

Laurie Oberholtzer
Environmental Planner
310 Nevada Street
Nevada City, CA 95959
(530)265-5433 265-8068 fax

October 13, 2007

Jen Daugherty
Community Development Department
Town of Mammoth Lakes
PO Box 1609
Mammoth Lakes, CA 93546

Re: Snowcreek VIII DEIR Comments

Dear Ms. Daugherty:

I have been retained by Mammoth Lakes Trail and Public Access Foundation (MLTPA) in commenting on the Snowcreek VIII Draft EIR (DEIR). Thank you for the opportunity to provide input.

MLTPA is concerned with the potential impacts of new development in the Mammoth Lakes area on existing and future trails and public access systems. MLTPA sees a distinct opportunity for all new development to maintain and enhance the Town's trail and public access system. Our comments on this DEIR will speak to these concerns.

We are pleased that the DEIR includes a section on recreation impacts (Section IV), in particular a discussion of potential impacts to trails (Impact REC-3, page IV.L-10, last paragraph). However, the trails discussion is extremely brief (one paragraph in a 600 + page document) and concludes that impacts will be less than significant. We believe that when the trails subject is researched and discussed more fully, it will be obvious that the project could result in significant impacts. We provide additional information below that clearly was not available to the consultant during preparation of the DEIR. We request that this information be forwarded to the consultant and included in the FEIR. We also propose mitigation measures.

We offer these comments from our area of expertise. MLTPA is the recognized authority on trails and public access issues in the Mammoth Lakes area. From our inception, we have been a leader on the research and discussion of these issues. We participated in the Sensitive Lands and Open Space Resources Committee, the 2007 General Plan update via public comment and as member of the Community Stakeholders' Group, serving with the Snowcreek VIII applicant, and in the last year initiated MLTPA CAMP (Mammoth Lakes Trails

and Public Access Concept and Master Planning), a multi-partnered, multi-jurisdictional effort (Town of Mammoth Lakes, Mammoth Mountain Ski Area, United States Forest Service) that has brought nationally recognized trail and outdoor recreation consultants to Mammoth Lakes to update existing trails planning. The MLTPA CAMP process has included significant partner financial contributions. We prepared the 2006 GIS/GIC inventory report of trails and public access points in the Mammoth Lakes Area, and presented a Public meeting and Strategic Conference in the fall of 2006 that attracted a standing room only crowd of close to 5% of the town's permanent population. The Town of Mammoth Lakes has recently adopted a Memorandum of Understanding with MLTPA and other partners intended to further the efforts of trails and public access planning in the Mammoth Lakes area.

CEQA Notes

(1) *The Discussion under CEQA Guidelines Section 15125 underscores the importance of the Environmental Setting section of an EIR. It reads: "Because the concept of a significant effect on the environment focuses on changes in the environment, this section requires an EIR to describe the environmental setting of the project so that the changes can be seen in context. The description of the pre-existing environment also helps the reviewer to check the Lead Agency's identification of significant effects."* We have pointed out that since the environmental setting discussion in the DEIR is minimal, the "check" must result in a determination that inaccurate impact conclusions have been made relative to trails and public access issues in the DEIR.

IMPACT EVALUATION CRITERIA

The impact evaluation criteria presented in the Recreation chapter of the DEIR are inadequate.

1. Include General Plan policies as trails impact evaluation criteria. A number of these policies are included in the Land Use and Planning chapter of the DEIR (pages IV.H-57 to 59). However, they are discussed in the context of land use impacts, rather than recreation impacts. All 2007 General Plan policies related to trails and public access and the wording in the Resort-R land designation text should be included as trails and public access impact evaluation criteria. Use of these policies as criteria is consistent with CEQA's environmental checklist for significant impacts which states that a proposed project would have a significant impact if it would: *"Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect."* Please note that Section 15064(i)(3) (A-E) of the CEQA Guidelines permits use of impact evaluation criteria standards such as the trails general plan policies. Clearly the trails policies meets each of the requirements (A-E) in this section of the CEQA Guidelines, including the fact that they were adopted for the purposes of environmental protection.

2. Include information on other Town adopted trails and public access policies and programs to provide interpretation of General Plan policies used as impact evaluation criteria. (1) The Town is actively implementing these General Plan policies with further actions which demonstrate the importance of trails and public access issues in the community. These additional policies and programs allow for accurate interpretation of the General Plan policies. It is clear that there is a relatively low threshold for adverse impacts to trails and public access in the community.

Examples of specific Town policy and regulating actions relative to trails and public issues include:

- Adoption of the Mammoth Lakes Trails and Public Access Master Plan Memorandum of Understanding (October 7, 2007) between MLTPA and nine other groups and public agencies. The purpose of the MOU is to provide a *“collaborative planning process, directed toward the establishment and maintenance of a system of public trails providing reasonable access to and enjoyment of public lands that are both within and surround the Town.”* A \$25,000 Town budget allocation was also contributed to the process. Clearly, the development of the Snowcreek VIII project as proposed, eliminating substantial existing public access to federal lands, will preclude planning options that this publicly adopted process is intended to explore.
- Town Council rescission of a previous vote to evacuate a public easement on Ranch Rd. and revocation of the road with deeded public pedestrian access. This overall action was the result of community petition drive. Clearly, loss of public access, as proposed by this project would be counter to Town Council precedent.

3. Use additional impact evaluation criteria from the CEQA significant impact checklist:

- Physical division of an established community.
- Conflict with adopted policies, plans, or programs supporting alternative transportation e.g., bus turnouts, bicycle racks).

We should note here that most of the trails and public access policy General Plan consistency conclusions listed in the DEIR are determined to be consistent with the project by the DEIR consultants. We feel that these conclusions are counter to the evidence above and that we present in the Environmental Setting and Impact discussions later in this letter.

CEQA Notes

(1) and (2). Per CEQA Guidelines: “In determining whether an effect will be adverse or beneficial, the Lead Agency shall consider the views held by members of the public in all areas affected as expressed in the whole record before the lead agency.” (CEQA Guidelines Section 15064c) The public view on the issue of trails and public access is clearly outlined in paragraphs 1 and 2 as evidenced by both adopted General Plan policies and further by adopted measures described in paragraph 2.

ENVIRONMENTAL SETTING

The DEIR is currently inadequate because it does not include adequate Environmental Setting discussion relative to trails and public access. The Recreation chapter's overall Environmental Setting section does not discuss existing trail locations (pages IV.L-1 to 2) and includes only a two sentence discussion of the 1990 Parks and Recreation Element of the General Plan (page IV.L-5) as regulatory background.

The following background should be included in the FEIR to ensure that the Environmental Setting section adequately discusses trails and public access:

1. Include discussion of the public interest and wide public policy context of trails and public access issues as discussed under Item 2, under Impact Evaluation Criteria, above.

The community and Town Council interest in trails and public access issues, and resulting actions and programs that have resulted are an important part of the Setting within which the Snowcreek VIII site is located.

2. Include list of the presence on and around the site of a number of specific trails and access points. The site has been used traditionally to access federal lands by the public in the winter and summer through the site and along the entire perimeter of the property. Because of its location on the edge of town, the site's status as an access point is particularly critical. The overall use of the site for pedestrian, bicycle, motorized, and cross country ski access has been well documented in the MLTPA GIC - GIS inventory report dated September 7, 2007. It is clear that the site does not offer just a few specific access points but is a general access area, including:

**Snowcreek VIII Site Existing
Pedestrian, Motorized Vehicle, Bicycle and X-C Ski Use**

- Access to federal lands for a wide range of activities both winter and summer: hiking, mountain biking, x-c skiing, 4 wheel drive and ATV use, back country camping.
- General access to the Sherwin Creek Rd. for cross country skiers along the southern perimeter, particularly the existing golf course southern edge.
- General access to the Inyo National Forest along southern and eastern perimeter of site.
- General access across the site and existing golf course from existing subdivisions in Snow Creek V and VI to USFS lands, particularly in winter.
- Adjacent to Mammoth Lakes Trail System bike path along Old Mammoth Rd.

- Crossed by 4WD Road which leads to popular USFS areas including Kerry Meadow. Used in summer and winter.
 - Winter terminus of the Sherwin Creek Rd. and snow mobile staging location.
-

ENVIRONMENTAL IMPACTS

The DEIR is inadequate because it reaches inaccurate conclusions as a result of lack of analysis of adequate information. (1)

We believe that the DEIR conclusion that the project will result in less than significant Impacts on trails and public access must be revised to significant for the following reasons:

1. The original conclusion of less than significant was based on virtually no setting discussion relative to trails and public access. As described previously in this letter, the site acts as an important access to surrounding federal lands along its entire border, not just one portal as proposed. This porous access to surrounding open spaces is an important part of the culture of the community which would be seriously altered by focusing access to one portal. In fact, the 2007 General Plan Goal P3 calls for an integrated trail system which will *“maintain and enhance convenient public access to public lands from town.”* (Italics added.) To “maintain” the existing “convenient” access across this site necessitates maintaining access widely throughout and all along its border. To lose this porous access could provide a physical division (a potentially significant impact per CEQA) in this community which is so connected to its surrounding federal lands; activity areas on these federal lands are considered a part of the Mammoth Lakes community.

2. The original conclusion of less than significant was based on no analysis as to the importance to the existing community and future residents of access across the site to federal lands and activity areas. This importance has been demonstrated by the documented historic use of the site to access federal lands. In addition, as discussed previously in this letter, the trails and public planning process that has been proceeding over a number of years in the community has demonstrated that the community is not interested in developing merely a set of defined trails, but also of maintaining its historic porous border to access federal lands. This resulted in the “Town in a Park” concept cited in the General Plan which illustrates the community’s desire to avoid separation from surrounding forest lands. Finally, it is clear in the adopted General Plan policies related to trails and public access, that future pedestrian and bicycle accessibility both internally and to federal lands in new developments is critical. The participants in the trails planning and general plan update process understood that new residents expect to “buy in” to the historic accessibility that is a part of their new community.

3. The original conclusion of less than significant relative to trails and public access was based on no mention of the background context of the major interest via public participation that the community has shown in trails and public access issues over the years. This is described in our comments under Impact Evaluation Criteria, Item 2, earlier in this letter.

4. The original conclusions of less than significant relative to General Plan consistency on trails and public access policies throughout the various chapters of the DEIR were based on inadequate analysis as described in items 1-3 above and more specifically in the table below. These conclusions should be changed to significant.

Ultimately, it will be up to the Planning Commission and Town Council to make determinations on General Plan consistency prior to certification of the EIR. We request that these policies be reviewed carefully by the decision makers. We are certain that when the consistency determinations are made with the full context of the background behind the adoption of the General Plan's comprehensive package of trails and public access policies, it will be clear that the project is inconsistent with these policies in its present form.

In the table below, we list each of the General Plan policies relative to trails and public access which were included in the DEIR. In all cases but one, the DEIR found the project to be consistent with the General Plan policies which then resulted in a conclusion of "less than significant impacts". In general, the DEIR cited the fact that the project proposes trails, sidewalks, bike paths, and an Outfitters' Cabin as supportive of a General Plan consistency finding. However, these conclusions were made without benefit of the background setting information and regulatory context that we have included in this letter. It is our contention that the project is generally not consistent with these policies for the following reasons:

- The project application only discusses these trails and access features in general and in text form; no maps or details have been provided to ensure the extent of facilities or that they will be developed where access is needed. As a result, mitigation cannot be assured at this time. (1)
- Only one access point to federal lands is specifically proposed – at the Outfitter's Cabin which will not provide easy access to the Sherwin Range. Funneling public access would decrease the historic accessibility to the site's publicly owned surroundings resulting in a significant adverse impact by violating the many General Plan policies calling for an effective trails network and access to federal lands.
- The interpretation of these policies must be based on the intent behind them, which is documented in this letter and in more detail in the proceedings of many years of community meetings and hearings on trails and public access issues.

**Recommended Changes to General Plan Consistency Conclusions
in DEIR (Various Chapters)**

General Plan Policy	DEIR Conclusion	MLTPA Recommended Conclusion
<p><u>1987 General Plan Policy 2C-1</u> <i>The Town shall establish an effective trails network which connects frequently used destinations and follows heavily traveled routes. Trails shall be established whenever possible: 1) along scenic routes, 2) between recreation and visitor nodes, 3) to public facilities, areas of cultural, educational, recreational and historic interest, and 4) to campgrounds, camping areas, forest and wilderness areas.</i></p>	<p>Consistent. Because bike and pedestrian trails are proposed.</p>	<p>Not consistent. Even though the project developer notes that the project will eventually include trails and access points to federal lands, they are not mapped. As a result, <u>there is no mitigation assurance at this time (1)</u>. In addition, the value of the site's historic accessibility is because the site provides access to federal lands and the multitude of destinations on those lands all across the site and along its entire perimeter in both winter and summer. Only one access point to federal lands is specifically proposed – at the Outfitter's Cabin which will not provide easy access to the Sherwin Range. Clearly, the intent of this policy and other trails and public access policies was not to limit access points, but to recognize existing accesses used by the public and to protect and expand them. In this case, funneling public access to a few points would decrease the historic accessibility of the site surroundings resulting in a significant adverse impact. The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.</p>
<p><u>Policy 2C-5</u> <i>The Town may require new development and to the extent feasible, existing uses which are redeveloping, to 1) provide non-motorized path easements to develop paths in conformance with an adopted non-motorized transit plan, 2) provide crosswalk striping, and 3) provide lighting for safe pedestrian use of paths.</i></p>	<p>Consistent Because bike and pedestrian trails are proposed.</p>	<p>Not consistent. See discussion under 1987 General Plan Policy 2C-1</p>
<p><u>2007 General Plan Policy P2B</u></p>	<p>Consistent Because recreation</p>	<p>Not consistent The most important recreational</p>

<p><i>Require useable public recreation open space in all master planned developments.</i></p>	<p>facilities are proposed.</p>	<p>needs of the public on this site are trails and access. See discussion under 1987 General Plan Policy 2C-1.</p> <p>In addition, it has not been made clear in the project description how public the trails on the site will be and whether they will be public year round. As a result, <u>mitigation cannot be assured at this time (1).</u></p>
<p>Policy P3A <i>Ensure public routes for access to public lands are provided in all developments adjacent to National Forest lands.</i></p>	<p>Consistent (Due to provision of Outfitter's Cabin access point)</p>	<p>Not consistent. See discussion under 1987 General Plan Policy 2C-1. Again, the Outfitter's Cabin provides only one access point, greatly diminishing current access and inconvenient to the Sherwin Range.</p>
<p>Policy P3B <i>Coordinate with multiple organizations, agencies, and jurisdictions to plan, steward, interpret, and sustain trails, public access, and outdoor recreation amenities in the Mammoth Lakes region.</i></p>	<p>Not discussed</p>	<p>Not consistent It cannot be assured that the project will be consistent with the Trails Master Plan project that is underway in the Town because it has not been adopted. The project as currently proposed would violate this policy since the coordination on the multi-agency trails project is well underway without Snowcreek VIII involvement.</p>
<p>Policy P3C <i>Identify and acquire points of public access to public lands (from within the Urban Growth Boundary to surrounding public lands) through cooperative arrangements including easements, purchase, or other means of title acquisition.</i></p>	<p>Inconsistent DEIR: <i>"The project applicant has proposed to provide a location for public access...which is outside the UGB. That access, while not as convenient as the current access point and routes, will be permitted and lawful and will be enhanced with the Outfitter's Cabin that will provide opportunities for persons entering those public lands to rent ski equipment and other sports equipment."</i></p>	<p>Inconsistent We agree with the DEIR conclusion. However, the DEIR goes on to conclude that General Plan consistency impacts are <u>less than significant</u> since the project is consistent with "virtually all" of the General Plan policies (DEIR page IV.H-66.).</p> <p><u>This impact conclusion must be revised to significant</u> since the project is clearly inconsistent with this policy, and as a result, the other closely related trails and public access policies as discussed throughout this table. In addition, the fact that only one policy is concluded to be inconsistent by the consultants is not relevant. This is a very specific, directive policy, with little room for interpretation.</p> <p>Finally, it will ultimately be up to the Planning Commission and Town Council to make determinations on General Plan consistency.</p>

<p>Policy P5B <i>Design and construct trails as components of a regional and local network for recreation and commuting.</i></p>	<p>Consistent Because bike and trail systems are proposed.</p>	<p>Inconsistent See discussion under 1987 General Plan Policy 2C-1. In addition, since the trails and paths are not mapped, it is unclear if this policy will be well implemented. <u>Mitigation cannot be assured at this time (1).</u> The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.</p>
<p>Policy P5C <i>Require development to incorporate linked trail corridors identified in the Mammoth Lakes Trail System Plan into overall project site plan.</i></p>	<p>Consistent Because bike and pedestrian trails are proposed.</p>	<p>Inconsistent See discussion under 1987 General Plan Policy 2C-1. In addition, since the trails and paths are not mapped, it is unclear if this policy will be well implemented. <u>Mitigation cannot be assured at this time (1).</u> The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.</p>
<p>Policy P5D <i>Design public and private streets not only as connections to different neighborhood districts, but also as an essential element of the open space system and continuous recreation paths in design.</i></p>	<p>Consistent Project subject to design review.</p>	<p>Inconsistent The ability of Snow Creek VIII to continue to allow historic public access widely across the site will require public access through the proposed housing areas linking to the open space and golf course areas. Since the trails and paths are not mapped, it is unclear if this policy will be well implemented. <u>Mitigation cannot be assured at this time (1).</u> The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.</p>
<p>Snowcreek District Design Character (General Plan page 5): 4. Provide access and staging area to Sherwin Range and “community uses” accessible from Old Mammoth Rd.</p>	<p>Consistent Largely due to unmapped trail proposals and the Outfitters Cabin.</p>	<p>Inconsistent Since the trails and paths are not mapped, it is unclear if this policy will be well implemented. Substantially more parking than shown on the Concept Plan map would be needed to provide for the snow mobile staging that currently takes place.</p>

		<p><u>Mitigation cannot be assured at this time (1).</u></p> <p>In addition, much emphasis is placed throughout the DEIR on the Outfitter's Cabin ability to substitute for the free access to federal lands currently afforded by the undeveloped site. Funneling access to this one location does not provide equal or adequate mitigation. The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.</p>
<p>C.2.G. Policy: Ensure that development in commercial areas provides for convenient pedestrian movement between adjoining and adjacent properties.</p>	<p>Not discussed</p>	<p>Not consistent</p> <p>It has not been demonstrated that this will be provided as part of the Master Plan because it has not been mapped. The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.</p>
<p>C.2.R. Policy: Plan parks for safety and compatibility with adjacent uses through thoughtful design including location of buildings, lighting, parking, emergency access, public transit and pedestrian/bicycle access.</p>	<p>Not discussed</p>	<p>Not consistent</p> <p>It has not been demonstrated that this will be provided as part of the Master Plan because it has not been mapped. The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.</p>
<p>M.2.A. Policy: Maintain and expand access to recreation areas via coordinated system of shuttle and bus services, scenic routes, trails and highways</p>	<p>Consistent</p> <p>Noted that bus shelters are proposed and Outfitters' Cabin will provide access to federal lands.</p>	<p>Inconsistent</p> <p>It has not been demonstrated that bus shelters will be provided as part of the Master Plan because they has not been mapped.</p> <p>In addition, much emphasis is placed throughout the DEIR on the Outfitters' Cabin ability to substitute for the free access to federal lands currently afforded by the undeveloped site. Funneling access to this one location does not provide equal or adequate mitigation. The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.</p>

<p>M.3.D. Policy: Encourage visitors to leave vehicles at their lodging by developing pedestrian, bicycle, transit and parking management strategies.</p>	<p>Consistent DEIR notes trails and bus shelters proposed and Outfitters' Cabin access</p>	<p>Inconsistent In addition, much emphasis is placed throughout the DEIR on the Outfitters' Cabin ability to substitute for the free access to federal lands currently afforded by the undeveloped site. Funneling access to this one location does not provide equal or adequate mitigation. The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.</p>
<p>M.4. GOAL: Encourage feet first by providing a linked year-round recreational and commuter trail system that is safe and comprehensive.</p>	<p>Not discussed</p>	<p>Inconsistent It has not been demonstrated that a trail system capable of fully meeting this goal will be provided since it has not been mapped. The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.</p>
<p>M.4.B. Policy: Provide a high quality pedestrian system linked throughout the community with year round access.</p>	<p>Consistent</p>	<p>Inconsistent It has not been demonstrated that a trail system capable of fully meeting this goal will be provided since it has not been mapped. The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.</p>
<p>M.4.D. Policy: Provide safe travel for pedestrians to schools and parks.</p>	<p>Consistent</p>	<p>Inconsistent It has not been demonstrated that a trail system capable of fully meeting this goal will be provided since it has not been mapped. The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.</p>

5. Outfitters' Cabin does not provide adequate trails and public access impact mitigation and may be inconsistent with Town Open Space Zoning. The DEIR (Chapter L) assumes that the Outfitters' Cabin will provide significant recreational opportunities and public access to federal lands, thus avoiding related significant impacts. This is incorrect. The Snowcreek VIII site

currently offers full access across the entire site and its full perimeter to existing Town residents and future project area residents. Funneling access to essentially this one point will greatly reduce access to federal lands. The Outfitters' Cabin "portal" will be located at the most distant access point possible from the site to the Sherwin Range. It will be a private facility, offering a different kind of experience than the porous access the community has historically enjoyed. Staging area parking will be reduced. And access across the site will be partially blocked by new homes and development areas.

CEQA Notes

- (1) **Per CEQA Guidelines, evidence must be given within the EIR to demonstrate that the recommended mitigation measures are capable of:** (a) "avoiding the impact altogether by not taking a certain action or parts of an action"; (b) "minimizing impacts by limiting the degree or magnitude of the action and its implementation"; (c) "rectifying the impact by repairing, rehabilitating, or restoring the impacted environment"; or (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action." (CEQA Guidelines, Section 15370.)
- (2) **Per CEQA Guidelines: "An EIR must be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences."** (CEQA Guidelines Section 15151) In addition, there must be "substantial evidence" demonstrated to support a conclusion: "*Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative,,,, does not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinions supported by facts*" (CEQA Section 15384(a) and (b). Also, in *Browning-Ferris Industries of California, Inc. v. San Jose* (1986) Cal. App. 3d 852, the court reasserted that an EIR is a disclosure document and as such an agency may choose among differing expert opinions when those arguments are correctly identified in a responsive manner. Throughout this letter, we believe that we have identified MLTPA expertise and presented substantial evidence to back up our conclusions. We have also pointed out accurately the fact that the DEIR does not provide adequate background information and analysis to constitute substantial evidence to back up its conclusions.

CUMULATIVE IMPACTS

The DEIR Cumulative Impacts Section Rec-4 (page IV.L-11) is inadequate for the following reasons:

- The DEIR Cumulative Impacts Section does not discuss trails and public access specifically,
- The DEIR Cumulative Impacts Section does not determine whether or not the projects on the cumulative projects list will implement Town trails and access policies fully,
- The Cumulative Impacts Section in the DEIR does not determine whether or not the Town's Development Impact Fee will specifically fund adequate trails and access projects.

RECOMMENDED MITIGATION MEASURES

The DEIR is inadequate because it proposes no trails and access mitigation measures even though we have shown that project related impacts will be significant. (1) The following mitigation measures would at least partially mitigate the impacts discussed above. Access to federal lands will still be substantially altered, and as a result, residual impacts are still expected to be significant. However, these measures will reduce impacts to a great degree and should be added in the FEIR:

MLTPA Recommended Snowcreek VIII Trails and Public Access Mitigation Measures

The Snowcreek VIII Illustrated Conceptual Master Plan shall be redrawn prior to adoption of the 2007 Master Plan Update to include the features listed below (partially illustrated on the attached map) and incorporated into the conditions of approval and the development agreement of the current approval phase.

Perimeter Access to Federal Lands – All Season Access

- Perimeter open space buffer of at least 30 feet in width (as indicated on attached map) with developed (Class 1 or better) signed public access multi use trail on project land encircling the entire site area south and north of Old Mammoth Rd. including site that is adjacent to federal lands as well as behind existing and proposed homes. Fencing shall be removed along the federal lands perimeter or fencing breaks shall be provided every 200 feet.
- Final golf course layout shall be designed to minimize potential conflict with trail users.

Connections to existing Mammoth Lakes Trails System

- At points as indicated on attached map, the perimeter open space buffer and its trail(s) shall be connected to the existing and/or proposed Mammoth Lakes Trails system that is currently (and is proposed) to exist on the north side of Old Mammoth Road; either through subterranean, overpass, or traffic calming and signaled intersections along Old Mammoth road.

Class I Bike Trails or Mammoth Lakes Trails System extension

- A bike lane or Mammoth Lakes Trail System extension shall be provided through or parallel with the proposed traffic circle accessing the Mammoth Lakes Trail System Path along Old Mammoth Rd. and completing it from the traffic circle west to Snow Creek VII.

Access Through Proposed Neighborhoods

-Public pedestrian access through the proposed development areas A,B,C,D,E,F,G,H,J in at least 12 locations linking internal roads to surrounding golf course and open spaces shall be provided and signed year round.

Access Through Golf Courses

-Public access throughout the golf course shall be permitted and so signed throughout the winter months when a mutually agreed upon (TOML and applicant) determined minimum snow depth or deeper is present.

Summer and Winter Access and Programming

Programming and infrastructure shall be developed for both winter and summer usage.

-The infrastructure for the golf course shall be designed so as to accommodate a Nordic system that can exist solely on the golf course as well as access Nordic systems on adjacent federal lands.

- The infrastructure of the golf course shall be designed so as to provide passage and access to federal lands by a full variety of human powered winter recreation users.

-All routes and points of public access shall be signed for winter and summer public use.

4 WD/ Motorized Vehicle Access

-A public staging point for snow mobiles and off road vehicles shall be provided on the site adjacent to Sherwin Creek Rd.

Signage

-All public access points and corridors shall be signed as such.

CEQA Notes

(1) *"Mitigation Measures Proposed to Minimize the Significant Effects... This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR."* (CEQA Section 15126c)

ALTERNATIVES

The Alternatives section of the DEIR is inadequate because it does not rely on accurate setting, impact evaluation criteria, and impact analysis related to trails and public access issues as discussed throughout this letter. (1) For this reason, the DEIR underestimates potential trails and public access impacts of both the project and the alternatives and does not include revised trails and public access design features in each alternative. Even with the additional mitigation recommended, we expect that access to federal lands will still be substantially altered, and as a result, residual impacts are still expected to be significant. The FEIR should be revised to reflect this

conclusion. As a result, we recommend that the trails and public access mitigation measures be incorporated into Alternatives B (Revised Site Plan) and D (Increased Density), expanded with even greater access opportunities such as a 100 foot public open space/ trail buffer along and internal to the project eastern and southeastern perimeter as well as two defined path corridors linking the perimeter, one south of neighborhood F between the golf course and Old Mammoth Rd., and one between Old Mammoth Rd. and the southern perimeter of the old golf course. This expanded trails plan would have a greater potential to lower trails and access impacts below the significant level.

Alternative C (Reduced Density Alternative) would result in fewer trails and public access impacts than the proposed project due to the increased open space area in place of the expanded golf course, though impacts would still be significant. As a result, the MLTPA Trails and Public Access Mitigation Plan, with additions as described in the paragraph above, should be revised for this Alternative to eliminate recommended trails and public access features associated with the new golf course, assuming existing access would remain.

Notes

(1) *"Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or locations which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of project objectives, or would be more costly."* (CEQA Guidelines, Section 15126 (d)(1))

Please keep us advised of all hearings and comment periods relative to this project.

Thank you again, for the opportunity to comment.

Sincerely,

Laurie Oberholtzer
for
MLTPA

Attachments:

MLTPA Trails and Public Access Proposed Mitigation Map

MLTPA Planning Proposal Executive Summary

MLTPA Action Plan, 2006

MLTPA GIS-GIC Inventory Contract Map, September 7, 2007

Contractual Service Agreement Between the Town of Mammoth Lakes and MLTPA, October 1, 2007 and Approval of Agreement October 7, 2007

Memorandum of Understanding between MLTPA , Town of Mammoth Lakes and various public agencies and organizations to form a collaborative trails and public access working framework.

Legend	
A	Market/General Store Natural Resources and Historic Interpretive Center
B	Hotel Cottages Private Residence Club Retail Lounge Restaurants Volleyball Fitness Center Pool Spa Ice Rink/Pond
C/D	High Density Stacked Flats
E/F	Medium Density Stacked Flats, Townhouse
GH	Low Density Stacked Flats, Townhouse
I	18-Hole Golf Course
J	Resident's Club/Management Offices Vacation Rental Office Fitness Club Pool Spa Golf
K	Golf Club Pro Shop Restaurant
L	Outfitters' Cabin Equipment Rental Mountain Biking Cross Country Skiing Snow Shoeing Skiing Tennis

Source: Scheurer Architects, 2006.

**MLTPA Recommended Snowcreek VIII
Trails and Public Access Mitigation
Measures (partial list)**

- - - - - Project Boundary
- - - - - Perimeter Open Space
- - - - - Buffer w/ Class 1 Trail
- - - - - Connections to MLTS (Mammoth Lakes Trails System)



NOTE: This map has been modified from exhibits provided as part of the Snowcreek VIII Draft Environmental Impact Report by MLTPA (Mammoth Lakes Trails and Public Access) 760 934 3154

NOTE: This map has been modified from exhibits provided as part of the Snowcreek VIII Draft Environmental Impact Report by MLTPA (Mammoth Lakes Trails and Public Access) 760 934 3154

Proposed New Development Areas/
Snowcreek VIII

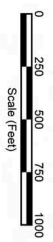


Figure III-2
Proposed New Development Areas
for the 2007 Master Plan

Legend	
A	Market/General Store Natural Resources and Historic Interpretive Center
B	Hotel Guest Suites Private Residence Club Retail Restaurants Recreation Wellness Center Fitness Center Pool Spa Ice Rink/Pond
C/D	High Density Stacked Flats
E/F	Medium Density Stacked Flats, Townhouse
G/H	Low Density Stacked Flats, Townhouse
I	18-Hole Golf Course
J	Resident's Club/Management Offices Vacation Rental Office Fitness Club Pool Spa Gill
K	Golf Club Pro Shop Restaurant
L	Outfitters' Cabin Equipment Rental Mountain Biking Cross Country Skiing Snow Shoeing Skiing Trail Head

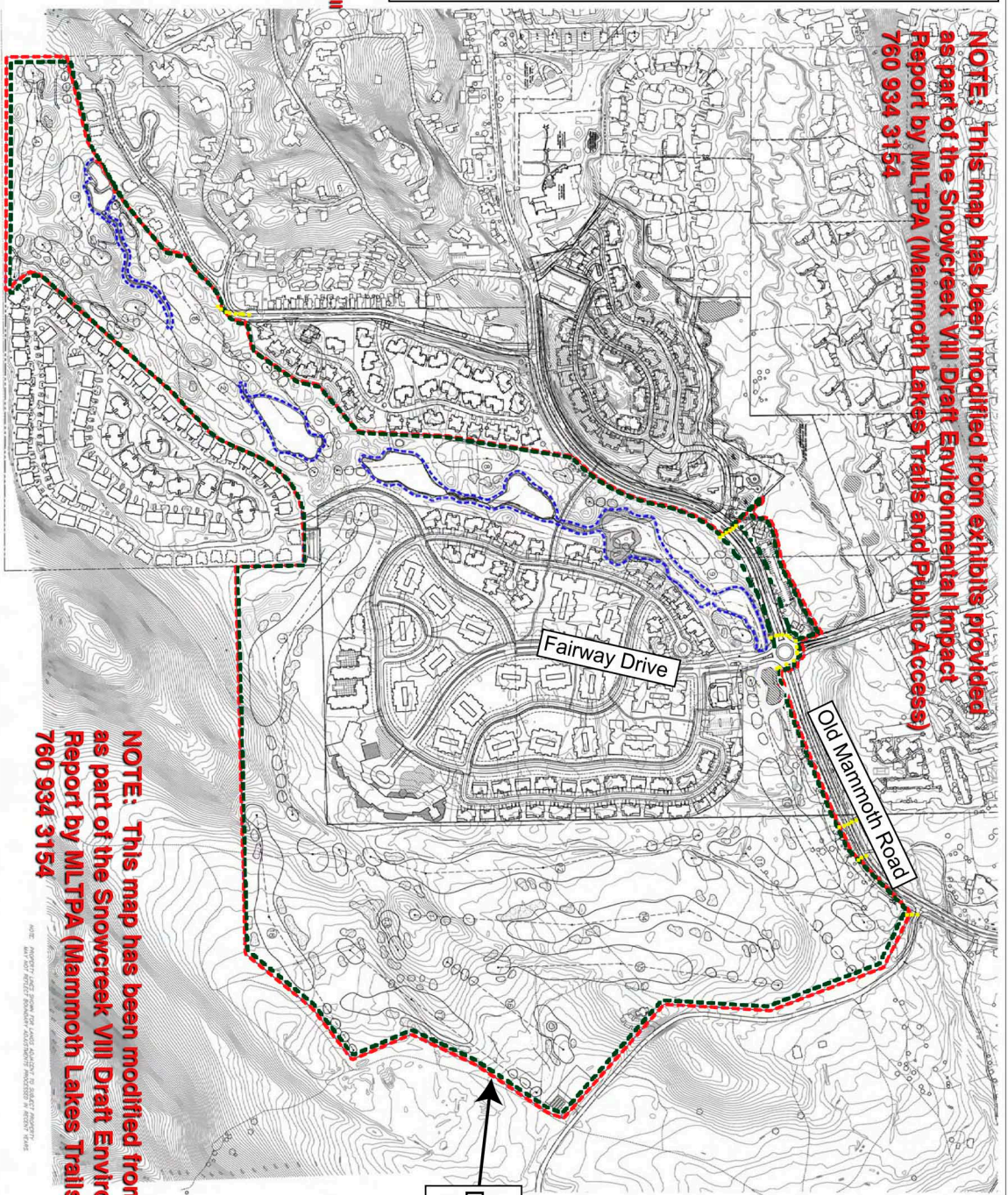
Source: Scheurer Architects, 2006.

MLTPA Recommended Snowcreek VIII Trails and Public Access Mitigation Measures (partial list)

- - - Project Boundary
- - - Perimeter Open Space Buffer w/ Class 1 Trail
- - - Connections to MLTS (Mammoth Lakes Trails System)

Source: Scheurer Architects, 2006.

NOTE: This map has been modified from exhibits provided as part of the Snowcreek VIII Draft Environmental Impact Report by MLTPA (Mammoth Lakes Trails and Public Access) 760 934 3154



Proposed New Development Areas/
Snowcreek VIII

NOTE: This map has been modified from exhibits provided as part of the Snowcreek VIII Draft Environmental Impact Report by MLTPA (Mammoth Lakes Trails and Public Access) 760 934 3154





PLANNING PROPOSAL EXECUTIVE SUMMARY

Mammoth Lakes Trails and Public Access (MLTPA) presents to the community of Mammoth Lakes a proposal for planning that will ensure the integration and stewardship of surrounding public lands with the Town of Mammoth Lakes. Recent characterizations by the Town Manager as to the critical nature of the current development environment and its potential implications for the future of the community must be taken as a call to action. Trails and public access planning will benefit current residents and visitors, our environment, our economy, and the many future generations who will be discovering the magic of Mammoth Lakes.

Program Summary

- The planning process will be a multi-jurisdictional effort administered by MLTPA and will include comprehensive outreach to the Mammoth Lakes community.
- MLTPA will contract with nationally recognized expert planning consultants: one for an update of the *Mammoth Lakes Trail System Plan (1991)* for territory within the Urban Growth Boundary (UGB), and a second for the balance of territory between the UGB and the Town of Mammoth Lakes Planning Area boundary.
- Final planning documents will be submitted to appropriate jurisdictional agencies for consideration, approval, adoption and implementation.
- Extensive volunteer and in-kind donation opportunities will foster community involvement and ownership.
- Multiple funding partners will ensure program success.
- Program time frame: 12 months

Program Goals

- Generate a Trails and Public Access Master Plan for territory within the UGB; generate a Trails and Public Access Concept Plan for the balance of territory between the UGB and the Town of Mammoth Lakes Planning Area boundary.
- Develop comprehensive and efficient data protocols, management and communication, including the MLTPA Data Library as a source for multi-jurisdictional data coordination.
- Develop a consistent signage and wayfinding program for appropriate inclusion as part of a larger and comprehensive signage and wayfinding system.
- Identify and catalog historic, cultural and environmental assets for connectivity assessment.
- Establish a two-way communication forum with the development community through "The Developers' Forum," a joint effort with the Mammoth Lakes Chamber of Commerce.
- Establish a stakeholder and public information forum for trail users through "Mammoth Trails" as developed with the Tourism and Recreation Commission Ad Hoc Committee (2006)



PLANNING PROPOSAL DELIVERABLES SUMMARY

FIRST STEPS

Start-up and initial expenses; generation of Initial High-Level Assessment identifying potential trail corridors and critical points of public access, for use by stakeholders.

Consultant: Within UGB Initial Organization Initial High-Level Assessment 4 Work Days	Consultant: Outside UGB Initial Organization Initial High-Level Assessment 2 Work Days	MLTPA Tasks + Admin Initial Organization Initiate Project Administration
--	---	--

TEAM ORGANIZATION

Team members' participation in quarterly, monthly, and biweekly team meetings over 12-month planning period; consultants' travel expenses to and from Mammoth Lakes, and on-site expenses; reimbursable office and project expenses.

Consultant: Within UGB 25 Team Meetings 4 (1) Week Long Trips – Outreach 2 (1) Week Long Trips – Field Work Office Expenses Production Expenses 17.5 Work Days	Consultant: Outside UGB 25 Team Meetings Multiple Trips 103 Work Days on Site Office Expenses Production Expenses 15 Work Days	MLTPA Tasks + Admin Project Administration Team Meetings Logistics Team Meetings Documentation
--	--	---

PUBLIC PARTICIPATION

Team members' participation in joint public meetings, joint and discrete meetings with stakeholders and user groups, and joint and discrete charettes, open houses, field trips, and jurisdictional/agency meetings; meeting logistics, promotion and documentation; project website; comprehensive public outreach; analog and online surveys; Mammoth Trails user forum; outreach and media relations.

Consultant: Within UGB (4) Public Meetings (4) Community by District Meetings (6) Community Stakeholder Meeting (10) Open Houses (10) Field Trips (5) Jurisdictional/Agency Meetings 30 Work Days	Consultant: Outside UGB (4) Public Meetings (4) User Group Meetings (2) Charettes (10) Open House (10) Field Trips (5) Jurisdictional/Agency Meetings 37 Work Days	MLTPA Tasks + Admin Project Administration Meetings Logistics + Promotion Meetings Documentation Comprehensive Public Outreach Project Website Online/Analog Surveys Mammoth Trails User Forum Media Relations
--	---	--

DATA COLLECTION

Compilation, verification, and distribution of available and existing planning data to team members; data integrity management by local GIS consultant; survey development; field data collection; volunteer coordination; MLTPA GIC assimilation; field condition analysis and verification.

Consultant: Within UGB Existing Local Data Assimilation MLTPA GIC Assimilation Survey Development 15 Work Days	Consultant: Outside UGB Existing Local Data Assimilation MLTPA GIC Assimilation Info From Stakeholders Needs, Habits, Equipment Survey Development Identify User Patterns and Issues Census Data - Safety Land Use and Development Destinations and Access Ownership/Special Populations Map Areas Existing Trail Compatibility Field Verify Map Routes/Corridors Assess Route Conditions Pedestrian Corridors in Town 14 Work Days	MLTPA Tasks + Admin Project Administration MLTPA Data Library GPS/GIS Data Gathering Volunteer Coordination Local Data Coordination by Data Management Technology Project Data Coordination by Data Management Technology
--	---	---

DATA ANALYSIS

Opportunities and constraints models; demand and benefit models; refinement of Initial High-Level Assessment; field data and conditions analysis.

Consultant: Within UGB Opportunities and Constraints Demand and Benefits Model Refined High-Level Assessment Analyze Survey Response Data 15 Work Days	Consultant: Outside UGB Viewshed + Land Form Analysis Benefits Management Model Refined High-Level Assessment Determine In Town Open Space Analyze User Experience Levels Sustainable Trail Standard Sustainability of Popular Routes Matrix of Compatible Uses Opportunities and Constraints 30 Work Days	MLTPA Tasks + Admin Project Administration
---	--	---

REPORTING

Consistent and timely reporting on planning process to partners and community.

Consultant: Within UGB - - -	Consultant: Outside UGB - - -	MLTPA Tasks + Admin Project Administration Project Reporting Reports Distribution
---------------------------------------	--	--

NETWORK IDENTIFICATION

Production and presentation of concept plans; identification and mapping of projects; potential-facilities identification; connections identification.

Consultant: Within UGB Concept Plan Access and Trail Connection 100 Potential Projects GIS Map Proposed Projects 22.5 Work Days	Consultant: Outside UGB Conceptual Planning Zones User Specific Facility Concepts Future Connections Materials – Network ID 16.5 Work Days	MLTPA Tasks + Admin Project Administration
--	---	---

INFRASTRUCTURE

Comprehensive (within and outside UGB) signage and wayfinding recommendations; comprehensive (within and outside UGB) design guidelines.

Consultant: Within UGB Signage and Wayfinding Design Guides 20 Work Days	Consultant: Outside UGB Signage and Wayfinding Design Guides 8 Work Days	MLTPA Tasks + Admin Project Administration
---	---	---

IMPLEMENTATION

For within the UGB only: identification of funding opportunities; agency responsibility identification; recommendations for implementation phasing.

Consultant: Within UGB Funding Opportunities Agency Responsibility Matrix Project Phasing 7.5 Work Days	Consultant: Outside UGB - - -	MLTPA Tasks + Admin Project Administration
---	--	---

MASTER PLAN

Joint presentation of draft and final master plan (within UGB) and draft and final concept plan (outside of UGB); joint presentation of accompanying materials; distribution to community; presentation of plans to agencies and jurisdictional partners; presentation to community for adoption.

Consultant: Within UGB Stakeholder Presentations Operations and Maintenance Design Guidelines Signage and Wayfinding Costs and Funding Benchmarking Agency Presentations Final Product Delivery	Consultant: Outside UGB Stakeholder Presentations Operations and Maintenance Design Guidelines Signage and Wayfinding Costs and Funding Benchmarking Agency Presentations Final Product Delivery	MLTPA Tasks + Admin Project Administration Public Presentation Plan Distribution
---	--	---



Mammoth Lakes Trails and Public Access

Action Plan

December 20, 2006



PO Box 100 PMB# 432
Mammoth Lakes, CA 93546
760 934 3154
mltpa.org

Acknowledgements:

This document provides a vision and Action Plan for trails and public access in Mammoth Lakes, California. The Action Plan was developed during a Strategic Conference organized by Mammoth Lakes Trails and Public Access (MLTPA), held on November 4–5, 2006. The Strategic Conference and planning process were made possible with the generous support of Mammoth Mountain Ski Area, the U.S. Forest Service, and the Town of Mammoth Lakes. This document was produced by Jeff Olson of Alta Planning + Design. Elizabeth Martin of The Sierra Fund facilitated the conference sessions on non-profit organization. The cover photo was provided by Christian Pondella, and map graphics were developed in cooperation with John Wentworth of MLTPA and Nate Greenberg of the Town of Mammoth Lakes. Special thanks are due to all the volunteers who helped make this project happen, and to the following individuals who participated in the Strategic Conference planning sessions:

Jo Bacon
Scott Burns
Tony Colasardo
Alex Fabbro
Karen Ferrell-Ingram
Eric Fishburn
Mary Beth Hennessy
Jeff Irons
John Knott
Andrea Lawrence
Elizabeth Martin (facilitator)
Brad Mettam
Kit Muhs

Greg Newbry
Jeff Olson (consultant)
Mary Kay Prentice
Shields Richardson
Roy Saari
Mike Schlafmann
Kim Stravers
Danna Stroud
Wendy Sugimura
Dawn Vereuck
John Vereuck
Mark Wardlaw
John Wentworth



Participants in the MLTPA Strategic Conference, November 2006.



1. Overview

Mammoth Lakes, California, is a unique destination-resort community located in the Eastern Sierra region of Central California. As the community grows, residents, visitors, and businesses are concerned with maintaining the region's high quality of life. A central issue is ensuring access to the public lands that are among the region's most significant assets. In many ways, the future of Mammoth Lakes depends on developing a system of trails and public access that will properly integrate the community and its surrounding natural environment. To date, there is no government agency, non-profit entity, business or citizens' group specifically charged with the realities of this integration process, and, as a result, critical points of public access are at risk and public lands surrounding the town do not benefit from the generous stewardship this community could provide.

In November 2006, a Strategic Conference was held to develop an Action Plan for Trails and Public Access in Mammoth Lakes. For two days, citizens, planners, local officials, businesses, and other participants from the public, private, and non-profit sectors worked together to share their vision for Mammoth Lakes and the surrounding region. This Action Plan is a result of the Strategic Conference, and it will serve as a guide for the development of a trails and public-access system in Mammoth Lakes. The plan is presented in two key sections: Organization and Projects. The Organization section presents the steps needed to establish a public-private partnership to support the community's vision. The Projects section identifies potential efforts that will help create a connected system of trails and public access.

The purpose of this Action Plan is to establish a vision for a comprehensive system of trails and public access for Mammoth Lakes and the surrounding region. The vision is based on the goals identified in the Mammoth Lakes General Plan, as shown in the text on the upper right side of this page. Trails and public access directly relate to each of these goals, and are an important part of the future for Mammoth Lakes. The recent University of California Santa Barbara Economic Forecast Report for the community supports this vision, as shown in the quote below from the report's recommendations.

General Plan Goals

Town of Mammoth Lakes
1992 Vision Statement Update

- A desirable place to live and visit
- A healthy natural environment
- A high quality, full service recreation resort and community available to all economic sectors
- A vital year-round community
- Housing, employment, public facilities and services for all segments of the community
- A comprehensive circulation system de-emphasizing the automobile and promoting pedestrian, bicycling and transit options.
- A consistent, attractive appearance and image which reflects the town's Alpine setting

"The ideal positioning strategy for Mammoth Lakes will be one that encompasses all it has to offer, now and in the near future. It should build off of Mammoth's currently perceived strengths, as well as appeal to the key demographic groups that can provide the town with economic sustainability. For example, Mammoth could be presented as "California's Playground". This positioning approach allows Mammoth to build off its existing strengths of skiing and camping/ biking. Under the "California's Playground" umbrella, Mammoth Lakes could easily market other active outdoor pursuits, as well as offer leisure options and activities. To illustrate, Mammoth Lakes could consider doing all of the following: Develop a strong presence in mountain biking, possibly working to be identified as the mountain biking capital of California..."

Report to the Town of Mammoth Lakes by the UCSB Economic Forecast Project, 2006

The Town of Mammoth Lakes includes three defining land-use boundaries: the Urban Growth Boundary, the Town Boundary, and the Planning Area as represented in the 1987 General Plan. What is unique about the proposed trails and public-access system is that it creates a vision for integrating the human and natural environments across these three jurisdictions. The idea of “trails and public access” as it applies to Mammoth Lakes must be clearly defined throughout the entire effort of MLTPA. This core concept is described in the following principles:

- 1) The town of Mammoth Lakes includes a system of trails within its Urban Growth Boundary (a land area of 4.5 square miles).
- 2) The Town of Mammoth Lakes includes trails and outdoor recreation amenities within the Town Planning Area on U.S. Forest Service public lands, including Mammoth Mountain Ski Area (a land area of 150+ square miles).
- 3) MLTPA’s objective will be the seamless and jurisdiction-free integration of trails, trail systems, and outdoor recreation amenities through a regional planning effort and a porous Urban Growth Boundary guaranteed by secure public access.

This vision is summarized by the simple phrase “1 + 2 = 3.” All three of the principles described above must be seen as working together to create a region whose whole is greater than the sum of its parts. The synergies created by this concept will develop a new relationship between the human and natural landscape in the Mammoth Lakes region. These principles form the foundation of the organization and project concepts presented in the following sections of this Action Plan.

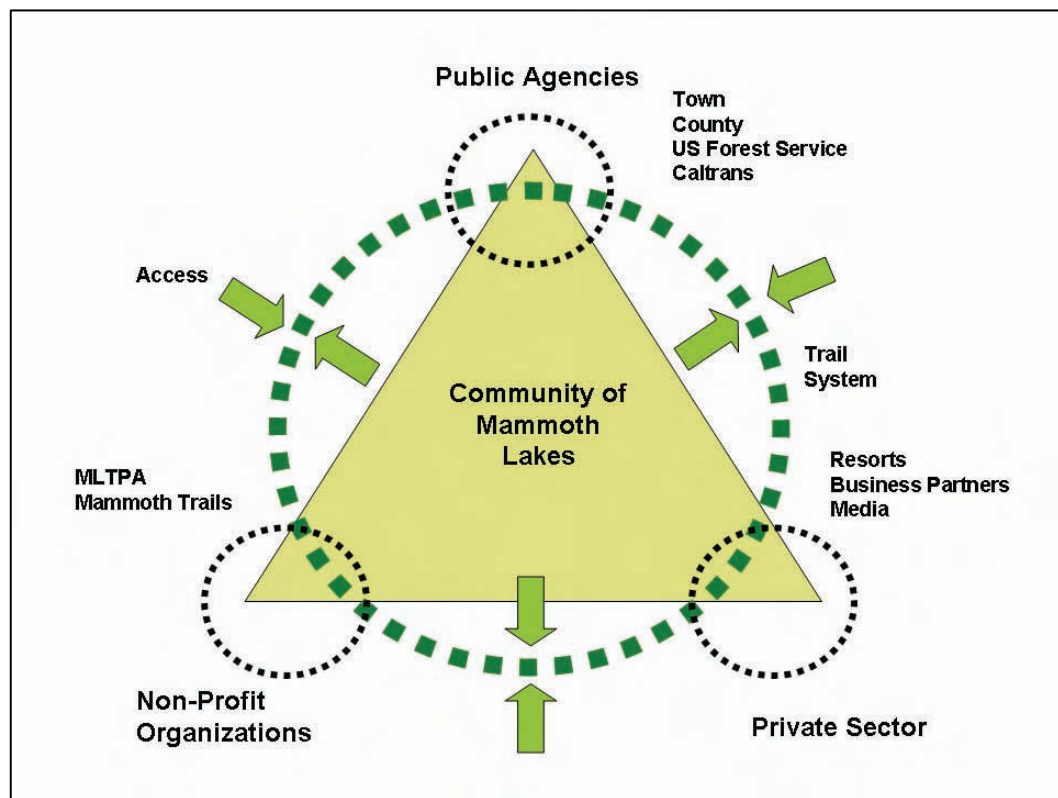


Mountain biking in Mammoth Lakes. Photo by Christian Pondella

2. Organization

The first step in developing a trails and public-access system for Mammoth Lakes is organization. The multi-jurisdictional challenge for MLTPA is unique. No other existing group or organization has stepped forward to successfully address the community's trails and public-access issues. This is why MLTPA is an essential part of the future of Mammoth Lakes. The roots of MLTPA extend back to the winter of 2005–'06 and a dispute over a private gate on a public road and egress from a key outdoor recreation amenity. In July 2006, MLTPA presented a "Mobility Plan Resources Report" to a joint meeting of the town Planning, Public Arts, and Tourism and Recreation commissions. That presentation led to MLTPA working under contract with the Town to develop a GIS inventory of public access locations. MLTPA subsequently organized the Strategic Conference and related public events in November 2006.

In communities with successful trail programs, a non-profit organization (such as MLTPA) is part of a "partnership triangle" representing the relationships between the public, private, and non-profit sectors. For Mammoth Lakes, this potential partnership is illustrated in the organization chart below:



This "partnership triangle" shows the relationships between public, private, and non-profit organizations, and the concept of a trails and public-access system for the community of Mammoth Lakes and the surrounding region.

The strategic conference participants identified the need for getting MLTPA established as a sustainable non-profit organization. An Interim Working Group (IWG) was identified, and these volunteers will help to identify candidates for a Board of Directors and act as an interim sounding board as MLTPA is structured and incorporated. Individuals, businesses, and organizations will participate as “friends” of MLTPA, but there will not be a voting membership structure. MLTPA will have formally adopted bylaws and legal status as a non-profit organization registered in the State of California. Partnership agreements will be established between MLTPA and the region’s land managers, including the U.S. Forest Service, the Town of Mammoth Lakes, Mono County, resort properties, and others. As a key part of its mission, MLTPA will serve as a coordinating entity for Mammoth Trails, an alliance of trail user groups representing all of the region’s trail interests. This alliance will serve as a forum for cooperation among motorized and non-motorized trail organizations, and will facilitate a web-based portal for public information on trails, public access, and outdoor recreation amenities. Mammoth Trails will eventually have a representative on the MLTPA Board of Directors.

The following draft mission statement was developed for MLTPA at the Strategic Conference to summarize the relationship between the public, private, and non-profit sectors in working together to achieve a common vision:

“MLTPA will plan, steward, interpret, promote, and sustain a system of four-season trails and public access to natural areas in Mammoth Lakes and the Eastern Sierra region, while protecting its natural resources. We do this by collaboratively engaging government agencies, nonprofit organizations, businesses, and concerned citizens, and creating a forum for all trail users to be involved, connecting people and nature.”

The formal organization process for MLTPA is envisioned in three phases, as follows:

PHASE 1 - INTERIM PHASE: “Forming”

The next phase of MLTPA involves capitalizing on the successful efforts of the past year and the Strategic Conference. The Interim Working Group (IWG) will guide MLTPA through these steps. The Sierra Fund will serve as an “incubator” organization to support MLTPA during this transition period.

SHORT-TERM ACTIONS: November 2006 to February 2007

The following actions describe the next steps for moving MLTPA forward as an organization:

1.1 Update the MLTPA website with materials from the Public Meeting and Strategic Conference.

1.2 Incorporate as a 501(c)3 non-profit organization registered in the State of California, and develop interim bylaws.

- 1.3 File for non-profit status with the IRS.
- 1.4 Circulate the draft Action Plan to the IWG with “*Master Planning of Trails and Public Access within the Town of Mammoth Lakes Planning Area, Town Boundary, and Urban Growth Limit*” as the primary strategic objective. Convene an IWG meeting in December.
- 1.5 Identify and recruit potential members of the MLTPA Board.
- 1.6 Prepare a first-year operations budget for MLTPA (including overhead and staff costs) and a draft business plan, with a detailed financial strategy, priorities, and benchmarks.
- 1.7 Convene the first meeting of the MLTPA Board of Directors in the first weeks of January 2007.
- 1.8 Develop MLTPA’s “Proposal to the Community.” This will be a proposal to integrate the community of Mammoth Lakes with its surrounding public lands through a trails and public access master-planning process, subsequent adoption and approval of the proposed Master Plan, and implementation of the Master Plan. The proposal will include the following sections:
 - The objective of the effort
 - The partners who will be involved in the process
 - The specific steps necessary to proceed
 - The benefits to the community
 - The cost to the community
 - The agency agreements, planning process, and timelines
- 1.9 Develop a Memorandum of Understanding (MOU) for MLTPA’s partnership with the USFS:
 - During the planning process
 - For approval of the plan
 - During implementation
- 1.10 Develop a Memorandum of Understanding (MOU) for MLTPA’s partnership with the Town:
 - During the planning process
 - For approval of the plan
 - During implementation
- 1.11 Develop a methodology for MLTPA’s funding and operations:
 - As an organization
 - During the planning process
 - During implementation
 - For the long term, including consideration of creating an MLTPA Endowment that will generate sustainable funding
 - Define MLTPA’s relationships with the private sector and the community, including potential creation of an MLTPA Advisory Board
 - Define the MLTPA partnership with Mammoth Trails
- 1.12. Continue ongoing communications with the Strategic Conference participants to develop support for the Proposal to the Community.

1.13 Work with the local media to communicate the Action Plan.

1.14 Secure a contracted, financed commitment from the town by March 1, 2007, to undertake the trails and public access master-planning effort.

PHASE 2 - ESTABLISHING MLTPA: “Storming”

The second phase will build on the base created during the forming phase. These activities will involve MLTPA as a leadership organization for making positive changes for trails and public access in the Mammoth Lakes community. These steps are essential to support the work of other public- and private-sector partners within the partnership triangle developed at the Strategic Conference. The term “storming” refers to taking actions that turn the organization’s goals into reality.

MID-TERM ACTIONS: March 2007 to December 2007

These actions will be distinguished by two separate areas of endeavor: 1) the actions and process of the MLTPA organization; and 2) the Trails and Public Access Master Plan process.

2.1. Develop the Mammoth Lakes Trails and Public Access Master Plan. This task is the cornerstone of all of MLTPA’s future efforts, and is the organization’s top priority.

2.2 Continue developing the means for community outreach and education as part of the planning process, and identify outdoor recreation groups and existing organizations as partners in development of the Trails and Public Access Master Plan. Make good use of the GIS data gathered by MLTPA under contract with the Town.

2.3 Integrate trails and public access as priorities into the Mammoth Lakes General Plan Update. The Trails and Public Access Master Plan can be referenced by the updated Mammoth Lakes General Plan.

PHASE 3 - MAMMOTH TRAILS: “Norming”

Once MLTPA is formally established and the Master Plan has been generated and adopted, the organization can move forward with “living the mission statement” and implementing projects in the community and region. Actions at this level will need to remain strategic in nature, so that the organization’s resources are used efficiently. The term “norming” refers to integrating MLTPA throughout the Mammoth Lakes community so that trails and public access become cornerstones of the region’s identity.

LONG-TERM ACTIONS: January 2008 and beyond

- 3.1 Integrate the Trails and Public Access Master Plan recommendations into Mammoth Lakes mobility planning and U.S. Forest Service planning projects.
- 3.2 Convene the Mammoth Trails user group alliance, and initiate a format for ongoing cooperation.
- 3.3 Coordinate the Mammoth Trails website with trail information, maps, and other resources.
- 3.4 Develop an MLTPA Endowment fund for long-term financial sustainability.
- 3.5 Assist partner organizations in advocacy for the support of trails and public access at the regional, state, and national levels.

3. Projects

With MLTPA’s leadership and a plan for trails and public access, the community and local partners can create new projects and initiatives. Pieces of the future trails and public-access system are in place within the town and the surrounding landscape, but these pieces are not well connected, signed, or managed. The Strategic Conference participants confirmed that there is consensus for creating a connected system of trails and public access in Mammoth Lakes.

In 1991, the Town of Mammoth Lakes developed a trails plan that included a paved loop bike path around the center of town and connecting trails to the surrounding public lands. Sections of the loop trail have been built, and new sections are in progress. For example, the Mammoth Creek Trail includes three grade-separated tunnel sections. They are a significant investment in the community’s trail infrastructure. The Lake Mary Road bike path has been designed and is scheduled to commence construction in 2007, and other “missing links” of the in-town trail loop are being planned. These are essential next steps for residents and visitors who can enjoy a trail experience within the town center.

A fundamental concept for the Mammoth Lakes trails and public-access system is the vision of a regional trails system connected with a “porous” perimeter. The in-town trails within the Mammoth Lakes Urban Growth Boundary can be connected to access points around the edges of town, and this perimeter can, in turn, be connected to frontcountry and backcountry trails in the surrounding region. The combination of a world-class system of trails, a porous town perimeter, and access into a regional network will make Mammoth Lakes a world-class trail community.

A connected system of trails and public access will provide a rare combination of in-town and backcountry experiences within the Mammoth Lakes region.



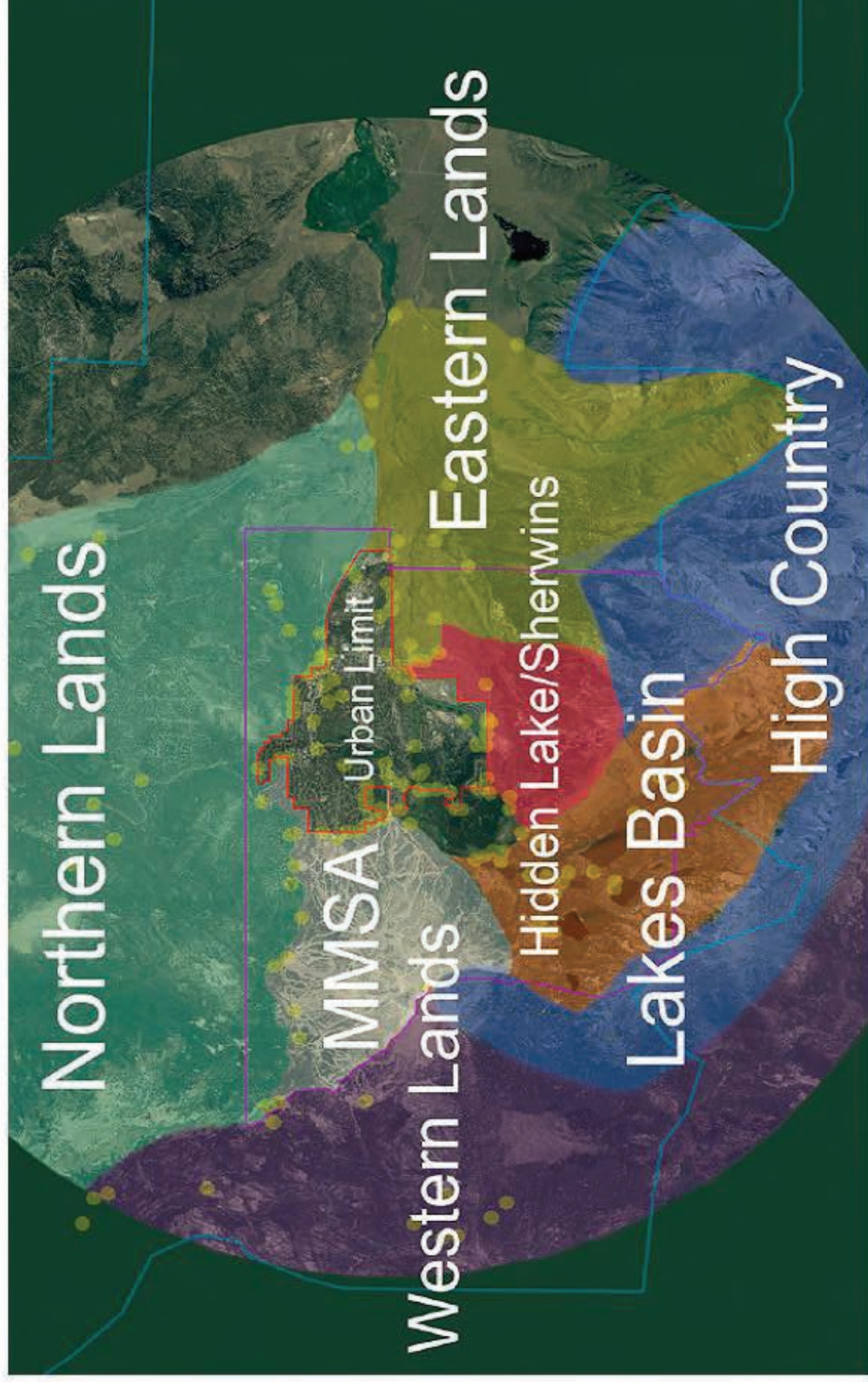
While it is possible to imagine specific projects for the future Mammoth Lakes trail system, it is important at this time for MLTPA to maintain its focus on the goal of developing a Trails and Public Access Master Plan, and not propose specific trail ideas or solutions outside of the planning process. MLTPA is committed to not compounding the challenges for trails and public access. Attempting to find incremental solutions to difficult access issues outside of the context of a Master Plan is not in the organization’s best interest at this time. Unless it is a critical issue of public access that requires immediate action, MLTPA should not engage its resources for projects that are not part of a Trails and Public Access Master Plan.

With this strategic approach in mind, it is still important to frame a vision of the future and to capture the ideas expressed at the Strategic Conference. The maps on the following pages show the public land areas and potential trail uses within the Mammoth Lakes region, and a conceptual graphic of the potential trails and public-access system. The land areas surrounding the community each have a distinct character and landscape. These areas are described as the Northern Lands, Western Lands, Lakes Basin, Hidden Lake/Sherwins, Eastern Lands, High Country, Within the Urban Limit, and Mammoth Mountain Ski Area. Through careful planning and public involvement, these sub-regions can be connected into a system that makes it possible for residents and visitors to have access to a diverse range of outdoor experiences—all within walking distance from the center of town. It is possible to imagine getting on a trail in Mammoth Lakes and having easy access to desert, forest, alpine, and riparian zones within the same day—a rare experience anywhere on Earth.

Achieving this vision will require the creation of a connected trails infrastructure, including shared-use paths, singletrack trails, trailheads, on-street improvements, safe crossings, transit connections, signage, wayfinding, operations and maintenance programs, and policies that support the system. The trail system will serve a wide spectrum of trail users, from children going to school to adventure travelers accessing the backcountry of the Sierra. The creation of this system is an excellent opportunity to involve a broad cross-section of community partners, including education, public health, businesses, tourism, public works, parks, land managers, developers, resorts, transportation agencies, and others.



Skiing in Mammoth Lakes. Photo by Christian Pondella



Mammoth Lakes Trails and Public Access
Public Land Areas

Public Land Areas: Amenities

Northern Lands

Winter

- Backcountry Skiing/Snowboard
- Dog Sledding
- Kicker Zone
- Nordic Skiing
- OSV
- Pet Play
- Snowplay
- Snowshoeing
- Vistas

Summer

- Birding
- Bow Hunting
- Camping
- Climbing
- Disc Golf
- Equestrian
- Hiking/Walking
- Mountain Biking
- OHV
- Pet Play
- Road Biking
- Trail Running
- Vistas

Eastern Lands

Winter

- Backcountry Skiing/Snowboarding
- Ice Climbing
- Nordic Skiing
- OSV
- Vistas

Summer

- Bouldering
- Caving
- Climbing
- Equestrian
- Fishing
- Fall Color Viewing
- Hiking/Walking
- Mountain Biking
- OHV
- Pet Play
- Trail Running
- Wildflowers

Lakes Basin

Winter

- Backcountry Skiing/Snowboarding
- Ice Fishing
- Ice Skating
- Nordic Skiing
- OSV
- Snowshoeing
- Winter Camping
- Winter Hiking/Walking
- Vistas

Summer

- Boating
- Bouldering
- Camping
- Climbing
- Equestrian
- Fall Color Viewing
- Fishing
- Hiking/Walking
- Mountain Biking
- Pet Play
- Road Biking
- Swimming
- Trail Running
- Vistas
- Wildflower Viewing

MMSA

Winter

- Backcountry Skiing/Snowboarding
- Dog Sledding
- Vistas

Summer

- Climbing
- Hiking/Walking
- Mountain Biking
- Trail Running
- Vistas

Western Lands

Winter

- Backcountry Skiing/Snowboarding (with OSV)
- OSV (on road)

Summer

- Birding
- Bouldering
- Camping
- Climbing
- Equestrian
- Fall Color Viewing
- Fishing
- Hiking/Walking
- Pet Play
- Road Biking
- Swimming
- Trail Running
- Vistas
- Wildflowers

High Country

Winter

- Backcountry Skiing/Snowboarding
- OSV
- Pet Play
- Snowshoeing
- Vistas
- Winter Camping

Summer

- Bouldering
- Camping
- Climbing
- Equestrian
- Fall Color Viewing
- Hiking/Walking
- Mountain Biking
- OHV
- Trail Running
- Vistas
- Wildflower Viewing

Sherwins/Hidden Lake

Winter

- Backcountry Skiing/Snowboarding
- Kicker Zone
- Nordic Skiing
- OSV
- Pet Play
- Snowshoeing
- Vistas

Summer

- Birding
- Equestrian
- Fall Color Viewing
- Hiking/Walking
- Mountain Biking
- Pet Play
- Trail Running
- Vistas
- Wildflower Viewing

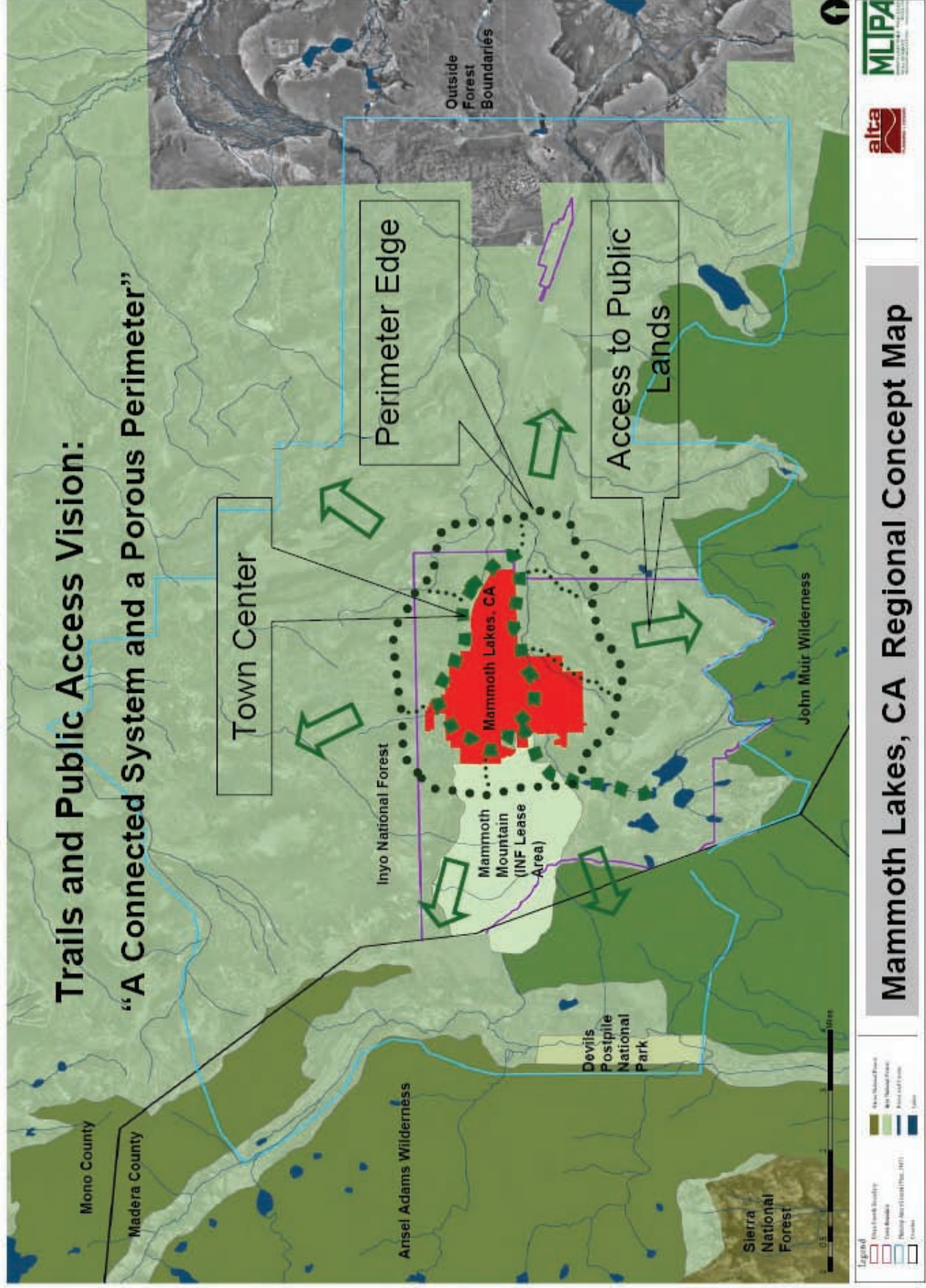
Within the Urban Limit

Winter

- Nordic Skiing
- Pet Play
- Snowplay
- Snowshoeing
- Vistas
- Winter Camping
- Winter Hiking/Walking
- Workforce

Summer

- Camping
- Cross-Country Running
- Equestrian



While it is too soon to recommend specific solutions, the Strategic Conference participants identified more than 100 ideas for potential trails and public-access projects. The following list is not intended to be final or comprehensive, but represents a range of ideas and the potential for trails and public access in the Mammoth Lakes region. The following is a selected list of projects identified as potential concepts for MLTPA to consider during the Trails and Public Access Master Plan process:

Lake Mary Road Bike Path Project: This project is already designed and funded, and is scheduled to start construction in 2007. It will provide trail access between the town loop trail and the Lakes Basin area. Support for this project is important as a connection between ongoing efforts initiated in the last decade and new initiatives for completing the missing links in the town loop trail.

Signage and Wayfinding Program: Consistent graphics, information, and communications are an important part of creating a high-quality trails system. Developing a signage and wayfinding program is an integral element of the Mammoth Lakes community's identity and public image.

Interpretation and Heritage Trails Information System: A Geographic Information System (GIS) can be used to create a database, user maps, and public information for interpretive and heritage elements of the trails system. The region's landscape has a significant natural and human history that can be told through the region's trails. Examples include the story of John Muir, the forces of geology, and the management of the Los Angeles water supply system.

Complete the In-Town Loop: The existing Mammoth Creek Trail and other sections of the paved paths within the town center represent important pieces that need to be connected into a complete loop trail. This loop will form the core of the trail system within the Urban Growth Boundary.

Develop a Perimeter Edge Trail: Mammoth Lakes has the unique potential to connect the Mammoth Rock Trail and other existing singletrack trails into a perimeter trail around the community's edge. This trail can help define the community's boundary with the adjacent Sierra frontcountry, and can serve as a gateway for access points to the backcountry.

Plan for All Trail Users: The Mammoth Lakes region has opportunities for all types of trail users, ranging from snowmobiles and ATVs to wilderness hiking, mountain biking, and Nordic and backcountry skiing. It is important for MLTPA to clearly state that all of these trail types are part of the planning process, and that, with the permission of land managers, these multiple uses can coexist in the region.

Ensure ADA Access: "Public Access" must include providing access for people with disabilities. While not all trails can be made accessible for everyone, the trail system must be planned to include the greatest range of accessibility possible, and trail information systems should be designed to communicate trail surfaces, grades, and other important information to people of all ages and abilities.

No Net Loss of Trails and Public Access: The GIS inventory conducted by MLTPA indicates more than 150 existing points of access to the region's public lands. This inventory can form a baseline to ensure that as the community grows, access is maintained to and from these lands. A flexible approach can be based on a concept of "no net loss," so that access is considered a part of the region's infrastructure planning. This approach is similar to the way that wetlands impacts are managed.

Funding Applications: The California Transportation Department currently has funding available from the State Bicycle Transportation Account (BTA) and Safe Routes to Schools (SR2S) programs. The Town of Mammoth Lakes currently has two sections of the in-town loop trail that qualify for these funding sources,

and is preparing the funding applications. In addition, the national Bikes Belong coalition provides grants to advocacy organizations like MLTPA.

Proposition 84 Funding Application: On Election Day, California voters approved Proposition 84, which will provide significant funding for Water Quality, Safety, and Supply, Flood Control, Natural Resource Protection, and Park Improvements. This will provide another opportunity for trails and public-access funding in the Mammoth Lakes region.

Trails and Transit: As the public transit system grows in Mammoth Lakes, there are opportunities to connect trailheads and transit stops to provide increased access and mobility for the community. Bike and ski racks can be provided on buses and trolleys, and the planning of trails and transit routes can be coordinated.

Art on the Trails: A great way to involve the community in trails is to develop art on the trails. This can include sculptures designed as “mile points,” custom-designed “hitching posts” for equestrians and bicyclists, and storytelling and music performed along the trails. These creative initiatives will reach segments of the community that might not otherwise get involved in trails, and can create a unique identity for the Mammoth Lakes trail system.

Four-Season Trails/Nordic System: The Mammoth Lakes trail system can help diversify the region’s economy by providing a wide range of four-season experiences. Examples include the new Nordic Trails initiative, which will create new cross-country skiing opportunities, the Mammoth Century road bicycling route, and the recent growth in the sport of trail running.

PROJECT ACTIONS:

- 1. Trails and Public Access Master Plan:** Develop the Mammoth Lakes Trails and Public Access Master Plan and have the plan adopted by the Town, County, and U.S. Forest Service.
- 2. Funding Applications:** Submit Caltrans BTA and SR2S funding applications. Develop an MLTPA grant application proposal for funding from the Bikes Belong coalition.
- 3. Signage and Wayfinding Program:** Develop a consistent, high-quality trails and public-access signage and wayfinding system, in cooperation with land management partners.
- 4. ADA Accessibility:** Conduct a public forum on accessibility in spring 2007, as a next step toward an ongoing public dialogue about trails and public-access issues.
- 5. Trail Map:** Produce a Mammoth Trails map that identifies the existing trails and public-access system, in cooperation with the Mammoth Trails alliance and other partners.

ACTION PLAN TIMELINE:

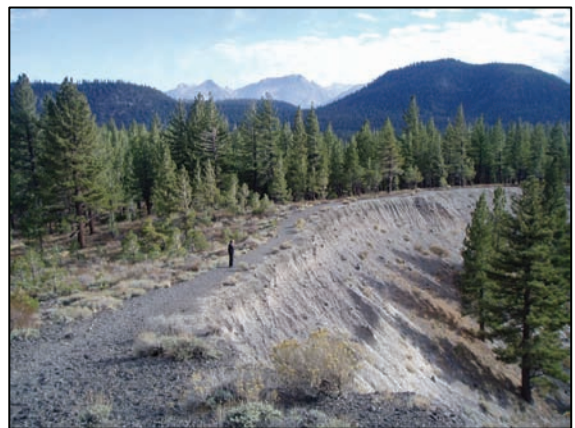
The Strategic Conference participants agreed that the momentum created by MLTPA represents a rare opportunity for action. With the tasks identified in this document as a guideline, the following timeline was developed for implementing the MLTPA Action Plan:

December 2006:	MLTPA Interim Working Group (IWG) meeting
January 2007:	Reconvene MLTPA Strategic Conference group; first MLTPA Board meeting
February 2007:	MLTPA Proposal to the Mammoth Lakes Community presentation
March 2007:	Approval of Trails and Access Master Plan funding
April to Dec. 2007:	Develop the Mammoth Lakes Trails and Public Access Master Plan

4. Next Steps

Mammoth Lakes has developed key pieces of its trails and public-access system, with a combination of singletrack trails, in-town shared-use paths, and access to the surrounding public lands. The existing trails form the foundation for an interconnected system that will allow residents and visitors to use trails for transportation, recreation, physical fitness, education, sport, and other purposes. Based on the ideas developed at the 2006 Strategic Conference, Mammoth Lakes will move forward with a new vision of trails and public access.

This document is the “trail map” for a world-class trails and public-access system. Organizing MLTPA as a sustainable non-profit organization, developing the community’s partnership triangle, creating a Trails and Public Access Master Plan, and integrating trails and public access into the General Plan Update, future mobility planning, and the plans being developed by both public- and private-sector partners are important next steps. By focusing on achievable actions in the short term, it will be possible to create success as the longer-term vision develops. With the enthusiasm, creativity, and leadership that developed this Action Plan, there is a great future for trails and public access in Mammoth Lakes.



These images of Mammoth Lakes from the week of the 2006 Strategic Conference highlight the diversity and potential of the region’s trails and public-access system.



October 9, 2007

Rob Clark
Town of Mammoth Lakes
PO Box 1609
Mammoth Lakes, CA 93546

MLTPA
COPY
ZZ

Dear Rob –

Please find attached a signed copy of an agreement for contractual services between MLTPA and the town of Mammoth Lakes, dated October 3, 2007.

There are two items that MLTPA would like to clarify. We do not believe it necessary to redraft the language of the agreement, but this clarification refines the intent and scope of the agreement, and provides some specific information relative to the acquisition of insurance.

- 1) The duties and obligations which this agreement requires MLTPA to perform for the town are, as part of a multi partnered and multi-jurisdictional effort, broader than this agreement. This effort is substantial, in fact, the funding necessary for MLTPA to perform these services will well exceed the \$25,000 set forth in the contract. Indeed, Mammoth Mountain Ski Area has provided \$25,000 to MLTPA as its partnered contribution to help fund MLTPA's efforts towards these goals. In addition, MLTPA is actively pursuing grants and other fundraising efforts to acquire the considerable additional funding which will be needed to ensure the success of the CAMP effort at the level of excellence expected from the government, private, and public partners involved.
- 2) MLTPA and town staff are in continuing direct communication regarding matters of insurance. MLTPA fully intends to obtain coverage at the levels described in the contract, and appreciates the efforts of town staff to help us find an appropriate provider.

Mr. Rob Clark
October 9, 2007
Page 2 of 2

MLTPA very much appreciates the opportunity the Town of Mammoth Lakes has provided MLTPA to collaborate in a multi partnered effort that will enrich the quality of life of the citizens of Mammoth Lakes and improve the quality of experience for our visitors, while generating opportunities to steward and care for this beautiful setting that we all share.

MLTPA looks forward to exceeding your expectations for the services we will provide, and to helping fully realize the potential of this great community.

Best —

John Wentworth
Acting Executive Director

Attachment: Agreement for Contractual Services



Contractual Services
Agreement
Between
The Town of Mammoth Lakes
And
Mammoth Lakes Trails and Public Access

The agreement is entered into this __3rd__ day of _October, 2007 between the Town of Mammoth Lakes (referred to as TOML), a municipal corporation, and Mammoth Lakes Trails and Public Access (referred to as MLTPA), a 501(c)(3) public benefit corporation.

PURPOSE:

The purpose of the document is to establish an agreement between the TOML and MLTPA to conduct data control and collection, public advocacy and public outreach services for the Concept and Master Planning (CAMP)/Trails Master Planning process.

MLTPA CONTRACTUAL SERVICES:

MLTPA's duties and obligations under this agreement shall include, but are not limited to:

1. Ongoing data-coordination and collection services through the MLTPA Data Library throughout the duration of the first phase of the Trails Master Planning process.

This process is scheduled to be completed by June 2008. These data services include access to a central repository of GIS data and development of data collection protocols, jurisdictional and planning documents relevant to the Trails Master Planning process in both digital and analog formats and the ability to acquire, duplicate and distribute documents, materials and data as the planning process moves forward. Additionally, MLTPA will maintain server and FTP capacity for collection and distribution of large digital files.

2. Maintain capacity for production of graphic materials and exhibits that may be used as part of the public outreach effort during the Trails Master Planning Process. This capacity is meant to be maintained for specific projects requested by the Trails Master Planning partners.

3. Coordination of logistical needs as part of the Trails Master Planning process. This will include scheduling and facilitation of partner meetings including conference calls and/or video conferencing, minutes and documentation of partner meetings, coordination of consultant travel arrangements and on-site guiding services during consultant visits and coordination of volunteer efforts relative to the Trails Master Planning process.
4. Develop and organize public meetings specific to the needs of the Trails Master Planning process. This includes a Summer CAMP workshop and a Winter CAMP workshop, both designed to solicit input from the community with respect to seasonal trail use and provide the community with pertinent information with regards to the Trails Master Planning process. The need for additional public meetings will be identified with input from the planning partners.
5. Develop a media campaign, in collaboration with TOML staff as needed, to encourage public participation during the Trails Master Planning process. This includes using all available media channels – print, radio, television and internet.

MLTPA will use their website (www.mltpa.org) for posting of message boards, photo galleries, calendar of events, interactive maps and access to documents as part of the Trails Master Planning process.

COMPENSATION:

In consideration of the services performed by MLTPA, the Town will make payments as follows:

- a. Commencing with the execution of this contract, the Town shall disburse to MLTPA an amount as indicated below:
\$25,000.00
The Town shall process a request for payment once the contract is signed by both parties.
- b. This agreement shall not prevent the Town from appropriating additional sums for specific projects which the Town may desire to have performed by MLTPA.

FINANCIAL RECORDKEEPING AND REPORTING:

The Town shall have the right to audit the books, records and accounts of MLTPA at any reasonable time, as coordinated with the president/ executive director of MLTPA.

POLITICAL ACTIVITY:

MLTPA shall not use any monies received under this agreement for the endorsement, opposition or participation in any public office campaign or other political or lobbyist activity.

HOLD HARMLESS:

MLTPA shall indemnify and hold harmless the Town, its officers, employees and agents or claim of liability, including attorneys' fees, arising by reason of personal injury, death or property damage and resulting from MLTPA's negligence, recklessness or willful misconduct, or that of its officers or employees in the performance of its duties and obligations under this agreement.

LIABILITY INSURANCE:

MLTPA agrees to maintain limits no less than:

General Liability: \$1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this agreement or the general aggregate limit shall be twice the required occurrence limit.

Workers Compensation: MLTPA shall provide the TOML with proof of coverage for worker's compensation insurance for MLTPA's employee (s)

Verification of Coverage: MLTPA shall furnish the Town with original endorsements effecting coverage required by this clause. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements are to be received and approved by the Town before work commences. Town reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

GENERAL PROVISIONS:

This Agreement is the entire understanding of the parties and there are not other terms or conditions, written or oral, controlling this matter.

This Agreement shall be governed by the laws of the State of California.

If any portion of this Agreement or application thereof to any person or circumstances shall be declared invalid by a court of competent jurisdiction, or if it is found in contravention of any federal, state, or district statute, ordinance or regulation, the remaining provisions of this Agreement, or the application thereof, shall not be invalidated thereby and shall remain in full force and effect to the extent that the provisions of the Agreement are severable.

This Agreement may be modified or amended, by the mutual written consent of the parties hereto.

The term of this Agreement shall be from the date of execution as noted above to June 30, 2008, or through the completion of the Trails Master Planning project, whichever

comes first. At that time, the contractual services agreement will be evaluated by both parties to determine a desire to renew the agreement for the following year.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

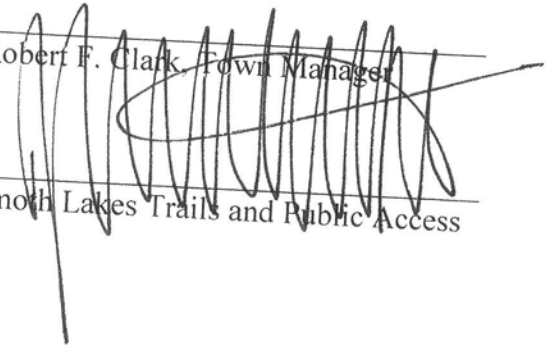
Dated: _____

Dated: 10-9-07

Town of Mammoth Lakes

By: Robert F. Clark, Town Manager

Mammoth Lakes Trails and Public Access

A large, stylized handwritten signature in black ink, written over the printed name 'Robert F. Clark, Town Manager' and extending over the line for 'Mammoth Lakes Trails and Public Access'.

MEMORANDUM OF UNDERSTANDING BETWEEN

United States Forest Service
Town of Mammoth Lakes
County of Mono
Mammoth Community Water District
Mammoth Lakes Fire Protection District
Mammoth Mountain Ski Area
National Park Service
California Department of Transportation,
City of Los Angeles
California Lahontan Regional Water Quality Control Board,
Mammoth Lakes Trails and Public Access

I. PARTIES.

The Parties to this MEMORANDUM OF UNDERSTANDING (MOU) are as set forth above. This MOU is a non-binding document which reflects the interest of each of the Parties in cooperatively pursuing the Purpose of this MOU as set forth in Section II. Each of the Parties has jurisdiction over or influence affecting the lands and waters in and surrounding the Town which may be accessible by members of the public for recreation and enjoyment.

When meeting or acting in their collective capacities, the Parties are referred to below and may be referred to publicly as the "Mammoth Lakes Trails and Public Access Commission." ["Trails Commission" for purposes of this MOU].

This MOU is formally known as the "Mammoth Lakes Trails and Public Access Memorandum of Understanding". ["Trails Commission MOU" for purposes of this MOU]. It may be referred to publicly as the "MLTPA MOU."

II. PURPOSE; AREA OF INFLUENCE.

The Town contains and is surrounded by forests, meadows, lakes and waterways that constitute some of the most accessible, pristine public lands in the Sierra, and indeed in the country. All Parties to this MOU have an interest in preserving these lands on behalf of the public, and the public has a right to enjoy the experiences these lands can provide.

Therefore, the Purpose of this MOU is to establish and provide a working public/private cooperative framework, or *collaborative planning process*, directed toward the *establishment and maintenance of a system of public trails providing reasonable access to and enjoyment of public lands that are both within and surround the Town.*

The Town's Area of Influence consists of approximately 125 square miles of land surrounding the Town. Subject to more precise planning or mapping, that shall become the Area of Influence for the application of this MOU and any agreements among the parties, or any of them, which may come about as a result of this MOU.

II. CONSISTENCY WITH APPLICABLE LAWS.

Public lands are owned by the people and held in trust for them by various governmental agencies created by them. The people have a right to enjoy those lands consistent with applicable laws governing their use by and preservation for all the people. Unless otherwise agreed by an affected Party, this MOU is meant to be applied and interpreted in a manner consistent with all applicable laws, charters and ordinances, and by rules and regulations promulgated by any agency which is a Party to this MOU, and by the budget policies of any such agency. It is understood that no action by the Trails Commission shall be binding on any such agency without the consent of its governing body or relevant authorizing agent.

III. THE COLLABORATIVE PLANNING CONCEPT.

The individual Parties to this MOU have various responsibilities with respect to the issue of access to public lands. Each Party recognizes, however, that in carrying out those responsibilities, its efforts may be enhanced by joint planning and general cooperation with the other entities which have jurisdiction over or influence on activities within the Area of Influence.

All Parties agree that collaborative planning in selected areas of emphasis may have a synergistic effect that enhances the efforts of any one Party. For example, in order to avoid confusion on the part of members of the public seeking access to public lands, it would be desirable to have a consistent, integrated system of trails, trail-marking and signage. This would in turn engender confidence in members of the public that their governmental agencies are working harmoniously in the public interest.

A collaborative planning process presupposes significant involvement of members of the public at every reasonable opportunity. Therefore, to the extent necessary to carry out the objectives of this MOU, the Parties agree to schedule and publicly notice meetings to discuss planning concepts as well as specific plans which may be recommended for implementation by agencies or entities which are party to this MOU. Members of the public will be urged to actively participate in the meetings.

The Parties to this MOU agree that their representatives participating in meetings and actions of the Trails Commission shall refer all matters requiring action by a Party to that Party's decision-making body or agent. For example, matters requiring action by the Town shall be referred to the Town Council; matters requiring action by the USFS shall be referred to the Forest Supervisor (or such other person whose approval is required). The Parties further agree that they will take reasonably expeditious action on any such matters.

IV. PROCEDURES.

The Parties to this MOU may adopt Rules and Procedures for the conduct of the business and meetings of the Trails Commission. Otherwise actions shall be taken by a majority of those Parties present and voting at a meeting called for the purpose of taking action under or implementing any of the provisions of this MOU or any recommendations to the governing bodies or authorized agents of the parties to this MOU.

Since the purpose is so well defined and so obviously for the greater good of the public, the procedural goal of the Parties is to create a system which operates by consensus on the basis of open, intelligent discussion without the rancor and recrimination which often occurs in public debate. Meetings will be conducted and actions taken in that spirit.

V. AREAS OF EMPHASIS.

A. Evolving Process.

As the Trails Commission pursues its objectives under this MOU, it will develop various plans and implementation strategies for recommendation to the governing bodies or authorized agents of the Parties to this MOU. Its efforts will evolve in response to its deliberations and to information and ideas offered by members of the public and other interested entities and agencies.

B. Initial Areas of Emphasis.

A first task of the Trail Commission will be to develop, hold public hearings on as deemed by the Parties to be necessary, and adopt a list of initial areas of emphasis relevant to the Purpose of this MOU.

VI. GENERAL MATTERS.

A. Freedom of Information Act (FOIA).

Any information furnished to the United States Forest Service under this MOU is subject to the Freedom of Information Act (FOIA).

B. Participation in Similar Activities.

This MOU in no way restricts any Party hereto from participating in similar activities with other public or private agencies, organizations, and/or individuals.

C. Commencement; Expiration; Termination.

This MOU takes effect upon the date the last of the signatories hereto has executed this MOU and shall remain in effect for a period of five (5) years from such date unless extended. This MOU may be extended or amended upon request of any party hereto and the further written agreement of each Party. Any Party to this MOU may terminate its participation in this MOU, and remove itself as a Party hereto, by written notice the other Parties.

D. Responsibilities of Parties.

The Parties to this MOU and their respective agencies, officers, employees and/or agents will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing the purposes herein set forth. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.

E. Principal Contacts of Parties.

The principal contacts of each Party to this MOU are set forth on Exhibit A attached hereto.

F. Non-Fund Obligating Document.

Nothing in this MOU shall obligate any Party hereto to obligate or transfer funds. Specific work projects or activities that involve the transfer of funds, services, or property between or among the Parties, or any of them, will require execution of separate agreements and be contingent upon the availability of appropriate funds, any must be independently authorized by the appropriate statutory authority, where applicable under the practices, rules or regulations of any Party.

G. Establishment of Responsibility.

This MOU is not intended to and does not create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by any Party against any other Party, or its agencies, officers, employees, or agents, or any individual.

H. Authorized Representatives.

By signature below, the each Party certifies that the individuals signing this document on behalf of such Party, or listed in this documents as a contact for such Party, are authorized to act in their respective areas for matters related to this MOU.

WHEREFORE, the Parties to this MOU execute the same as set forth hereinafter. This MOU may be executed in counter-parts, each of which shall be deemed an original and which shall be retained by the Trails Commission.

Exhibit A: Trails Commission Signatories

Inyo National Forest

Name: _____

Position: _____

Town of Mammoth Lakes

Robert Clark

Name: *Robert Clark*

Position: *Town Manager*

County of Mono

Name: _____

Position: _____

Mammoth Community Water District

Name: _____

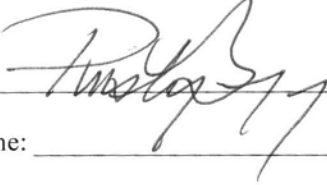
Position: _____

Mammoth Lakes Fire Protection District

Name: _____

Position: _____

Mammoth Mountain Ski Area

(P) 
Name: _____

Position: _____

National Park Service

Name: _____

Position: _____

California Department of Transportation

Name: _____

Position: _____

City of Los Angeles

Name: _____

Position: _____

California Lahontan Regional Water Quality Control Board

Name: _____

Position: _____

Mammoth Lakes Trails and Public Access

Name: _____

Position: _____