a suitable alternate site for the proposed project.

Casa Loma. The County considered an alternative that would relocate the proposed project to a property near La Casa Loma River Store in Groveland. However, the site itself would be located in Buck Meadows in Mariposa County, roughly 8 miles west of the proposed project site. Because this location is outside of Tuolumne County, it is outside of its jurisdiction. Therefore, this alternative was rejected from further consideration.

Ultimately, an exhaustive evaluation of alternative locations was not carried forward for more detailed consideration because CEQA does not expressly require a discussion of alternative project locations (Pub. Res. Code §§21001(g), 21002.1(a), 21061). CEQA Guidelines Section 15126.6(a) requires a description of "a range of reasonable alternatives to the project, or to the location of the project," suggesting that a lead agency may evaluate on-site alternatives, off-site alternatives, or both. For this project, the County has elected (consistent with CEQA) to evaluate only on-site alternatives. As the California Supreme Court has emphasized, "the keystone of regional planning is consistency -- between the general plan, its internal elements, subordinate ordinances, and all derivative land-use decisions. Case-by-case reconsideration of regional land-use policies, in the context of a project-specific EIR, is the very antithesis of that goal." *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 572–73. Because the land use and zoning provisions that govern use of the proposed site contemplate potential commercial recreation use (Tuolumne County Code §17.31 and §17.15), the County has elected not to reconsider those determinations in the context of this EIR. This approach is consistent with the court's conclusion in *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal. App.4th 477, 492 ("Because the proposed project is consistent with the City's existing plans, policies, and zoning, we conclude a review of alternative sites was not necessary.")

## C. Alternatives Analyzed in the EIR

The EIR identified and compared environmental effects of the three alternatives listed below with the environmental impacts resulting from the project. The EIR evaluated the following alternatives to the project:

### ***Alternative 1: No Project Alternative***

CEQA Guidelines section 15126.6(e), requires every EIR to include a No Project Alternative. "The purpose of describing and analyzing a no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project." In general, this alternative should discuss "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." Consistent with this obligation, "where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment." (*Id*. at subd. (e)(3)(B).)

Conditions on-site would remain as they are, which is currently undeveloped aside from on-site wells, utility easements, and an easement to access an adjacent Caltrans storage garage. There would be no intersection improvements, helipad, infrastructure, or other project-related developments. Since the site is zoned C-K for Commercial Recreation, it is possible the site would be developed under a different project consistent with this zoning in the future and subject to market conditions.

**1. Potential Impacts of the No Project Alternative in Comparison to the Project**

***Aesthetics***
***The No Project Alternative would result in no impacts to aesthetics, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** The No Project Alternative would result in no change to the existing views as seen from each viewpoint location discussed and evaluated in Section 4.1, *Aesthetics*, of this EIR. No visual impacts or other changes related to aesthetic resources would result from this alternative, as no changes would occur. No impacts associated with aesthetics would occur, which would be a lesser level of impact than the proposed project.

***Air Quality***
***The No Project Alternative would result in no impacts to air quality, compared to the less-than-significant impact (no mitigation required) identified with the proposed project.*** No development would occur with the No Project Alternative. Therefore, none of the effects related to air quality resulting from construction, vehicle trips, standby generator use, and other site operations would occur with this alternative, as compared to the project. The No Project Alternative would have no impacts related to air quality, which would be a lesser level of impact than the proposed project.

***Biological Resources***
***The No Project Alternative would result in no impacts to biological resources, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** No development would occur with the No Project Alternative. Therefore, no construction activities would occur on-site that would have the potential to affect on-site special-status plant or wildlife species or spread invasive plants, and no potential waters of the U.S. would be affected by construction. In addition, no new development and activity would occur on the site that could affect mule deer and other wildlife movement, which would be a lesser level of impact than the proposed project.

***Cultural and Tribal Cultural Resources***
***The No Project Alternative would result in no impact to cultural and tribal cultural resources, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** No development would occur with the No Project Alternative. Therefore, none of the projects impacts that would have the potential to uncover previously unknown cultural resources or TCRs or disturb on-site features that are meaningful to local tribal representatives would occur with this alternative, which would be a lesser level of impact than the proposed project.

***Energy***
***The No Project Alternative would result in no impacts to energy, compared to the less-than-significant impact (no mitigation required) identified with the proposed project.*** No development would occur with the No Project Alternative. Therefore, none of the project's impacts

related to energy use would occur with this alternative, which would be a lesser level of impact than the proposed project.

***Forestry Resources***
***The No Project Alternative would result in no impacts to forestry resources, compared to the less-than-significant impact (no mitigation required) identified with the proposed project.*** No development would occur with the No Project Alternative. Therefore, none of the project's impacts related to forestry resources use would occur with this alternative, which would be a similar level of impact than the proposed project.

***Geology and Soils***
***The No Project Alternative would result in no impacts to geology and soils, compared to the no impacts (no mitigation required) identified with the proposed project.*** No development would occur with the No Project Alternative. Therefore, none of the project's impacts related to geology and soils use would occur with this alternative, which would be a similar level of impact than the proposed project.

***Greenhouse Gases***
***The No Project Alternative would result in no impacts to greenhouse gases, compared to the significant and unavoidable impacts identified with the proposed project.*** No development would occur with the No Project Alternative. Therefore, none of the project's impacts related to greenhouse gases would occur with this alternative, which would be a lesser level of impact than the proposed project.

***Hazards and Hazardous Materials***
***The No Project Alternative would result in no impact to hazards and hazardous materials, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** No development would occur with the No Project Alternative. Therefore, none of the project's impacts related to hazardous materials would occur with this alternative, with the exception of the proposed emergency landing pad, which is a beneficial feature of the project. Therefore, impacts under this alternative regarding hazards and hazardous materials would be similar when compared with those from the proposed project.

***Hydrology and Water Quality***
***The No Project Alternative would result in no impact to hydrology and water quality/utilities and service systems, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** No development would occur with the No Project Alternative. Therefore, none of the project's impacts related to hydrology and water quality/utilities and service systems would occur with this alternative, which would be a lesser level of impact than the proposed project.

***Land Use and Planning***
***The No Project Alternative would result in no impacts to land use and planning, compared to the less-than-significant impact (no mitigation required) identified with the proposed project.*** No development would occur with the No Project Alternative. Therefore, none of the project's impacts related to land use and planning would occur with this alternative, which would be a similar level of impact than the proposed project.

***Noise***
***The No Project Alternative would result in no noise impacts, compared to the significant and unavoidable impacts identified with the proposed project.*** No development would occur

with the No Project Alternative. Under the No Project Alternative, the project would not change existing conditions on-site and no construction activities would occur. In addition, the proposed helipad would not be developed. Therefore, none of the project's noise impacts would occur with this alternative, which would be a lesser level of impact than the proposed project.

***Population and Housing***

***The No Project Alternative would result in no impacts to population and housing, compared to the less-than-significant impact (no mitigation required) identified with the proposed project.*** No development would occur with the No Project Alternative. Therefore, none of the project's impacts related to population and housing would occur with this alternative, which would be a similar level of impact than the proposed project.

***Public Services, Parks and Recreation***

***The No Project Alternative would result in no public services, parks and recreation impacts, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** No development would occur with the No Project Alternative, and there would be no increased demand for public services, parks and recreation. Under the No Project alternative, no visitors or employees would be introduced to the project site, and no new development would be created that would require fire and police services. Therefore, this alternative would not add to the demand for fire protection and police services in the county, or generate demands for any other public services. However, the No Project Alternative would not include the proposed emergency helipad, which is a beneficial feature that would provide a new emergency response and evacuation facility in this area of the county. Nevertheless, because this alternative would entirely avoid the project's project-level and cumulative significant-but-mitigable impacts, overall impacts would be a lesser level when compared to the proposed project.

***Transportation***

***The No Project Alternative would result in no transportation impacts, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** No development would occur with the No Project Alternative, and there would therefore be no increased vehicular trips or transportation impacts. As such, none of the transportation impacts would occur with this alternative, which would be a lesser level of impact than the proposed project.

***Utilities and Service Systems***

***The No Project Alternative would result in no utilities and service system impacts, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** No development would occur with the No Project Alternative, and there would therefore the no project alternative would avoid the significant-but-mitigable impact associated with post-project runoff and creation of new stormwater drainage facilities. Additionally, it would not increase post-project runoff or require new stormwater drainage facilities, as the site would remain unchanged. Therefore, this alternative would avoid the project's significant-but-mitigable impact and impacts to utilities and service systems under this alternative would be would be a lesser level of impact than the proposed project.

***Wildfire***

***The No Project Alternative would result in no wildfire impacts, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** No development would occur with the No Project Alternative, and there would not be an increase of people and vehicles to the project site that could exacerbate wildfire hazards in the project area. However,

the No Project Alternative would not include the proposed emergency helipad, which is a beneficial feature that would aid in wildfire response in this area of the county. Therefore, none of the project's impacts related to wildfire would occur with this alternative, which would be a similar level of impact than the proposed project.

### 2. Feasibility of the No Project Alternative

The No Project Alternative would not meet any of the project objectives. It would not provide a financially viable, environmental sensitive lodging option to address increased demands for eco-sensitive resorts and Yosemite recreation tourism; develop and operate a lodging facility to support diverse accommodations, amenities, and recreation capabilities on-site; or provide a variety of recreational and wellness experiences to promote year-round use through education, outdoor recreation activities, and well-being programs. It would not add a helicopter landing zone for emergency personnel that could be utilized by the surrounding community as a public benefit. It would not provide an additional YARTS stop area, or day-use parking stalls for public benefit to encourage public transportation into Yosemite National Park. This alternative would, however, avoid most of the other impacts as identified in Chapter 4 of the DEIR.

For these reasons, the Commission rejects Alternative 1 as infeasible.

***Alternative 2: Alternate Location Alternative***

The Alternate Location Alternative assumes the proposed project would be developed on a site in Big Oak Flat. The alternate site is commonly referred to as "the scar" and is located on the south side of Highway 120 between Big Oak Flat and Groveland. The project applicant does not own this alternate site. This alternate location is approximately 18 driving miles west of the proposed project site. The alternate site is comprised of nine parcels under the same owner that total roughly 30 acres in size, compared to 64 acres for the proposed project (12.9 of which are proposed for development). These parcels are assessor's parcel numbers (APNs) 066-140-014, 066-140-015, 066-140-016, 066-140-017, 066-140-018, 066-140-019,066-140-022, 066-140-031, and 066-140-032. While the proposed project is within the C-K (Commercial Recreation) and O (Open Space) zoning districts and Parks and Recreation (R/P) General Plan land use designation, the alternate site is within the C-1 zoning district and General Commercial (GC) and Public (P) General Plan land use designations. Unlike the project site, the alternate site falls within the Groveland Community Services District (GCSD), which provides water, sewer, fire, and park services.

Under this alternative, the project would be developed with roughly the same development program, including a 100-room hotel, 26 cabinrooms, on-site housing for 20 employees plus two manager's suites, and a small retail component. It is assumed a project on the alternate site would have some walking paths, outdoor amenities, and gathering areas, but due to the smaller parcel size, the project's large open space areas and corresponding trail network would not be included.

This alternative would not include a helipad but would include a YARTS stop and day-use parking stalls on-site to allow people to park and either carpool or ride the bus to Yosemite National Park.

## 1. Potential Impacts of the Alternative Location Alternative in Comparison to the Project

***Aesthetics***

***The Alternative Location Alternative would result in similar impacts to aesthetics, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** The alternative site is located in a more populated area of the county, in a town setting. The alternate site does not provide the same far-field mountain views that the proposed project site provides. Under the Alternate Location Alternative, much of the project characteristics would remain the same, but the project would be relocated to a different property, which is also currently vacant but contains remnant structures from previous uses. The design and layout of the project would need to be modified to be compatible with the alternative site layout, however it is assumed that the overall design concept would remain the same. Solar panels would still be incorporated introducing a potential source of glare, and therefore impacts to aesthetics under this alternative would be similar to the proposed project.

***Air Quality***

***The Alternative Location Alternative would result in similar impacts to air quality, compared to the less-than-significant impact (no mitigation required) identified with the proposed project.*** Under the Alternate Location Alternative, the project would have roughly the same components as the proposed project but would be relocated to a site closer to the communities of Big Oak Flat and Groveland. The alternate site is located closer to in-town amenities but farther from Yosemite National Park; it is assumed that overall vehicle trips would be roughly equivalent to the proposed project. Therefore, traffic-related air emissions would also be roughly equivalent to those of the proposed project. Like the proposed project, this alternative would be built on a currently undeveloped site, and would have a similar development program; therefore, construction emissions would be similar to those of the proposed project. Overall, impacts to air quality from this alternative would be similar to the proposed project.

***Biological Resources***

***The Alternative Location Alternative would result in similar impacts to biological resources, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** The alternate site is located within a more developed area of the county than the proposed project site. A detailed site-specific evaluation would be required to determine the precise biological resource impacts associated with developing the alternate site. However, it is presumed that, due to its currently vacant state and extensive on-site vegetation, development on the alternate site could result in similar significant-but-mitigable impacts as the proposed project, such as impacts to wildlife movement and potential on-site special-status plant and animal species. Therefore, impacts to biological resources would be similar to those of the proposed project.

***Cultural and Tribal Cultural Resources***

***The Alternative Location Alternative would result in similar impacts to cultural and tribal cultural resources, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** Tribal consultation would be required to determine whether this alternative would create any site-specific impacts to TCRs. However, under the Alternate Location Alternative, the project would be developed on a property that is, like the proposed project site, currently vacant and largely undeveloped. As under the proposed project, the potential exists under this alternative for previously unknown cultural resources, TCRs, or human remains to be found during construction activities. Therefore, impacts to cultural resources

and TCRs are considered to be similar to the proposed project under the Alternate Location Alternative.

***Energy***

***The Alternative Location Alternative would result in similar impacts to energy, compared to the less-than-significant impact (no mitigation required) identified with the proposed project.***

Under the Alternate Location Alternative, the project would be composed of roughly the same components as the proposed project. Since the project would still be located in the same region and be roughly the same building size as the proposed project, it is assumed that the project would generate a similar amount of energy from construction and operation. The alternate site is located closer to in-town amenities but farther from the Yosemite National Park destination; it is assumed that overall vehicle trips would be roughly equivalent to the proposed project, and therefore transportation-related energy would be similar. Therefore, impacts related to energy under this alternative would be similar to the proposed project.

***Forestry Resources***

***The Alternative Location Alternative would result in similar impacts to forestry resources, compared to the less-than-significant impact (no mitigation required) identified with the proposed project.*** Like the proposed project, the Alternate Location Alternative would be located on a site that is not zoned for forestry and timber. As under the proposed project, this alternative would not result in conversion of forestland to non-forest land. Therefore, this alternative would result in similar impacts regarding forestry compared to the proposed project.

***Geology and Soils***

***The Alternative Location Alternative would result in similar impacts to geology and soils, compared to the no impacts (no mitigation required) identified with the proposed project.***

The California Geological Survey has not evaluated the area under this alternative for liquefaction or landslides, and it is not in a designated earthquake zone of required investigation. Further geotechnical investigation would assist in identifying site-specific soil information. Based on its location within the same region as the project, and mapped hazards from the California Department of Conservation, it is assumed that this alternative would result in similar impacts to the proposed project.

***Greenhouse Gases***

***The Alternative Location Alternative would result in similar impacts to greenhouse gases, compared to the significant and unavoidable impacts identified with the proposed project.***

Under the Alternative Location Alternative, most project features would be developed, and therefore GHG emissions from construction and operation would be similar as under the project. The number of anticipated employees and visitors served by the project would not be changed. The alternate site is located closer to in-town amenities but farther from Yosemite National Park; it is assumed that overall vehicle trips would be roughly equivalent to the proposed project. Therefore, traffic-related GHG emissions would be roughly equivalent to those of the proposed project. As the location of the project would not change the GHG emissions-generating features, such as energy consumption, vehicular traffic from visitors, or emissions generated from construction, this alternative would result in similar impacts to GHG emissions.

***Hazards and Hazardous Materials***

***The Alternative Location Alternative would result in similar impact to hazards and hazardous materials, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** Under the Alternate Location Alternative, the project would

result in construction of a similar project as the proposed project and would therefore involve the use and handling of similar materials. The alternate site is not listed as a hazardous materials site on the GeoTracker, EnviroStor, or EnviroMapper online databases. Like the proposed project site, the alternative site is not located within an airport land use plan or within 2 miles of a public airport or public use airport. This alternative would not include the helipad and would therefore not have the potential to result in associated hazards. However, as the proposed emergency helipad would provide a new emergency response and evacuation facility in this area of the county, the Alternate Location Alternative would not include a beneficial feature of the project. Therefore, overall, impacts under this alternative regarding hazards and hazardous materials would be similar in comparison to those of the proposed project.

***Hydrology and Water Quality***

***The Alternative Location Alternative would result in similar impact to hydrology and water quality/utilities and service systems, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** Under the Alternate Location Alternative, the project would result in construction on a currently vacant area of land and would be designed to accommodate the same amount of people as the proposed project. Like the proposed project, this would still result in an increase of impervious surfaces in comparison to existing conditions, and post-project stormwater volumes could exceed pre-project volumes resulting in the potential need for expanded stormwater facilities, as well as potentially violate water quality standards. Unlike the proposed project, this alternative would utilize water provided by GCSD, instead of water pumped from on-site wells. However, the proposed project would not create any impacts associated with groundwater usage. Therefore, impacts under this alternative would be similar to the proposed project.

***Land Use and Planning***

***The Alternative Location Alternative would result in similar impacts to land use and planning, compared to the less-than-significant impact (no mitigation required) identified with the proposed project.*** Similar to the proposed project, under this alternative, the project would not construct major roadways or physical barriers off-site that would divide an established community. The alternative location contains nine parcels, which would need to be combined as a precursor to development, and it is unknown whether or how quickly this could happen. The alternative location zoned C-1; the project would comply with uses allowed under the C-1 Zoning District. Overall, the project would involve a similar development program as the proposed project, and it is therefore assumed that the alternative would not conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, impacts under this alternative would be similar to those of the proposed project.

***Noise***

***The Alternative Location Alternative would result in substantially lessened noise impacts, compared to the significant and unavoidable impacts identified with the proposed project.*** Under the Alternate Location Alternative, the project components would remain primarily the same, but relocated to a different location. The project would also be developed on a vacant site. Construction and operation activities would remain similar to those of the proposed project. As such, noise levels and types of noise generation would largely remain unchanged. However, noise and traffic studies specific to this project location would need to be conducted to determine if noise generation from the proposed project would be compatible with surrounding land uses. Currently, there are no homes adjacent to the site, though several nearby parcels are zoned to allow for residential uses.

This alternative would not include a helipad, so impacts related to aircraft noise would not be created.

While further evaluation would be necessary to more adequately estimate noise impacts from the project at this specific location, based on the exclusion of the helipad for which the proposed project has a significant and unavoidable impact, it is assumed that noise impacts would be substantially lessened in comparison with the proposed project.

***Population and Housing***

***The Alternative Location Alternative would result in similar impacts to population and housing, compared to the less-than-significant impact (no mitigation required) identified with the proposed project.*** Under the Alternate Location Alternative, the project would result in the same amount of jobs. The alternate project location is, similar to the proposed project location, currently undeveloped. Thus, the project here would also not result in displacement of existing people or housing. Therefore, the Alternate Location Alternative would result in similar impacts to Population and Housing as the proposed project.

***Public Services, Parks and Recreation***

***The Alternative Location Alternative would result in slightly lessened public services, parks and recreation impacts, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** Under the Alternate Location Alternative, while the project would be relocated, the number of visitors and employees relating to the project site would remain the same. The project would still be a lodge geared towards recreation and would be developed on currently undeveloped property. As such, there would still be no impacts to school, and impacts to library, parks, and recreation services would remain less than significant. As the project would add increased people to the area, it would still increase the need for fire protection and police services. However, at this alternative location, the project would be located within the GCSD service area, closer to existing stations. This would result in faster response times for emergency personnel to arrive on-site, as opposed to the estimated 22-minute response time for emergency personnel to reach the project at the proposed project site, which is outside of the GCSD service area. However, the Alternate Location Alternative would not include the proposed emergency helipad, which is a beneficial feature that would provide a new emergency response and evacuation facility in this area of the county. Overall, because this alternative would avoid or reduce the project's significant-but-mitigable impacts to fire and police services; therefore, the project's impacts to public services would be slightly lessened when compared to the proposed project.

***Transportation***

***The Alternative Location Alternative would result in similar transportation impacts, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** Under the Alternate Location Alternative, the project would serve the same number of visitors as the proposed project, relocated to a different location along Highway 120. It is possible that the alternate site's location further from Yosemite National Park would affect the site's ability to attract users of the onsite day-use parking spaces, which are intended to reduce single-use vehicle traffic to the park and increase transit ridership and carpooling. However, similar to the proposed project, this alternative would have the potential to generate transit ridership in excess of available capacity on the YARTS line during the peak usage period.

Like the proposed project, this alternative would result in construction automobile and truck traffic accessing the site from Highway 120. It is uncertain if roadway improvements or lane closures would be required, but it is a possibility that construction of the project directly accessed from

Highway 120 may result in temporary traffic disruptions. Furthermore, as the project would serve and employ the same number of people as under the proposed project, it would generate a similar amount of VMT in the area. Therefore, impacts to transportation under this alternative would be similar to those of the proposed project.

***Utilities and Service Systems***

***The Alternative Location Alternative would result in slightly lessened utilities and service system impacts, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** Site-specific study of the alternate site would need to be conducted to ensure adequate water supply and pressure, and adequate capacity for wastewater treatment, however these issues could be addressed through payment of service impact fees in addition to the ongoing property tax assessments. Unlike the proposed project, this alternative would utilize water provided by GCSD, instead of water pumped from on-site wells. The GCSD obtains all of its water from the San Francisco Public Utilities Commission's Hetch Hetchy Reservoir, which originates from snowmelt in the High Sierra. It is assumed that this alternative would include rainwater collection and grey water systems for irrigation, like the proposed project.

This alternative would utilize sewer utilities provided by GCSD, instead of an on-site wastewater treatment system. The GCSD's wastewater treatment system provides collection for approximately 1,500 residents of Groveland and Big Oak Flat communities, and includes 16 sewage lift stations, 35 miles of gravity mains, seven miles of force mains, a recycled water treatment plant, two surface storage reservoirs, and approximately 15 acres of spray fields.

Under this alternative, the project would incorporate the same features for solid waste disposal as the proposed project, including a recycling and composting program and efforts to minimize or eliminate waste. As the amount of people serve and employed by the project would remain the same, the solid waste generation from the project is assumed to remain the same. In addition, the electrical service demands and energy conservation efforts would also remain the same.

The proposed project would result in a significant-but-mitigable impact due to an increase post-project runoff and the need for new stormwater drainage facilities. Similarly, construction of the project at the alternate location on largely undeveloped land would increase post-project runoff and result in construction of new stormwater drainage facilities or expansion of existing facilities. Overall, with water and sewer services provided through the GSD, as opposed to stand-alone "package" systems for the proposed project, impacts to utilities and service systems are considered slightly lessened under this alternative to those of the proposed project.

***Wildfire***

***The Alternative Location Alternative would result in similar wildfire impacts, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** Similar to the proposed project site, under the Alternate Location Alternative, the project would still be located in a Very High Fire Hazard Severity Zone. Unlike the proposed project, the Alternate Site Alternative would not include the proposed emergency helipad, which is a beneficial feature that would aid in wildfire response. In general, this alterative would include most of the same building features as would be used as part of the proposed project that would reduce wildfire risks to visitors. These are summarized in Table 4.17-1 in Chapter 4.17, Wildfire, and include features such as construction of exterior building materials in compliance with wildland-urban interface building code, implementation of a vegetation management plan, restrictions on activities such as barbecues and smoking, and implementation of communication and fire prevention plans. In addition, it is assumed that this alternative would be required to incorporate the design features described under Mitigation Measure WF-2 involving compliance of landscape

plans with a vegetation management plan to further reduce wildfire hazards. Overall, this alternative would have similar impacts relating to wildfire in comparison with the proposed project.

**2. Feasibility of the Alternative Location Alternative**

The Alternate Location Alternative would meet some, though not all, of the project objectives. As an initial matter, the project applicant does not own or control the alternative location site. Under this alternative, therefore, it is entirely possible that the project would not be built at all, and none of the project objectives would be fulfilled.

The alternative location could provide an environmentally sensitive lodging option to address the increased demands for eco-sensitive resorts and Yosemite recreation tourism, but it is not a financially viable alternative. (See below and Comment Letter PUB69 for additional information regarding the financial feasibility of the alternative location alternative.) It would therefore only partially meet the first project objective. The alternative site is approximately 30 acres in size, which is significantly less than the 63-acre project site. It could provide a variety of accommodations, amenities, and on-site recreation capabilities, but due to the size of the site, it would not meet this objective to the same extent as the project. The site is also 28 miles from the Big Oak Flat entrance to Yosemite National Park, and would therefore not provide a commercial recreation use within ten miles of the park. This is a key objective because the market area for a project of this type does not exist at this distance from the park entrance. The alternative site could partially meet the objective to incorporate indoor-outdoor relationships with connections to nature, but the site sits below SR 120, which would not allow for the same expansive views and sounds of nature as the project site. The alternative site, therefore, would not meet this objective to the same extent as the project site. The alternative site could provide a variety of recreational and wellness experiences to promote year-round use through education, outdoor recreation activities, wellness and well-being programs. Unlike the project site, though, the alternative site would not serve as a "portal" to the Stanislaus National Forest and U.S. Forest Service lands for hiking, trail running, biking, and other outdoor activities because the alternative site is bordered by private property with no direct access to these areas. The alternative location would not provide a helicopter landing zone for emergency personnel, a key emergency resource for the lodge and the surrounding community. The alternative site would retain design elements to minimize light spillage and provide fire-resistive structures and defensible space. The alternative would provide parking for visitors and incorporate a YARTS stop and public day-use parking stalls for encouragement of public transportation into Yosemite National Park. This alternative would connect to GCSD water supply for a source of water, though a precise determination of whether the alternate site provides adequate water supply and pressure would require site-specific study. This alternative would, instead of on-site treatment, connect to the GCSD wastewater system. Site-specific study would be needed to confirm adequate capacity to support the project at this location. It is therefore unknown whether the alternative site could meet the objective of developing a site which has a safe, reliable and sustainable source of water.

The alternative site also is not a feasible location for the project for the following reasons:

- The alternative site is not owned, and cannot reasonably be acquired, by the developer. The site is not currently for sale, and is owned by a developer other than the applicant. The County received an application for development of the alternative site from Mary Curtis/Yonder Yosemite on September 14, 2020.

- The alternative site is zoned C-1 (Commercial). The purpose of the general commercial district is "to provide for a variety of sales establishments which serve both the resident

and traveling public." (Tuolumne County Zoning Code, section 17.34.010.) Among other uses, the C-1 district allows for retail services, bars, storage facilities, mini-marts, mortuaries, and shopping centers. (Tuolumne County Zoning Code, section 17.34.020.) These and other permitted uses would affect the viability of a recreational resort such as the project because of aesthetics, density, and other factors.

- Development of the project on the alternative site would require larger highway improvements which would increase costs and delay construction of the project. This would reduce the economic viability of the project.

- The developer informed the County that the project could not be carried out at the alternative site for a reasonable cost or within a reasonable time frame. Even if the alternative site property were for sale, the cost of acquiring the property would likely be economically prohibitive. The required zoning change would also add substantial costs and significant time. The extension of water and sewer facilities by GCSD is not currently planned for the alternative site, and the cost and time to extend these services, if possible, are unknown. Because of these additional costs, and because the alternative site is 28 miles from the intended market for the project, it would not generate the occupancy load and average daily rate necessary to meet the profitability threshold required by the applicant's lender or investment partners, and the alternative site therefore is not economically feasible.

Overall, while this alternative meets some of the project objectives, it does not meet other objectives. In addition, the alternative is not economically or practically feasible.

For these reasons, the Commission rejects Alternative 2 as infeasible and finds that it is not a viable alternative to the project.

***Alternative 3 Reduced Footprint Alternative***

Under this alternative, the project would be redesigned to reduce the development footprint and overall size of the project. The employee apartments and guest cabins located on the northeast section of the developed area would not be constructed and these areas would be left in their existing condition. Removing these two development areas would reduce the area of development by 5 acres. The size of the main lodge building size would be the same as under the proposed project, but the employee apartments and guest cabins rooms located on the northeast section of the developed area would not be constructed. This would reduce the developed area by 5 acres. The main lodge would include 10 employee suites, resulting in a reduction of 10 guest rooms for a total of 90. This alternative assumes that the project would accommodate up to 360 guests, compared to 400 guests, and 35 staff, compared to 40, with 10 staff living on-site, compared to 22. The main lodge would provide the same facilities as under the proposed project, including recreational facilities, a public market, and other guest amenities.

Access to the site would be provided by the same two entrances off of Sawmill Mountain Road as under the proposed project. It is estimated that the Reduced Footprint Alternative would generate approximately 170 fewer net new daily trips than the proposed project, which is an approximately 15 percent reduction in net new trips.4 The alternative would include the YARTS stop included in the proposed project. This alternative would not include the proposed emergency helipad, but it would include the fire access road off of Highway 120 that is included in the proposed project.

Water storage tanks would be included in the same location as under the proposed project and would be accessed by the internal roadway planned along the northern portion of the project site, including the proposed cul-de-sac. This alternative would include the maintenance yard on the west side of Sawmill Mountain Road. All other areas of the project site would remain undeveloped, with the exception of the infrastructure, well, and propane facilities included in the proposed project. The landscaping plan would be the same as under the proposed project, with the exception that the employee housing and cabin areas would be left in their existing, undeveloped state.

**1. Potential Impacts of the Reduced Footprint Alternative in Comparison to the Project**

***Aesthetics***

***The Reduced Footprint Alternative would result in similar impacts to aesthetics, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** Under the Reduced Footprint Alternative, much of the project characteristics would remain the same but the project would not include the 5 acres of development in the northeast section of the proposed developed area with employee apartments and guest cabins. Under this alternative, these areas of the project site would remain in their existing condition. As shown in Figures 4.1-7a through 4.1-7c in Chapter 4.1, Aesthetics, the employee apartments and guest cabins would be visible from Sawmill Mountain Road after construction, but after 5 years of growth would be largely concealed by project landscaping. Therefore, the removal of these development areas would not largely change the overall aesthetics of the project, as the main lodge would be the same size as under the proposed project. This alternative would still introduce solar panels on the roof of the hotel lodge that would present a potentially significant-but mitigable impacts as with the proposed project. Therefore, impacts to aesthetics under this alternative would be similar to those of the proposed project.

***Air Quality***

***The Reduced Footprint Alternative would result in slightly lessened impacts to air quality, compared to the less-than-significant impact (no mitigation required) identified with the proposed project.*** Under the Reduced Footprint Alternative, the project would have fewer employees and serve fewer guests. Fewer buildings would be constructed with the removal of the employee apartments and guest cabins, and with a reduced trip generation, there would be fewer vehicles traveling to and from the project site. Neither the proposed project nor the Reduced Footprint Alternative would result in significant air quality impacts, but this alternative would reduce air emissions during construction and operation. Therefore, impacts to air quality from this alternative would be slightly lessened than those from the proposed project.

***Biological Resources***

***The Reduced Footprint Alternative would result in slightly lessened impacts to biological resources, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** Under the Reduced Footprint Alternative, the developed area of the project site would be reduced by 5acres and these acres would be left in their existing condition. However, as discussed in detail in Chapter 4.3, Biological Resources, the habitat for special-status wildlife and plant species extends a range larger than that of the project site which may still be affected by development on the rest of the project site. Therefore, this alternative would not avoid any of the project's significant biological resource impacts. Nonetheless, as the area of site disturbance would be reduced, impacts to biological resources under this alternative would be slightly lessened under this alternative.

***Cultural and Tribal Cultural Resources***

***The Reduced Footprint Alternative would result in similar impacts to cultural and tribal cultural resources, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** As described in Sections 6.5.1.4 and 6.5.2.4, the proposed project would result in significant-but-mitigable impacts to cultural resources and TCRs. These impacts result from the potential to uncover cultural and TCRs during ground disturbing activities. While the Reduced Footprint Alternative would result in 5 fewer developed acres than under the proposed project, the same potential for significant-but-mitigable impacts regarding cultural and TCRs during project construction exists. It is assumed that this alternative would include the same mitigation measures required for the proposed project, including the establishment of an on-site cultural open space area and other measures to reduce potential impacts to TCRs. Overall, impacts to cultural resources and TCRs under this alternative would be similar when compared to those under the proposed project.

***Energy***

***The Reduced Footprint Alternative would result in slightly lessened impacts to energy, compared to the less-than-significant impact (no mitigation required) identified with the proposed project.*** Under the Reduced Footprint Alternative, the project would include less building space than that of the proposed project. This would result in less energy required for construction and operation, as well as reduced vehicle trips from reduced numbers of employees and guests. Energy sources and efficiency measures, for example the use of green building techniques and solar panels, would remain the same as with the proposed project, but would serve a smaller building footprint. Neither the proposed project nor the Reduced Footprint Alternative would result in significant energy impacts, but this alternative would reduce energy usage during construction and operation. Therefore, impacts related to energy under this alternative would be slightly lessened than those under the proposed project.

***Forestry Resources***

***The Reduced Footprint Alternative would result in similar impacts to forestry resources, compared to the less-than-significant impact (no mitigation required) identified with the proposed project.*** The Reduced Footprint Alternative would be located on the same site as the proposed project, which is not zoned for forestry and timber. As under the proposed project, this alternative would not result in conversion of forestland to non-forest land. Therefore, neither the proposed project nor the Reduced Footprint Alternative would result in significant impacts and this alternative would result in similar impacts regarding forestry compared to the proposed project.

***Geology and Soils***

***The Reduced Footprint Alternative would result in similar impacts to geology and soils, compared to the no impacts (no mitigation required) identified with the proposed project.*** The project site location would remain the same under the Reduced Footprint Alternative. Therefore, while there would be reduction in the building footprint of the project, potential risks from development related to geology and soils that encompass the whole of the project site due to site-specific soil type and lithology that would remain the same. Therefore, neither the proposed project nor the Reduced Footprint Alternative would result in significant impacts and impacts related to geology and soils under this alternative would be similar to those under the proposed project.

***Greenhouse Gases***

***The Reduced Footprint Alternative would result in similar impacts to greenhouse gases, compared to the significant and unavoidable impacts identified with the proposed project.***

Under the Reduced Footprint Alternative, most of project features would remain the same, resulting in a net increase in GHG emissions from the development of a lodge and amenities on currently undeveloped land. However, the employee apartments, guest cabins, and emergency helipad would not be included. Therefore, GHG emissions from construction would be reduced by the reduction in the area to be developed. In addition, since the number of anticipated employees and visitors would be reduced, energy consumption from project operation and traffic-related GHG emissions would also be reduced, however the increase in GHG emissions would still exceed the no-net-increase threshold, resulting in similar impacts to the proposed project.

***Hazards and Hazardous Materials***

***The Reduced Footprint Alternative would result in similar impacts to hazards and hazardous materials, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** Under the Reduced Footprint Alternative, the project would result in construction of a similar project as the proposed project and would therefore involve the use and handling of similar materials. This alternative would not include the helipad and would therefore not have the potential to result in associated hazards. However, as the proposed emergency helipad would provide a new emergency response and evacuation facility in this area of the county, the Alternate Location Alternative would not include a beneficial feature of the project. As such, overall impacts under this alternative regarding hazards and hazardous materials would be similar in comparison to those of the proposed project.

***Hydrology and Water Quality***

***The Reduced Footprint Alternative would result in slightly lessened impacts to hydrology and water quality/utilities and service systems, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** Under the Reduced Footprint Alternative, the developed area of the project would be reduced by 5 acres. This would result in a decrease in the area of impervious surfaces compared to the proposed project. This could still exceed pre-project volumes resulting in the potential need for expanded stormwater facilities, as well as potentially violate water quality standards. However, this could result in less post-project stormwater volumes than the proposed project. Therefore, impacts to hydrology and water quality under this alternative would be slightly lessened in comparison to the proposed project.

***Land Use and Planning***

***The Reduced Footprint Alternative would result in similar impacts to land use and planning, compared to the less-than-significant impact (no mitigation required) identified with the proposed project.*** As with the proposed project, the project under this alternative would still not construct major roadways or physical barriers off-site that would divide an established community. Most of the project components would remain the same, but development would be reduced by 5 acres and the emergency helipad would not be incorporated. There would be no other changes to the project's overall land use, and therefore it would still not conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, impacts under this alternative would be similar to those of the proposed project.

***Noise***

***The Reduced Footprint Alternative would result in substantially lessened noise impacts, compared to the significant and unavoidable impacts identified with the proposed project.*** Under the Reduced Footprint Alternative, day-to-day construction and operation activities would largely remain similar to those of the proposed project, however there would not be noise generated from the construction and operation of the project on the 5 acres that would not be developed under this alternative. The 15 percent reduction in net new trips would slightly reduce traffic noise. This alternative would also not include an emergency helipad, so impacts related to

aircraft noise would not be created. Based on the exclusion of the helipad for which the proposed project has a significant and unavoidable impact, it is assumed that noise impacts would be substantially lessened in comparison with the proposed project.

***Population and Housing***

***The Reduced Footprint Alternative would result in similar impacts to population and housing, compared to the less-than-significant impact (no mitigation required) identified with the proposed project.*** Under the Reduced Footprint Alternative, the number of jobs generated by the project would be reduced from 40 to 35, still providing a relatively low amount of jobs compared to the County's expected growth projections. The project site location would remain the same, and it would still not result in displacement of existing people or housing. Therefore, the Reduced Footprint Alternative would result in similar impacts to population and housing as the proposed project.

***Public Services, Parks and Recreation***

***The Reduced Footprint Alternative would result in similar public services, parks and recreation impacts, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** Under the Reduced Footprint Alternative, the reduction in the building footprint of the project would not change the project's function as a lodge geared towards recreation and the project's location would remain the same. The reduced guest capacity and employee population would reduce demand for public services, and the reduced building square footage would reduce the amount of building area requiring fire protection services in the event of a structure fire. However, the project would still result in an increase of people to the area in comparison to existing conditions, resulting in an increase in the need for fire protection and police services, and would not avoid the project's significant-but-mitigable public service impacts. In addition, the Alternate Location Alternative would not include the proposed emergency helipad, which is a beneficial feature of the proposed project, as it would provide a new emergency response and evacuation facility in this area of the county. Therefore, overall this alternative would result in similar impacts regarding public services, parks, and recreation in comparison to the proposed project.

***Transportation***

***The Reduced Footprint Alternative would result in slightly reduced transportation impacts, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** Under the Reduced Footprint Alternative, the project would still include the on-site day-use parking spaces available for the public as well as the YARTS stop, and access to the site would be provided by the same two entrances off of Sawmill Mountain Road as under the proposed project. It is estimated that the Reduced Footprint Alternative would generate approximately 170 fewer net new daily trips than the proposed project. This alternative would still generate increased VMT in the area, however with the reduced population on-site, the VMT would be slightly less than that generated by the proposed project. Overall, impacts to transportation under this alternative would be slightly reduced in comparison to the proposed project.

***Utilities and Service Systems***

***The Reduced Footprint Alternative would result in slightly lessened utilities and service system impacts, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** Under the Reduced Footprint Alternative, the project would require utilities to service a smaller developed area, with reduced employee and guest numbers. Water would still be supplied by two on-site wells, and wastewater would be treated with an on-site wastewater treatment system. Construction and operational solid waste would still represent an insignificant amount compared to the daily throughput capacity of the landfill. In addition, the

project would utilize the same energy supply facilities and transmission infrastructure without requiring off-site modifications to these utilities. While the Reduced Footprint Alternative would result in less impermeable surfaces than the proposed project, it would still implement the addition of impermeable surfaces on currently undeveloped land. As with the proposed project this would potentially still require further mitigation to ensure post-project stormwater volumes do not exceed pre-project development volumes. Nonetheless, the reduction in the amount of impervious surfaces and in the amount of people and space using utilities would result in slightly lessened impacts regarding utilities and service systems under the Reduced Footprint Alternative.

***Wildfire***

***The Reduced Footprint Alternative would result in slightly greater wildfire impacts, compared to the less-than-significant (with mitigation) impacts identified with the proposed project.*** As under the proposed project, under the Reduced Footprint Alternative, the project location within a Very High Fire Hazard Severity Zone would not change. While the developed area would be reduced by approximately 5 acres, this alterative would still include the same building features as would be used as part of the proposed project that would reduce wildfire risks to visitors as summarized in Table 4.17-1 in Chapter 4.17, Wildfire. In addition, it would still require design features described under Mitigation Measure WF-2 involving compliance of landscape plans with a vegetation management plan. However, unlike the proposed project, the Alternate Site Alternative would not include the proposed emergency helipad, which is a beneficial feature that would aid in wildfire response in this part of the county. Therefore, this alternative would have slightly greater impacts relating to wildfire in comparison with the proposed project.

### 2. Feasibility of the Reduced Footprint Alternative

The Reduced Footprint Alternative would meet some, though not all, of the project objectives. The reduced footprint alternative could provide an environmentally sensitive lodging option to address the increased demands for eco-sensitive resorts and Yosemite recreation tourism, but it is not a financially viable alternative. (See below and Comment Letter PUB69 for additional information regarding the financial feasibility of the reduced footprint alternative.) It would therefore only partially meet the first project objective. This alternative would provide an eco-sensitive resort within 10 miles of Yosemite National Park, but without cabinrooms, this alternative would not provide the same variety of accommodations as the proposed project. The reduced footprint alternative therefore would not meet the second project objective to the same extent as the project. The reduced footprint alternative would similarly meet the third and fourth project objectives, but not to the same extent as the project. The alternative would not provide a helicopter landing zone for emergency personnel, a key emergency resource for the lodge and the surrounding community. The reduced footprint alternative would meet the remainder of the project objectives.

The reduced footprint alternative also is not feasible because the alternative would remove the cabin rooms from the project, in addition to other lodging and employee amenities. This would significantly reduce the scale and variety of accommodations necessary to meet the project objectives, and would reduce the number of guests served by the project. The revenue from activity programs, equipment rentals, beverage operations, and room rental, would be significantly reduced such that the project would no longer be profitable and could not be carried out by the developer.

Overall, this alternative would create an environmentally sensitive lodging option for increased recreation demands, in the same location as the proposed project but with a reduced variety and

amount of accommodations. The reduced footprint alternative would meet some, but not all, of the project objectives. In addition, the alternative is not economically or practically feasible.

For these reasons, the Commission rejects Alternative 3 as infeasible and finds that it is not a viable alternative to the project.

## X. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the preceding sections, the Commission's approval of the project will result in significant adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures, and there are no feasible project alternatives that would mitigate or substantially lessen the impacts. Despite these effects, however, the Commission, in accordance with CEQA Guidelines section 15093, chooses to approve the project because, in its view the economic, social, and other benefits that the project will produce will render the significant effects acceptable.

### A. Significant and Unavoidable Impacts

The project will result in the following significant and unavoidable impacts:

- Impact GHG-1.1: Construction of the proposed project would result in a net increase in GHG emissions.

- Impact GHG-1.2: Operation of the proposed project would result in a net increase in GHG emissions.

- NOI-3.1: Noise levels associated with use of the proposed emergency helipad could result in substantial temporary increases in ambient daytime and/or nighttime noise levels at nearby existing sensitive uses.

### B. Overriding Considerations

In the Commission's judgment, the project and its benefits outweigh its unavoidable significant effects. These findings are based on substantial evidence in the record. The following statements identify the specific reasons why, in the Commission's judgment, the benefits of the project as approved outweigh its unavoidable significant effects. Any of these reasons is sufficient to justify approval of the project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Commission would stand by its determination that each individual reason is sufficient. The substantial evidence supporting various benefits can be found in the preceding findings, which are incorporated by reference into this section, and the documents found in the Record of Proceedings, which are described and defined in Section V, above.

- **The project will generate sales and property taxes for the County.** By providing employment and promoting tourism, the project will generate sales and property taxes for the County. Additional sales tax supports the County's General Fund and can assist with improving County emergency response services.

- **The project will create employment opportunities for local residents.** During project construction, temporary employment opportunities would be generated until construction is completed. Permanent jobs would be created during project operation that includes, but

not limited to, hotel managers, hotel service, maintenance, and housekeeping. The project will provide approximately 40 new jobs in Tuolumne County (Draft EIR, p. 3-8). New employment opportunities are critical to the residents of the County. These employment opportunities will further the goals and policies of the General Plan, including:

- Goal 1.C: Promote a jobs-housing balance in the County and encourage new communities to be designed to provide a jobs-housing balance.

- Policy 1.C.2: Encourage a Countywide jobs-housing balance as some communities in the County are not suited for extensive job-related or residential-related development.

- Goal 6.D: Promote the development of … tourism uses to provide jobs for County residents and diversify the local economy.

- **The project expands on the tourist industry in Tuolumne County.** The project is new development that serves the tourist industry. This will further the goals and policies of the General Plan, including:

  - Goal 6D: Promote the development of … tourism uses to provide jobs for County residents and diversify the local economy.

  - Policy 6.D.3: Encourage the expansion of the tourist industry by supporting new development that serves that industry.

- **The project provides lodging for guests of Yosemite National Park (YNP) but will reduce impacts on the park infrastructure by having lodging outside the park and by having guests participate in mass transit into the park.** The National Park Service long term goals for YNP include reducing the number of vehicles traveling on park roadways and limiting overnight accommodations located within Yosemite Valley. However, visitation numbers for the park continue to increase and the impacts from increased visitation grows. The project provides a YARTS stop to allow guests to take transit into the park and reduce vehicle trips into YNP, and provides additional guest accommodations to relieve pressure on park infrastructure.

## C. Conclusion

The Commission has balanced the benefits and considerations against the significant unavoidable effects of the project and has concluded that the impacts are outweighed by the benefits. After balancing environmental costs against project benefits, the Commission has concluded that the benefits to the community, economy, and County from the project outweigh the environmental risks. The Commission believes the project benefits outlined above override the significant and unavoidable environmental costs associated with the project.

# *Mitigation Monitoring and Reporting Program*

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Terra Vi Lodge Project, herein referred to as the "proposed project" or "project." The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the proposed project. The MMRP includes the following information:

- The full text of the mitigation measures;
- The party responsible for implementing the mitigation measures;
- The timing for implementation of the mitigation measures;
- The agency responsible for monitoring the implementation; and
- The monitoring action and frequency.

Tuolumne County must adopt this MMRP, or an equally effective program, if it approves the proposed project with the mitigation measures that were adopted or made conditions of project approval.

# MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measures | Party Responsible for Implementation | Implementation Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency |
|---|---|---|---|---|---|
| **AESTHETICS** | | | | | |
| **AES-4:** Proposed photovoltaic panels shall be designed to ensure the following:<br>▪ The angle at which panels are installed precludes, or minimizes to the maximum extent practicable, glare observed by viewers on the ground.<br>▪ The reflectivity of materials used shall not be greater than the reflectivity of standard materials used in residential and commercial developments.<br>▪ Panels shall be sited to minimize their visibility from Highway 120. | Project Sponsor and Construction Contractor | Prior to Installation of Solar Panels | Tuolumne County Community Development Department Building and Safety Division | Review Construction Plans and Specifications/ Conduct Site Inspections | Prior to Installation/ During Regularly Scheduled Construction Site Inspections |
| **BIOLOGICAL RESOURCES** | | | | | |
| **BIO-1.1a:** Preconstruction Bee Surveys. Prior to issuance of grading permits for any staging, construction, or ground disturbing activities between February 1 and November 30th of the construction year, a qualified biologist shall survey the project boundaries for active Crotch bumble bee nests. If identified, CDFW shall be consulted for guidance on buffer distances to avoid colony disturbance (e.g., buffer surrounding the nest itself, entry/exits, and avoiding direct disturbance). If full avoidance cannot be achieved through buffers, no construction shall occur until the nest is no longer occupied. No pesticides or herbicides shall be used so long as the species occupies the site.<br><br>This measure shall be incorporated into the project bid package and contract. The measure is the responsibility of the qualified biologist under contract to either the County or construction contractor. | Consulting Biologist | Prior to Issuance of Grading Permits | Tuolumne County Community Development Department Land Use and Natural Resources Division | Review and Confirm Survey/ Confirm CDFW Consultation | Once for Survey/ Ongoing if Active Crotch Bumble Bee Nests are Identified |

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measures | Party Responsible for Implementation | Implementation Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency |
|---|---|---|---|---|---|
| **BIO -1.1b:** Environmental Awareness Training. All contractors involved in site development, applicable County department staff, and environmental specialists (e.g., biologist) shall attend a mandatory Environmental Awareness Training prior to any site disturbances. The program shall address proper implementation of mitigation measures contained herein.<br><br>This measure shall be incorporated into the project bid package and contract and implemented throughout project construction. The project biologist shall have the authority to stop work or remove any construction worker on-site that has not completed training. The measure is the responsibility of the qualified biologist under contract to either the County or construction contractor. | Consulting Biologist/ Construction Contractor or County | Prior to Issuance of Grading Permits/ Throughout Project Construction | Tuolumne County Community Development Department Land Use and Natural Resources Division | Review and Confirm Training | Ongoing |
| **BIO-1.2a:** Implement Mitigation Measure BIO -1.1b. | | | *See Mitigation Measure BIO-1.1b.* | | |
| **BIO -1.2b:** Avoid Inadvertent Animal Trapping During Construction. To avoid inadvertently trapping special-status or common animal species during construction, all excavated steep-walled holes or trenches more than two feet deep shall be covered at the end of each working day with plywood or similar material, or provided with one or more escape ramps constructed of earth fill or wooden planks, or equivalent, at each end of the trench. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped animal is discovered, the contractor shall place an escape ramp or other appropriate structure to allow the animal to escape. Alternatively, the contractor shall contact the project biologist or California Department of Fish and Wildlife for assistance. Similarly, stored pipes or other materials providing potential cover for animals shall be inspected prior to installation or use to ensure that they are unoccupied. | Construction Contractor/ Consulting Biologist | During Construction | Tuolumne County Community Development Department Building and Safety Division | Confirm Presence of Covers for Holes and Trenches | During Regularly Scheduled Construction Site Inspections |

# MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measures | Party Responsible for Implementation | Implementation Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency |
|---|---|---|---|---|---|
| **BIO -1.2c:** Food and Trash Disposal. All food and food-related trash shall be enclosed in sealed trash containers at the end of each workday and removed completely from the construction site every day to avoid attracting wildlife. This measure shall be implemented throughout project construction. The measure is the responsibility of the construction contractor. | Construction Contractor | During Construction | Tuolumne County Community Development Department Building and Safety Division | Confirm Presence of Trash Cans | During Regularly Scheduled Construction Site Inspections |
| **BIO -1.2d:** Construction Hours. Project construction shall be limited to 7:00 a.m. to 7:00 p.m. unless an emergency exists. | Construction Contractor | During Construction | Tuolumne County Community Development Department Building and Safety Division | Confirm Compliance with Construction Hours | Ongoing |
| **BIO-1.3:** Implement Mitigation Measure BIO-1.2d. | | | *See Mitigation Measure BIO-1.2d.* | | |
| **BIO-1.4:** Implement Mitigation Measure BIO-1.2d. | | | *See Mitigation Measure BIO-1.2d.* | | |
| **BIO-1.5a:** Preconstruction Surveys Suitable Bat Roosting (or Nursery) Areas and Provisions for Protection, if Identified. The project sponsor or contractor shall implement the following measures:<br>▪ 15 days or fewer before commencing ground-disturbing activities between April and September of the construction year, a qualified biologist shall survey snags, trees, rock crevices and other suitable cavities and structures on the site for roosting bats or bat nurseries.<br>▪ If bats are not found and there is no evidence of bat use, construction may proceed.<br>▪ If bats are found or evidence of use by bats is present, CDFW shall be consulted for guidance on measures to avoid or minimize disturbance to the colony or nursery. Subject to CDFW approval, measures may include excluding bats from roosts before construction begins. If nurseries are discovered, no work shall occur within buffer areas as established by | Consulting Biologist/ Project Sponsor /Construction Contractor | Prior to Ground-Disturbing Activities | Tuolumne County Community Development Department Land Use and Natural Resources Division | Review and Confirm Survey/ Confirm CDFW Consultation | Once for Survey/ Ongoing if Survey Finds Evidence of Bat Roosting |

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measures | Party Responsible for Implementation | Implementation Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency |
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| CDFW until all young are self-sufficient and have left the nursery.<br>▪ This mitigation measure shall be incorporated into the project bid package and contract. Surveys shall occur within 15 days of commencing construction that occurs between April and September. | | | | | |
| **BIO-1.5b:** Implement Mitigation Measure BIO-1.2d. | | | *See Mitigation Measure BIO-1.2d.* | | |
| **BIO-1.6:** Implement Mitigation Measures BIO-1.5a and BIO-1.2b. | | | *See Mitigation Measures BIO-1.5a and BIO-1.2b.* | | |
| **BIO-1.7:** Implement Mitigation Measures BIO-1.2d and BIO-1.5a. | | | *See Mitigation Measures BIO-1.2d and BIO-1.5a.* | | |
| **BIO-1.8:** Pre-Construction Bird/Raptor Survey. Prior to issuance of grading permits for construction occurring between February 1st and August 30th (e.g., excavation, ground disturbance, or vegetation removal) a preconstruction survey for nesting birds shall be conducted in accordance with the CDFW guidelines and a no-disturbance buffer shall be established, if necessary.<br><br>If equipment staging, site preparation, vegetation removal, grading, excavation or other project-related construction activities are scheduled during the avian nesting season (generally February 1 through August 30), a focused survey for active nests would be conducted by a qualified biologist within 15 days prior to the beginning of project-related activities.<br><br>Following initial pre-construction surveys in year one of project construction, bird surveys shall be repeated annually so long as outside construction continues. Surveys shall be repeated within 15 days prior to resuming outdoor construction activities for the first time between February 1st and August 30th whenever outdoor construction activities have ceased for more than one month (e.g., if outdoor construction shuts down for the season due to winter rains in late November, preconstruction | Consulting Biologist/ Construction Contractor | Prior to Issuance of Grading Permits | Tuolumne County Community Development Department<br>Land Use and Natural Resources Division | Review and Confirm Survey | Once for Survey(s)/ Ongoing if Nesting Birds Identified and Until They Have Left the Nest |

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TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measures | Party Responsible for Implementation | Implementation Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency |
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| bird surveys would occur again within 15 days prior to recommencing outdoor site work between February 1st and August 30th. If work recommences in January and continues without interruption through August 30th, then no additional preconstruction survey is required).<br><br>Surveys shall be conducted in all suitable habitat in the BSA. If an active nest is found, the bird shall be identified to species and the approximate distance from the closest work site to the nest estimated. No additional measures need be implemented if active nests are more than the following distances from the nearest work site: (a) 300± feet for raptors unless otherwise specified; (b) 345 feet for spotted owls; or (c) 75± feet for other non-special-status bird species. Disturbance of active nests shall be avoided to the extent possible until it is determined that nesting is complete and the young have fledged. For species protected under the California Fish and Game Code (CFGC), if active nests are closer than those distances to the nearest work site and there is the potential for bird disturbance, CDFW shall be contacted for approval to work within 300± feet of raptors, or 75± feet of other non-special-status bird species.<br>This measure shall be incorporated into the project bid package and contract. Surveys shall occur within 15 days of commencing construction that occurs between February 1st and August 30th. | | | | | |
| **BIO-1.9:** Implement Mitigation Measure BIO-1.8. | | | *See Mitigation Measure BIO-1.8.* | | |
| **BIO-1.10:** Implement Mitigation Measure BIO-1.8. | | | *See Mitigation Measure BIO-1.8.* | | |
| **BIO-1.11:** Implement Mitigation Measure BIO-1.8. | | | *See Mitigation Measure BIO-1.8.* | | |
| **BIO-1.12:** Implement Mitigation Measures BIO -1.2b, BIO -1.2c, and BIO -1.2d. | | | *See Mitigation Measures BIO-1.2b, BIO-1.2c, and BIO-1.2d.* | | |

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| Mitigation Measures | Party Responsible for Implementation | Implementation Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency |
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| **BIO-1.13:** Pre-Construction Botanical Survey. Surveys shall occur during the bloom season prior to issuance of grading permits during the bloom period for *Clarkia australis* (May through August) and *Erythranthe filicaulis* (April through August). If found, the location of special-status plant populations shall be clearly identified in the field by staking, flagging, or fencing prior to the commencement of activities that may cause disturbance. A buffer surrounding the populations shall be established by a qualified botanist based on the plant species, its habitat, and the nature of the proposed project activity. No activity shall occur within the buffer area. If sensitive plant species cannot be avoided, transplanting (perennial species), seed collection and dispersal (annual species) may be undertaken by a qualified botanist. If transplanting or seed collection/dispersal is employed, ongoing monitoring for 5 years shall be conducted to assess the effectiveness of mitigation. The performance standard for mitigation is no net reduction in the size or viability of the local plant population. Prior to salvaging plants, written permission shall be obtained from the landowner and CDFW shall be notified 10 days prior to salvage activities or, for emergency situations, CDFW shall be notified within 14 days following salvage activities consistent with the provisions of the California Native Plant Protection Act (California Fish and Game Code Sections 1912 and 1913) and California Penal Code Section 384a. Salvage shall be in accordance with California Fish and Game Code Sections 1912 and 1913(c) including CDFW notification. The performance standard for this mitigation measure is no net reduction in the size or viability of local sensitive plant populations.<br><br>This measure shall be incorporated into the project bid package and contract. Surveys shall occur during the bloom season prior to commencing construction during the bloom period for *Clarkia australis* (May through August) and *Erythranthe filicaulis* (April through August). | Consulting Biologist/ Construction Contractor | Prior to Issuance of Grading Permits | Tuolumne County Community Development Department Land Use and Natural Resources Division | Review and Confirm Survey | Once for Survey/ Ongoing if Survey Finds Evidence of the *Clarkia australis* or *Erythranthe filicaulis* Species |

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| Mitigation Measures | Party Responsible for Implementation | Implementation Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency |
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| **BIO-1.14:** Implement Mitigation Measure BIO-1.13. | | *See Mitigation Measure BIO-1.13.* | | | |
| **BIO -1.15:** Food and Trash Enclosures. Trash shall be stored in an animal-resistant enclosure, or bear shed throughout the life of the project. Trash enclosure design shall be approved by the project biologist prior to installation. The project proponents are encouraged to visit http://www.waste101.com/bear-aware/ or contact the Tahoe Truckee Sierra Disposal or similar entity, for appropriate designs.<br><br>This measure shall be implemented prior to issuance of an occupancy permit. The measure is the responsibility of the construction contractor. A Notice of Action shall be filed with the County Clerk on the project parcels including the project conditions specifying that this measure shall be continued throughout the life of the project. | Project Sponsor | Prior to Issuance of Occupancy Permit | Tuolumne County Community Development Department Building and Safety Division | Inspect Trash Enclosures On-site/ Confirm Filing of Notice of Action with County Clerk | Once |
| **BIO-2:** Minimize the spread of invasive plant species through the following:<br>▪ The project landscaping planting palette shall be revised to ensure that all plantings are non-invasive species.<br>▪ All hay, straw, hay bales, straw bales, seed, mulch or other material used for erosion control on the project site shall be free of noxious weed seeds and propagules (Food and Agriculture Code Sections 6305, 6341 and 6461).<br>▪ All equipment brought to the project site shall be thoroughly cleaned of all dirt and vegetation prior to entering the site to prevent importing noxious weeds and shall be cleaned of all dirt and vegetation prior to exiting the site to prevent exporting noxious weeds. (Food and Agriculture Code Section 5401).<br>▪ All material brought to the site, including rock, gravel, road base, sand, and topsoil, shall be free of noxious weeds and propagules. (Food and Agriculture Code Sections 6305, 6341 and 6461). | Project Sponsor/ Consulting Landscape Architect/ Construction Contractor | Prior to Approval of Landscaping Plan/ During Construction | Tuolumne County Community Development Department Land Use and Natural Resources Division | Review Revised Landscaping Palette/ Inspect Construction Equipment and Materials | Once/ During Regularly Scheduled Site Inspections |

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measures | Party Responsible for Implementation | Implementation Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency |
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| **BIO-3.1:** Install Temporary Environmentally Sensitive Area (ESA) Fencing to Protect Sensitive Drainages during Construction Activities that Disturb Soils. Prior to issuance of grading permits, the project contractor shall implement the following:<br>▪ Install high-visibility/ESA fencing (e.g., orange construction safety fencing) a minimum of 50 feet from the centerline of both sides of Ephemeral Channel-1 (Northwest corner of the project site) during any time when disturbing soils within 50 feet of the drainage channel (fencing is not required when soil disturbances are not occurring so long as erosion control from any prior soil disturbances within 50 feet has been installed). Fencing shall be of flexible material that allows for deer passage. Install silt fencing, fiber rolls, or equivalent erosion and sediment control devices on the project side of the ESA fencing to prevent disturbances and erosion into the adjacent drainage. Silt fencing or other materials, as required, shall be installed consistent with the applicable water quality requirements specified in the project's Storm Water Pollution Prevention Plan (SWPPP) or Water Pollution Control Plan (WPCP). Fencing or other erosion control materials or devices shall be shown on the final construction documents.<br>▪ No construction-related materials, equipment, trash or other related debris shall be allowed, stored or staged within the fenced area. ESA Fencing shall remain in place until soil disturbances within 50 feet have been completed and erosion control measures have been installed in accordance with approved plans. Fallen fencing shall immediately be repaired as necessary to remain visible during all construction activities.<br>▪ Fenced areas shall be avoided throughout project construction (i.e., active soil disturbing activities) and shall be monitored by the project manager throughout construction.<br>▪ This measure shall be incorporated into the project bid package and contract. | Construction Contractor | Prior to Issuance of Grading Permits | Tuolumne County Community Development Department Building and Safety Division | Inspect Temporary Environmentally Sensitive Area Fencing | During Regularly Scheduled Construction Site Inspections |

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TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measures | Party Responsible for Implementation | Implementation Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency |
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| ▪ All ESA Fencing shall be removed from the site after construction activities are completed. | | | | | |
| **BIO-3.2:** Comply with Section 404 of the federal Clean Water Act. Within the Caltrans right-of-way, the applicant shall secure an encroachment permit from Caltrans and comply with all conditions of the Caltrans encroachment permit including the following as it applies to Ephemeral Channel-2:<br>▪ Prior to issuance of grading permits, comply with Section 404 and Section 401 of the Clean Water Act and comply with all current regulations (i.e., at the time of disturbance) pertaining to fill of Ephemeral Channel-2 (0.001 acre).<br>▪ If regulations in place at the time of site disturbance require permits from the USACE for filling an ephemeral drainage: the acreage, location, and method(s) for compensation for fill shall be determined during the permitting process in accordance with USACE standards. The project shall adhere to a "no net loss" standard for waters of the U.S. and waters of the State. Suitable habitat shall be restored, enhanced, and/or replaced at an acreage and location and by methods approved by the USACE and Central Valley Regional Water Quality Control Board, as jurisdictionally appropriate. The replacement of waters will be equivalent to the nature of the habitat lost and will be provided at a suitable ratio to ensure that, at a minimum, there is no net loss of habitat acreage or value. The replacement habitat will be set aside in perpetuity for habitat use.<br>▪ Compensation may also include purchasing credits from a Corps and/or state or federally approved mitigation bank at a ratio prescribed in the applicable Section 404 Permit as necessary to achieve no net loss of waters of the U.S. For waters of the state, compensation may be through the National Fish and Wildlife Foundation Sacramento District California In-Lieu Fee Program. | Project Sponsor / Consulting Biologist<br>Construction Contractor | Prior to Issuance of Grading Permits | Tuolumne County Community Development Department<br>Building and Safety Division | Review Approved Encroachment Permit/ Confirm Compliance with Permit Conditions | Once |

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measures | Party Responsible for Implementation | Implementation Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency |
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| ▪ Alternatively, if final project plans allow for full avoidance and no fill of Ephemeral Channel 2 pursuant to the determination of the project's wetlands biologist; Mitigation Measures BIO-3.1 and BIO-3.2 may be substituted to ensure avoidance.<br>▪ This measure shall occur prior to issuance of grading permits. All permit provisions shall be implemented and maintained in accordance with the applicable permits. | | | | | |
| **BIO-3.4:** Best Management Practices (BMPs) to Protect Water Quality (Including NOI/NPDES/SWPPP). Prior to issuance of grading permits, the project contractor shall implement the following:<br>▪ Prepare an Erosion Control Plan for implementation for any construction to take place between October 15 and May 15 of any year. In the absence of such an approved plan, all construction shall cease on or before October 15, except that necessary to implement erosion control measures. If necessary, the plan shall be submitted to the County Public Works Department for review and approval.<br>▪ Submit to the State Water Resources Control Board Storm Water Permitting Unit, a Notice of Intent (NOI) to obtain coverage under the General Construction Activity Storm Water Permit - California's National Pollution Discharge Elimination System (NPDES) general permit for construction related storm water discharges for the disturbance of one acre or more. Disturbances of less than one acre may also require an NOI for coverage under the NPDES General Permit for construction-related storm water discharge and the State Water Resources Control Board Permitting Unit shall be contacted for determination of permit requirements. Commercial and Industrial developments may require an NOI even if less than one acre is to be disturbed. Obtain coverage or an exemption from these requirements. [Federal Water Pollution Control Act, Section 401, California Clean Water | Project Contractor | Prior to Issuance of Grading Permits | Tuolumne County Public Works Departments/ Tuolumne County Community Development Department Land Use and Natural Resources Division | Review and Approve Erosion Control Plan/ Confirm Attainment of NPDES General Permit for Construction | Once for Each Document |

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| Act]. The permit may include preparation of a Stormwater Pollution Prevention Plan (SWPPP).<br>▪ This measure shall be incorporated into the project bid package and contract. | | | | | |
| **BIO-4.1a:** Enhance Rim Fire Burned Deer Winter Range and/or Data. Prior to issuance of a certificate of occupancy, the project proponents shall contribute $1,100 per acre for approximately 43.4 acres to a non-profit (e.g., Yosemite Stanislaus Solutions) to be used for activities associated with either enhancing deer winter range or providing updated research data to support herd management within the footprint of the Rim Fire. | Project Sponsor | Prior to Issuance of Certificate of Occupancy | Tuolumne County Community Development Department Land Use and Natural Resources Division | Confirm Payment of Mitigation Fee | Once |
| **BIO-4.1b:** Keep Dogs Leashed. The project sponsor shall implement the following:<br>▪ Dogs shall be kept on leash or otherwise prohibited from running free outdoors. Signs shall be posted along all project trails stating that dogs shall be kept on leash.<br>▪ The project website, booking site, and/or brochures shall advise visitors of this requirement. A Notice of Action shall be filed with the County Clerk on the project parcels including the project conditions specifying that this measure shall be continued throughout the life of the project. | Project Sponsor/ Lodge General Manager | During Project Operation | Tuolumne County Community Development Department Land Use and Natural Resources Division | Inspect Signage/ Confirm Project Materials and Notice of Action with County Clerk | Once |
| **BIO-4.1c:** Stay on Trails/Education. The project sponsor shall implement the following:<br>▪ Visitors shall be required to stay on designated trails at the project site when hiking within the project boundaries to minimize wintering deer/human interactions. Signs shall be posted along all project trails stating that visitors shall stay on trails and shall not approach deer (in particular between November 30 and April 30 when deer are expected to be migrating to and from their wintering grounds). In consultation with the project biologist, the project proponents shall prepare an interpretive trail sign/plaque or signs/plaques describing the life history of the Yosemite Deer Herd, the area's importance as wintering deer habitat and as | Project Applicant/ Lodge General Manager | During Project Operation | Tuolumne County Community Development Department Land Use and Natural Resources Division | Inspect Signage/ Confirm Project Materials and Notice of Action with County Clerk | Once |

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| a migratory corridor, and the necessity to avoid approaching non-resident deer during their winter migrations.<br>▪ The project website, booking site, and/or brochures shall advise visitors of the requirement to avoid approaching non-resident deer during winter migrations. | | | | | |
| **4.2a:** Deer-Friendly Fencing. Prior to issuance of a final certificate of occupancy, the project contractor shall implement the following:<br>▪ To prevent trapping, injuring, or impeding deer movement; barbed wire fencing is prohibited. Non barb-wired fencing immediately surrounding structures (e.g., storage facilities, swimming pools) where deer are less likely to travel is permitted. Additional Fencing design shall be subject to review and approval by the project biologist following one of the recommended designs found in a Landowner's Guide to Wildlife Friendly Fences: How to Build a Fence with Wildlife in Mind. 2nd edition, 2012 (or as may be updated) by the Montana Dpt. of Fish Wildlife and Parks. Alternative fencing designs shall be approved by CDFW prior to installation.<br>▪ A Notice of Action shall be filed with the County Clerk on the project parcels including the project conditions specifying that this measure shall be continued throughout the life of the project. | Project Sponsor/ Consulting Landscape Architect/ Construction Contractor | Prior to Issuance of a Certificate of Occupancy | Tuolumne County Community Development Department Building and Safety Division | Site Inspection/ Confirmation of CDFW Approval for Alternative Fencing Designs and Filing of Notice of Action with County Clerk | Once |
| **BIO-4.2b:** Implement Mitigation Measures BIO-4.1b and BIO-4.1c. | *See Mitigation Measures BIO-4.1b and BIO-4.1c.* | | | | |
| **BIO-5.1a:** Implement Mitigation Measure BIO -1.1b. | *See Mitigation Measure BIO-1.1b.* | | | | |
| **BIO-5.1b:** Native Oak Tree Protection. Throughout project construction, for native oak trees greater than 5 inches diameter at breast height (DBH), to be retained, to the maximum extent feasible:<br>▪ Limit ground-disturbing activities to outside the dripline of native oaks and preferably outside 1-1/2 times the dripline. | Construction Contractor | During Construction | Tuolumne County Community Development Department Building and Safety Division | Conduct Site Inspection | During Regularly Scheduled Construction Site Inspections |

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| ▪ No storage equipment, supplies, vehicles, debris, construction wastewater, paint, stucco, concrete, or any other clean-up waste, and temporary or permanent structures shall be placed within the driplines.<br>▪ Avoid cutting oak roots.<br>▪ Use boring, rather than trenching, within driplines.<br>▪ Avoid equipment damage to limbs, trunks, and roots of oaks trees.<br>▪ Do not attach signs, ropes, cables, or other items to trees. | | | | | |
| **BIO-5.2:** Install ESA Fencing along the existing Open Space Zoning District boundaries where active construction will occur within 50 feet of the boundaries. The project contractor shall install ESA fencing along existing open space boundaries where active construction will occur within 50 feet of existing open space boundaries. Fencing shall be shown on the final construction documents.<br><br>This measure shall be incorporated into the project bid package and contract and implemented prior to issuance of grading permits. | Construction Contractor | Prior to Issuance of Grading Permits | Tuolumne County Community Development Department<br>Building and Safety Division | Inspect Temporary Environmentally Sensitive Area Fencing | During Regularly Scheduled Construction Site Inspections |
| **BIO-7:** Implement Mitigation Measures BIO-4.1a and BIO-4.2a. | | *See Mitigation Measures BIO-4.1a and BIO-4.2a.* | | | |
| **CULTURAL RESOURCES** | | | | | |
| **CULT-1a:** Prior to the issuance of grading permits, the County shall confirm the applicant has required all construction crews to undergo adequate training for the identification of federal- or State-eligible cultural resources, and that the construction crews are aware of the potential for previously undiscovered archaeological or paleontological resources on-site, of the laws protecting these resources and associated penalties, and of the procedures to follow should they discover cultural resources during project-related work. Examples of prehistoric resources | Project Sponsor/ Construction Contractor | Prior to Issuance of Grading Permits | Tuolumne County Community Development Department<br>Land Use and Natural Resources Division | Review and Confirm Training | Once |

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| may include: stone tools and manufacturing debris; milling equipment such as bedrock mortars, portable mortars, and pestles; darkened or stained soils (midden) that may contain dietary remains such as shell and bone; as well as human remains. Historic resources may include: burial plots; structural foundations; mining spoils piles and prospecting pits; cabin pads; and trash scatters consisting of cans with soldered seams or tops, bottles, cut (square) nails, and ceramics. | | | | | |
| **CULT-1b:** In the event that unanticipated discoveries of potentially sensitive cultural resources are encountered during the construction period, all activity should cease within 100 feet of the find until a qualified archaeologist or paleontologist, who meets federal criteria under 36 CFR 61, can determine the significance of the find and determine the appropriate mitigation. If the deposits are determined to be non-significant by a qualified archaeologist or paleontologist, avoidance is not necessary. If the deposits are determined to be potentially significant by the qualified archaeologist or paleontologist, the resources shall be avoided if feasible. If avoidance is not feasible, project impacts shall be mitigated in accordance with the recommendations of the archaeologist and paleontologist, in coordination with the County, local tribes, and the CEQA Guidelines Section 15126.4 (b)(3)(C), which requires implementation of a data recovery plan.<br><br>The data recovery plan shall include provisions for adequately recovering all scientifically consequential information from and about any discovered archaeological or paleontological materials and include recommendations for the treatment of these resources. In-place preservation of the archaeological or paleontological resources is the preferred manner of mitigating potential impacts, as it maintains the relationship between the resource and the archaeological or paleontological context. In-place preservation also reduces the potential for conflicts with the religious or cultural values of groups associated with the | Construction Contractor/ Qualified Archaeologist or Paleontologist | During Construction | Tuolumne County Community Development Department Land Use and Natural Resources Division | Review and Confirm Recommendations | As Needed if Resources are Discovered and Recommendations are Made |

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| resource. Other mitigation options include, but are not limited to, the full or partial removal and curation of the resource.<br><br>The County shall confirm that the project applicant has retained a qualified archeologist and paleontologist for the preparation and implementation of the data recovery plan. The recovery plan shall be submitted to the project applicant, the County, and the Central California Information Center. A data recovery plan shall not be required for resources that have been deemed by the Central California Information Center as adequately recorded and recovered by studies already completed. Once the recovery plan is reviewed and approved by the County and any appropriate resource recovery completed, project construction activity within the area of the find may resume. | | | | | |
| **CULT-2:** Implement Mitigation Measures CULT-1a and CULT-1b. | | *See Mitigation Measures CULT-1a and CULT-1b.* | | | |
| **CULT-3:** If human remains are encountered during ground-disturbing activities within the project site, the project contractor and/or on-site supervisor shall immediately halt all work within 100 feet of the discovery and the project contractor shall immediately notify the Tuolumne County Coroner (Coroner), and the Tuolumne County Community Development Department. In coordination with the County, the project applicant and contractor shall contact a qualified archaeologist meeting federal criteria under 36 CFR 61 to assess the situation and consult with the appropriate agencies. If the human remains are of Native American origin, the Coroner shall notify the NAHC within 24 hours of this identification. The NAHC will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment or disposition, with proper dignity, of the remains and any associated grave goods. Upon completion of the assessment, the qualified archaeologist shall prepare a report documenting the background to the finds and provide recommendations for the treatment of the human | Construction Contractor/ Qualified Archaeologist | During Construction | Tuolumne County Community Development Department Land Use and Natural Resources Division | Review and Confirm Recommendations | As Needed if Resources are Discovered and Recommendations are Made |

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| remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the project applicant, the County, and the Central California Information Center. Once the report is reviewed and approved by the County, and any appropriate treatment completed, project construction activity within the area of the find may resume. | | | | | |
| **CULT-4a:** Implement Mitigation Measures CULT-1a and CULT-1b. | | | *See Mitigation Measures CULT-1a and CULT-1b.* | | |
| **CULT-4b:** Prior to the initiation of any construction activities, the project applicant shall provide one-time site access to a Tuolumne Band representative(s) to remove native plants for the purpose of transplanting them to the Four Seasons Native Plant Nursery on the Tuolumne Rancheria. | Project Sponsor | Prior to Issuance of Any Construction Permits | Tuolumne County Community Development Department Building and Safety Division | Confirm Invitation to Access Site | Once |
| **CULT-4c:** The project site plan shall be amended to identify a 50-foot buffer around the top of the knoll (see Figure 4.4-1 of the Draft EIR) as a Me-Wuk Open Space area. This area will be available for quiet enjoyment for the following uses: guest/visitor recreational activities, guest/visitor assembly, and guest/visitor programs. The project developer shall not construct or otherwise place any permanent structures or improvements within the 50-foot buffer. | Project Sponsor | Prior to Issuance of Any Construction Permits | Tuolumne County Community Development Department Land Use and Natural Resources Division | Review Revised Site Plan | Once |
| **CULT-4d:** Prior to the initiation of any construction activities, the project applicant shall provide one-time site access to a Tuolumne Band representative(s) to gather firewood on the project site. | Project Sponsor | Prior to Issuance of Any Construction Permits | Tuolumne County Community Development Department Land Use and Natural Resources Division | Confirm Invitation to Access Site | Once |

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| GREENHOUSE GAS EMISSIONS | | | | | |
| **GHG -1.1a:** The proposed project shall use electrically powered construction equipment, where feasible. | Construction Contractor | During Construction | Tuolumne County Community Development Department Building and Safety Division | Inspect Construction Equipment | During Regularly Scheduled Construction Site Inspection |
| **GHG-1.1b:** The net increase in GHG emissions associated with the Terra Vi Lodge Project could be further reduced by the applicant purchasing carbon credits to offset GHG emissions. Carbon credits, however, are market-based. The availability, amount, and price of carbon credits fluctuate over time. As a result, it is unknown if local carbon credit offsets would be available at the time the project is implemented. Additional carbon credit offsets are available on a statewide or national level. However, even though the impact of GHG emissions is considered to be global in scale, the CEQA legal adequacy of applying statewide or national offsets to individual local projects has been questioned. In addition, while the County considered application of carbon credits to offset GHG emissions due to the proposed project, the County General Plan places a higher priority on implementing local mitigation measures before application of offsets. As a result of the unknown availability of local carbon credits, mitigation measures needed to eliminate any net increase in GHG emissions are considered to be not available, application of this mitigation measure is not considered to reduce the GHG emissions impacts of the project to a less-than-significant level, and this impact is considered to be significant and unavoidable. | | | *No feasible measures.* | | |
| **GHG-1.2a:** The proposed project shall use electrically powered landscape equipment during outdoor landscaping and maintenance activities. | Project Sponsor/ Lodge General Manager | During Project Operation | Tuolumne County Community Development Department | Inspect Landscaping Maintenance Fleet and Tools | Once |

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measures | Party Responsible for Implementation | Implementation Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency |
|---|---|---|---|---|---|
| | | | Building and Safety Division | | |
| **GHG-1.2b:** As noted in the description of Mitigation Measure GHG-1.1b, because of the unknown availability of local carbon credits, mitigation measures needed to eliminate any net increase in GHG emissions are considered to be not available, application of this mitigation measure is not considered to reduce the GHG emissions impacts of the project to a less-than-significant level, and this impact is considered to be significant and unavoidable. | | | *No feasible measures.* | | |
| **HAZARDS AND HAZARDOUS MATERIALS** | | | | | |
| **HAZ-5:** Prior to the start of any helipad operations on the project site, the project shall receive airspace determination approvals from the Federal Aviation Administration, a building permit from the Tuolumne County Building Division, and a Letter of Land Use Consistency from the Tuolumne County Airport Land Use Commission. | Project Sponsor | Prior to Use of Helipad | Tuolumne County Community Development Department<br>Building and Safety Division | Confirm Applicable Approvals | Once |
| **HYDROLOGY AND WATER QUALITY** | | | | | |
| **HYD-1a:** A Drainage Plan for the site shall be prepared prior to issuance of building permits to address the post-construction requirements of the Statewide Construction General Permit. The Drainage Plan shall specify how runoff on the site will be managed in order to protect water quality. The plans will include detailed runoff calculations to appropriately size culverts, bridges, retention ponds/areas, and roadside ditches to meet the drainage requirements of the project site. The purpose of the plan will be to prevent the creation of localized on- or off-site flooding and to prevent any negative water quality effects off-site. If necessary, the plan shall be submitted to the Engineering Development Division of the Tuolumne County Public Works Department for review and approval. | Project Sponsor/ Consulting Civil Engineer | Prior to Issuance of Building Permits | Tuolumne County Community Development Department<br>Public Works Department | Review and Approve Drainage Plan | Once |

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| Mitigation Measures | Party Responsible for Implementation | Implementation Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency |
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| **HYD-1b:** Detention and/or retention facilities shall be designed to the satisfaction of the Tuolumne County Engineering Development Department staff and shall be included in the drainage report as described in Mitigation Measure HYD-1. These facilities shall capture surface runoff and retain flows such that the rate of surface runoff does not exceed existing flows. Maintenance of retention facilities shall be required by Tuolumne County. | Project Sponsor/ Consulting Civil Engineer | Prior to Issuance of Building Permits | Tuolumne County Engineering Development Department | Review Detention and Retention Facility Design | Once |
| **HYD-3:** Implement Mitigation Measures HYD-1a and HYD-1b. | | *See Mitigation Measures HYD-1a and HYD-1b.* | | | |
| **NOISE** | | | | | |
| **NOI-1.1:** In order to satisfy applicable Tuolumne County General Plan daytime and nighttime noise level limits at the nearest existing sensitive use to the project, and subsequently result in maintenance yard noise levels at or below ambient noise conditions at that use, the following noise mitigation measures shall be implemented:<br>▪ Construct a solid noise barrier measuring 11 feet in height along the north, east and west sides of the maintenance yard boundary, as depicted in Figure 4.12-2. The barrier could be constructed of either masonry or precast concrete panels. A noise barrier constructed of wood (or wood composite) fence material with overlapping slat construction would also be sufficient. The purpose of overlapping slats and using screws rather than nails is to ensure that prolonged exposure to the elements does not result in visible gaps through the slats which would result in reduced noise barrier effectiveness.<br>▪ Ensure that the generator selected for the maintenance yard have a reference noise level not to exceed 70 dB at a distance of 50 feet. Depending on the power requirements of the equipment, the implementation of a custom engineered generator enclosure may be required in order to achieve an overall equipment noise level of 70 dB at 50 feet. | Project Sponsor/ Consulting Landscape Architect/ Construction Contractor | Prior to Issuance of Building Permits | Tuolumne County Community Development Department<br>Building and Safety Division | Confirm Noise Barrier on Site Plans/<br>Review Generator Specifications | Once |

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measures | Party Responsible for Implementation | Implementation Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency |
|---|---|---|---|---|---|
| **NOI-1.2a:** To satisfy applicable Tuolumne County General Plan noise level increase criteria at the nearest existing sensitive use to the project, the project shall limit on-site truck deliveries to daytime hours only (7:00 a.m. to 10:00 p.m.) and limit refuse collection activities to daytime hours only (7:00 a.m. to 10:00 p.m.). | Project Sponsor/ Lodge General Manager | During Project Operation | Tuolumne County Community Development Department Land Use and Natural Resources Division | Conduct Site Inspection | As Needed |
| **NOI-1.2b:** Implement Mitigation Measure NOI-1.1. | | | *See Mitigation Measure NOI-1.1.* | | |
| **NOI-3.1:** As part of the design and approvals process for the proposed helipad, the project sponsor shall relocate the helipad to a location on the project site farther from residential buildings, if another feasible location can be identified. | Project Sponsor/ Consulting Civil Engineer | Prior to Issuance of Any Helipad Permits | Tuolumne County Community Development Department Land Use and Natural Resources Division | Review Revised Site Plan | Once |
| **NOI-3.2a:** Window and door assemblies of all lodging within the proposed development should be upgraded to a minimum STC rating of 32. | Project Sponsor/ Consulting Architect | Prior to Issuance of Building Permits | Tuolumne County Community Development Department Building and Safety Division | Review Window Specifications | Once |
| **NOI-3.2b:** Disclosure statements should be provided to inform guests of the potential for elevated interior noise levels during emergency operations at the helipad, especially during nighttime hours. | Project Sponsor/ Lodge General Manager | During Project Operation | Tuolumne County Community Development Department Land Use and Natural Resources Division | Review Disclosure Materials | Ongoing |

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| Mitigation Measures | Party Responsible for Implementation | Implementation Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency |
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| **PUBLIC SERVICES AND RECREATION** | | | | | |
| **PS-1:** Prior to issuance of the certificate of occupancy, the project sponsor shall provide trained and certified emergency staff. The project shall provide enough staff to ensure that two emergency staff are on premises and available to respond to emergencies at all times.<br><br>The emergency staff shall be trained to meet Tuolumne County Fire Department volunteer fire service standards. Staffing may be provided by Terra Vi employees who have completed the required training.<br><br>The Terra Vi project shall provide personal protection equipment (PPE) and positive communication equipment for all emergency staff. 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 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 Tuolumne County and maintained per manufacturer and National Fire Protection Association (NFPA) standards by the Terra Vi project sponsor. | Project Sponsor/ Lodge General Manager | Prior to Issuance of Certificate of Occupancy | Tuolumne County Fire Department | Confirm Trained Emergency Staff and Equipment | Once |
| **PS-2:** Implement Mitigation Measure PS-1. | | | *See Mitigation Measure PS-1.* | | |
| **PS-3:** The Terra Vi Lodge shall include private security personnel on staff (Manager on Duty) to provide security, complaint resolution, and interfaces with law enforcement/emergency personnel in case of an incident, emergency, or evacuation. These personnel shall be on-site 24 hours a day, seven days a week. The security personnel shall make regular rounds of the Terra Vi Lodge and employee housing and report internally any | Project Applicant/ Lodge General Manager | During Project Operation | Tuolumne County Community Development Department<br>Land Use and Natural Resources Division | Confirm Trained Emergency Staff | Once |

TABLE 1 MITIGATION MONITORING AND REPORTING PROGRAM

| Mitigation Measures | Party Responsible for Implementation | Implementation Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency |
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| incidences, as well as report to local authorities if the situation warrants it. | | | | | |
| **PS-4:** Implement Mitigation Measure PS-3. | | | *See Mitigation Measure PS-3* | | |
| **TRANSPORTATION** | | | | | |
| **TRANS-1.1:** The project applicant shall provide an on-site transit coordinator to coordinate guest transit use to help ensure smooth operations at the project site bus stop. The on-site transit coordinator would also serve as a point of contact between Terra Vi Lodge, YARTS, and the County to assist in identifying and responding to issues related to transit services that may arise at the project site. | Project Sponsor/ Lodge General Manager | During Project Operation | Tuolumne County Community Development Department Land Use and Natural Resources Division | Confirm On-site Transit Coordinator | Once |
| **TRANS-1.2a:** The project applicant or contractor shall prepare a Construction Traffic Control Plan as part of the Caltrans encroachment permit application for all work within the state right of way on SR 120. | Project Sponsor/ Construction Contractor | Prior to Construction | Tuolumne County Public Works Department | Review Construction Traffic Control Plan | Once |
| **TRANS-1.2b:** Prior to the start of any construction activity on-site or in the SR 120/Sawmill Mountain Road intersection, the applicant shall coordinate with the Tuolumne County Public Works Department for an on-site inspection of Sawmill Mountain Road to assess the road surface conditions. Following completion of project construction, but prior to issuance of an occupancy permit, the applicant shall schedule a post-construction inspection to determine if deterioration of the road surface occurred, and if so, the applicant/contractor shall restore the road to pre-construction conditions. | Project Sponsor/ Construction Contractor | Prior to Construction | Tuolumne County Public Works Department | Conduct Site Inspection | Twice (Once Prior to Construction to Assess Pre-Construction Conditions and Once Following Restoration to Confirm Adequacy of Restoration Improvements) |
| **TRANS-3:** Construction of the proposed left turn lane from SR 120 to Sawmill Mountain to accommodate project-generated traffic will require cutting the hillside and vegetation removal in conformance with Caltrans standards, which will open the line of sight to an acceptable distance, as determined by Caltrans. The project sponsor shall obtain encroachment permit approval from Caltrans prior to the start of construction on the proposed | Project Applicant/ Consulting Civil Engineer | Prior to Construction | Tuolumne County Public Works Department | Review Approved Encroachment Permit | Once |

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| Mitigation Measures | Party Responsible for Implementation | Implementation Timing | Agency Responsible for Monitoring | Monitoring Action | Monitoring Frequency |
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| project site and shall complete improvements to SR 120 prior to operation of the proposed project. | | | | | |
| **UTILITIES AND SERVICE SYSTEMS** | | | | | |
| **UTIL-10:** Implement Mitigation Measures HYD-1a and HYD-1b. | | *See Mitigation Measures HYD-1a and HYD-1b.* | | | |
| **WILDFIRE** | | | | | |
| **WF-2:** Prior to issuance of building permits, the applicant shall submit a Wildland Fire Prevention Plan and Vegetation Management Plan to the Tuolumne County Fire Prevention Bureau for review and approval. The project site plan and landscaping documents shall be revised to conform to the Vegetation Management Plan. These revisions shall include, but are not limited to, the following measures:<br>▪ The perimeter of all structures shall be surrounded by a 5-foot non-combustible zone.<br>▪ Project landscaping shall be fire resistant, with a planting palette consisting of native hardwoods and other fire-resistant native vegetation.<br>▪ Landscape plantings shall be installed in a way that strategically staggers placement and planting heights to provide effective screening of the proposed project from adjacent roadways.<br>▪ Areas within 200 feet of all structures shall be managed as defensible space (in compliance with the California Fire Code and Public Resources Code Section 4291, with vegetative fuels that would produce 2-foot or shorter flames.<br>▪ The entire project site, including open all undeveloped areas, shall be managed as fire-resistant landscaping that adheres to CAL FIRE's firescaping requirements, with widely spaced trees and shrubs.<br>▪ Any new plantings in the undeveloped areas of the site shall include a greater proportion of oaks. | Project Sponsor/ Consulting Landscape Architect/ Lodge General Manager | Prior to Issuance of Building Permits | Tuolumne County Fire Prevention Bureau | Review and Approve Wildland Fire Prevention Plan and Vegetation Management Plan | Once |

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| ▪ Undeveloped areas of the project site shall be managed so that they do not grow back in as high a density as existed before the 2013 Rim Fire. Brush and grass in these areas shall be maintained and managed so that continuous groupings do not exceed 120 square feet in area. | | | | | |

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