

Final | March 2019



Mammoth Lakes  
CALIFORNIA

# Mammoth Arts and Cultural Center (MACC)

## INITIAL STUDY/MITIGATED NEGATIVE DECLARATION



Prepared for:  
Town of Mammoth Lakes

Prepared by:

**Michael Baker**  
INTERNATIONAL



**FINAL  
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**Mammoth Arts and  
Cultural Center (MACC)**

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**State Clearinghouse No. 2019012023**

**Lead Agency:**



**TOWN OF MAMMOTH LAKES**  
437 Old Mammoth Road, Suite 230  
Mammoth Lakes, California 93546  
**Contact: Ms. Sandra Moberly**  
**Community and Economic Development Director**  
**760.965.3633**  
**[smoberly@townofmammothlakes.ca.gov](mailto:smoberly@townofmammothlakes.ca.gov)**

**Prepared by:**

**MICHAEL BAKER INTERNATIONAL**  
5 Hutton Centre Drive, Suite 500  
Santa Ana, California 92707  
**Contact: Ms. Kristen Bogue**  
**949.472.3505**

**March 2019**

JN 163306

This document is designed for double-sided printing to conserve natural resources.



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## 1.0 INTRODUCTION

The proposed Mammoth Arts and Cultural Center (MACC) (herein referenced as the “project”) is located within the Town of Mammoth Lakes, in the southwestern portion of Mono County. The project proposes to construct a new Performing Arts Center, which includes a 298-seat Performing Arts Theatre, 500-seat outdoor amphitheater, and associated new parking lot. Additionally, the project proposes renovations to the existing Edison Theatre parking lot. Project approval would require a Major Design Review (DR) and CEQA clearance.

In accordance with the California Environmental Quality Act (CEQA) Guidelines, an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for the proposed project.

The IS/MND (State Clearinghouse No. 2019012023) was made available for public review and comment pursuant to CEQA Guidelines Section 15070. The public review commenced on January 11, 2019 and concluded on February 11, 2019. The IS/MND and supporting attachments were available for review by the general public at:

- Town of Mammoth Lakes, Community and Economic Development Department, 437 Old Mammoth Road, Suite 230, Mammoth Lakes, CA 93546
- Town of Mammoth Lakes website: <https://www.townofmammothlakes.ca.gov/901/Mammoth-Arts-and-Cultural-Center>
- Mono County Library, 400 Sierra Park Road, Mammoth Lakes, CA 93546



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## 2.0 RESPONSE TO COMMENTS

During the public review period, comments were received on the IS/MND from certain interested public agencies and private parties. The following is a list of the persons, firms, or agencies that submitted comments on the IS/MND during the public review period:

Comment Letter No.	Person, Firm, or Agency	Letter Dated
1	Scott Morgan, Director State Clearinghouse and Planning Unit Governor's Office of Planning and Research	February 12, 2019
2	Gayle Totton, Associate Governmental Program Analyst Native American Heritage Commission	January 28, 2019
3	Irene Yamashita, Principal Administrative Analyst Mammoth Community Water District	February 5, 2019

Although the CEQA Guidelines do not require a Lead Agency to prepare written responses to comments received (see CEQA Guidelines Section 15088), the Town of Mammoth Lakes has elected to prepare the following written responses with the intent of conducting a comprehensive and meaningful evaluation of the proposed project. The number designations in the responses are correlated to the bracketed and identified portions of each comment letter.



Gavin Newsom  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Kate Gordon  
Director

February 12, 2019

Sandra Moberly  
City of Mammoth Lakes  
P.O. Box 1609  
437 Old Mammoth Road, Suite R  
Mammoth Lakes, CA 93546

Subject: Mammoth Arts and Cultural Center (MACC)  
SCH#: 2019012023

Dear Sandra Moberly:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on February 11, 2019, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

1-1

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2019012023  
**Project Title** Mammoth Arts and Cultural Center (MACC)  
**Lead Agency** Mammoth Lakes, City of

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**Type** MND Mitigated Negative Declaration  
**Description** The project consists of constructing a new Performing Arts Center, which includes a 298-seat Performing Arts Theatre, 500-seat outdoor amphitheater, and associated parking lot. Additionally, the project proposes renovations to the existing Edison Theatre parking lot and roof. Project approval would require a Major Design Review and CEQA clearance.

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**Lead Agency Contact**

**Name** Sandra Moberly  
**Agency** City of Mammoth Lakes  
**Phone** (760) 965-3633 **Fax**  
**email**  
**Address** P.O. Box 1609  
437 Old Mammoth Road, Suite R  
**City** Mammoth Lakes **State** CA **Zip** 93546

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**Project Location**

**County** Mono  
**City** Mammoth Lakes  
**Region**  
**Lat / Long** 41° .61' .570" N / .416° .75' .70" W  
**Cross Streets** Meridian Blvd and Wagon Wheel Rd  
**Parcel No.** 035-010-049-000  
**Township** 3S **Range** 27E **Section** 35 **Base** MDBM

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**Proximity to:**

**Highways** US-395, SR 203  
**Airports**  
**Railways**  
**Waterways** Mammoth Creek  
**Schools**  
**Land Use** GPLUD: IP; Z: P-QP

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**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Other Issues; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

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**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 6 (Inyo & Mono Region); Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 9; California Department of Education; Regional Water Quality Control Bd., Region 6 (Victorville); Department of Toxic Substances Control; State Water Resources Control Board, Division of Drinking Water; Native American Heritage Commission

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**Date Received** 01/11/2019 **Start of Review** 01/11/2019 **End of Review** 02/11/2019



## **Response No. 1**

Mr. Scott Morgan, Director  
State Clearinghouse and Planning Unit  
Governor's Office of Planning and Research  
February 12, 2019

- 1-1 The commenter indicates that the State Clearinghouse submitted the IS/MND to selected state agencies for review, and that the comment period for the Draft IS/MND concluded on February 11, 2019 for State agencies. The comment indicates that the lead agency complied with the review requirements for draft environmental documents pursuant to CEQA. It also provides a summary of information contained within the State Clearinghouse's database for the proposed project. As such, the comment does not provide specific comments regarding information presented in the IS/MND and no further response is necessary.

**From:** Totton, Gayle@NAHC <Gayle.Totton@nahc.ca.gov>  
**Sent:** Monday, January 28, 2019 10:56 AM  
**To:** Sandra Moberly <smoberly@townofmammothlakes.ca.gov>  
**Subject:** SCH# 2019012023 Mammoth Arts and Cultural Center

Good morning Ms. Moberly,

I have completed my review of the Mitigated Negative Declaration for this project. Since the document is substantially in compliance for Cultural and Tribal Cultural Resources, I didn't want to send a formal comments letter. However, there is one very small detail I would appreciate being changed.

In the conditions for finding human remains, the time for the MLD to make recommendations is not quite specific enough. They do have 48 hours but that time begins when they are given access to the site. This time period is often misinterpreted to begin at the time the tribe is notified so we would greatly appreciate including the specific beginning of the time for recommendations.

If you have any questions, please let me know.  
Thanks so much.

Gayle Totton, M.A., Ph.D.  
Associate Governmental Program Analyst  
Native American Heritage Commission  
(916) 373-3714

**2-1**

## **Response No. 2**

Gayle Totton, Associate Governmental Program Analyst  
Native American Heritage Commission  
January 28, 2019

- 2-1 The commenter has noted a clarification to the Draft IS/MND Section 4.5, *Cultural Resources*, Response 4.5(d), last paragraph. In the conditions for finding human remains, the time for the “most likely descendant (MLD)” to make recommendations is not specific enough. The MLD has 48 hours from the time they are given site access, not necessarily when they are notified. Accordingly, the requested clarification has been made to page 4.5-3 of the Draft IS/MND and is reflected below and in Section 3.0, *Errata*, of this Final IS/MND.

### **Page 4.5-3, Response 4.5(d), First Paragraph, Last Sentence**

The MLD would have 48 hours, from when site access is granted, to make recommendations to landowners for the disposition of any Native American human remains and grave goods found.

This change provides a minor update, correction, or clarification and does not represent “significant new information” as defined in CEQA Guidelines Section 15088.5.

# COMMENT LETTER NO. 3



Mammoth Community Water District  
Post Office Box 597  
1315 Meridian Blvd.  
Mammoth Lakes, CA 93546  
(760) 934-2596 ext. 314

February 5, 2019

VIA E-Mail  
Sandra Moberly, Director  
Community and Economic Development Department  
Town of Mammoth Lakes  
Mammoth Lakes, CA 93546

Dear Ms. Moberly,

Subject: Notice of Intent to Adopt the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Mammoth Arts and Cultural Center (MACC)

Thank you for the opportunity to review the Draft IS/MND for the Mammoth Arts and Cultural Center (MACC). The Mammoth Community Water District (MCWD) has the following comments on the document.

Page 2-12, Section 2.6 Permits and Approvals: Please include Construction and Connection Permits as required permits and approvals from MCWD for the proposed project.

3-1

Page 4.18-1, last incomplete paragraph: The IS/MND describes Laurel Pond as providing secondary treatment of wastewater; however, Laurel Pond only receives advanced secondary treated wastewater and does not have any treatment facilities.

3-2

Landscaping: The proposed project describes landscaping throughout the proposed project. The IS/MND should provide the square footage of landscaped area and refer to the Town's Water Efficient Landscaping Ordinance (WELO). To minimize landscape water demand, MCWD recommends the proposed project commit to meeting Option A of the Town's WELO or describe the water efficiency goal of the landscape water demand. A native plant based or very low water use landscape at the MACC would complement and visually connect with the landscape at Cerro Coso Community College.

3-3

Please contact me with any questions regarding this comment letter. MCWD permit questions should be directed to Kris McDaniel, Permit Official, (760) 934-2596, ext. 223.

Sincerely,

A handwritten signature in blue ink that reads "Irene Yamashita". The signature is fluid and cursive.

Irene Yamashita  
Principal Administrative Analyst

## **Response No. 3**

Irene Yamashita, Principal Administrative Assistant  
Mammoth Community Water District  
February 5, 2019

- 3-1 The commenter recommends including Construction and Connection Permits as required permits and approvals from Mammoth Community Water District. It is acknowledged that the Draft IS/MND, Section 4.18, Utilities and Service Systems, Responses 4.18(a), 4.18(b), and 4.18(d) acknowledge that the Mammoth Community Water District would serve the project, and necessary on-site utilities and connections are described. Per the commenters request, the page 2-12 of the Draft IS/MND has been updated to reflect construction and connection permits necessary with the Mammoth Community Water District, and is reflected below and in Section 3.0, Errata, of this Final IS/MND.

### **Page 2-12, Section 2.6 Permits and Approvals**

The Town of Mammoth Lakes is the Lead Agency under CEQA and has discretionary authority over the proposed project. The project would be subject to various Town permits and approvals, including, but not limited to:

- Certification of CEQA Environmental Clearance Document;
- Major Design Review (DR) 17-002 Approval; and
- Issuance of applicable grading and building permits.

In addition, the following permits/approvals may be required of other agencies:

- NPDES Construction General Permit – Lahontan Regional Water Quality Control Board;
- Construction and Connection Permits – Mammoth Community Water District; and
- Construction Permit – Great Basin Unified Air Pollution Control District.

This change provides a minor update, correction, or clarification and does not represent “significant new information” as defined in CEQA Guidelines Section 15088.5.

- 3-2 The commenter has clarified that Laurel Pond only receives advanced secondary treated wastewater and does not provide secondary treatment of wastewater. Accordingly, requested clarification has been made to page 4.18-1 of the Draft IS/MND and is reflected below and in Section 3.0, Errata, of this Final IS/MND.

**Page 4.18-1, Response 4.18(a), First Paragraph**

**a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

**Less Than Significant Impact.** Wastewater generated in the Town of Mammoth Lakes is treated by the Mammoth Community Water District (MCWD) at its Wastewater Treatment Plant. The Wastewater Treatment Plant for the Town provides advanced secondary treatment, which includes biological treatment, filtration, and disinfection through utilization of chlorine. According to MCWD's 2015 *Urban Water Management Plan* (UWMP), the Wastewater Treatment Plant has a capacity for 4.05 million gallons per day (MGD) and processed 1,083 acre-feet of wastewater in 2015.<sup>1.1</sup> Treated wastewater is discharged to Laurel Pond, located approximately 5.5 miles southeast of Mammoth Lakes. Laurel Pond receives secondary treated wastewater ~~provides secondary treatment in the amount of~~ approximately 1,145 acre-feet per year to approximately 1,677 acre-feet per year in 2030. Project implementation would construct an Arts and Cultural Center (MACC) that includes a Performing Arts Theatre, outdoor amphitheater, a new parking lot, and improvements to the existing Edison Theatre and existing Edison Theatre parking lot. Based on consultation with the MCWD, wastewater generated from project implementation is not expected to exceed the existing capacity of the

This change provides a minor update, correction, or clarification and does not represent "significant new information" as defined in CEQA Guidelines Section 15088.5.

- 3-3 The project proposes 42,977 square feet of landscaping. A mix of native evergreen and deciduous tree species (including Jeffrey Pine, Lodgepole Pine, Mountain Pine, and Quaking Aspen), native low water grass (Native Bentgrass), and native meadow mix (including Blue Columbine, Fleabane Daisy, Perennial Gaillardia, Penstemon, Mountain Lupine, and Scarlet Gilla) are proposed. Draft IS/MND page 4.1-6, second paragraph, last sentence, states that the "Proposed landscaping would be required to meet Municipal Code requirements..." Thus, the project would comply with the Town's Water Efficient Landscaping Ordinance (WELO). Pursuant to the Town's Municipal Code Section 17.40.030, compliance with the Town's Water Efficient Landscape Regulations shall be demonstrated at the building permit phase.



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## 3.0 ERRATA

Changes to the Draft Initial Study/Mitigated Negative Declaration (IS/MND) are noted below. A double-underline indicates additions to the text; ~~strikethrough~~ indicates deletions to the text. Changes have been analyzed and responded to in Section 2.0, *Response to Comments*, of this Final IS/MND. The changes to the Draft IS/MND do not affect the overall conclusions of the environmental document. Changes are listed by page and, where appropriate, by paragraph.

These errata address the technical comments on the Draft IS/MND, which circulated from January 11, 2019 through February 11, 2019. These clarifications and modifications are not considered to result in any new or substantially greater significant impacts as compared to those identified in the Draft IS/MND. All mitigation measure modifications, if any, have been reflected in Section 4.0, *Mitigation Monitoring and Reporting Program*, of this Final IS/MND.

### GLOBAL EDITS

Global errata apply to the entirety of the Draft IS/MND. These clarifications or modifications are not considered significant new information and would not result in new or substantially greater significant impacts as compared to those analyzed in the Draft IS/MND.

#### Proposed Edison Roof Replacement

Since publication of the Draft IS/MND, the Edison Theatre roof has been replaced. Thus, the Edison Theatre roof replacement has been removed from the proposed project.

#### Proposed Parking

Since publication of the Draft IS/MND, the proposed parking lots have been slightly modified to accommodate 12 additional parking spaces; refer to Exhibit A, *Modified Parking Lots*. Per Exhibit A, the Edison Theatre Parking Lot would accommodate 49 parking spaces and the proposed East Parking Lot would accommodate 88 parking spaces (instead of the Draft IS/MND proposed 45 parking spaces and 80 parking spaces, respectively). The project no longer proposes a Parking Agreement between the Applicant and the college for an additional 52 parking spaces at the existing Cerro Coso Community College parking lot to the south of the project site during events.

In order to accommodate 12 additional parking spaces on-site, the proposed reconfiguration of the Edison Theatre Parking Lot would increase in impervious area by 624 square feet and the proposed East Parking Lot (slightly expanded approximately 10 feet to the north) would increase in impervious area by 2,123 square feet. However, the impervious surfaces of sidewalks adjacent to the East Parking Lot would slightly decrease by approximately 28 square feet. Thus, the overall 2,719-square-foot change (or 0.062 acres) in increased impervious surface would only be an approximate 2.2 percent increase in impervious surface, compared to that analyzed in the Draft IS/MND. This nominal increase would not result in any new or substantially greater significant impacts, particularly involving hydrology/water quality from that considered in the Draft IS/MND. Further, this 2,123 square-foot area does not include any new habitat or sensitive species not identified in the Draft IS/MND, nor are there any new cultural resources applicable to this added area.





No additional trees would be removed, and no new impacts pertaining to air quality, greenhouse gas emissions, noise, or land use would result.

These changes to the proposed parking are considered global errata that apply to the entirety of the Draft IS/MND. These clarifications or modifications are not considered significant new information and would not result in new or substantially greater significant impacts as compared to those analyzed in the Draft IS/MND.

## **SECTION 2.0, PROJECT DESCRIPTION**

### **Page 2-4, Section 2.4 Project Background, Second Paragraph, First Sentence**

The Mammoth Lakes Foundation (MLF) proposes to build a 25,49421,464-square foot Arts and Cultural Center (MACC) that includes a Performing Arts Theatre, outdoor amphitheater, a new parking lot, and improvements to the existing Edison Theatre and existing Edison Theatre parking lot.

### **Page 2-6, Performing Arts Theatre, First Paragraph, Second Sentence**

The theatre would include a 21,856-~~square~~square foot main level, 2,184-square foot costume storage area, and a 1,454-square foot mechanical attic; refer to Exhibit 2-4, *Performing Arts Theatre Site Plan*.

### **Page 2-9, Access and Circulation, Last Sentence**

A new parking lot would be constructed near the southeastwest corner of the project site that would provide another access point.

### **Page 2-12, Section 2.6 Permits and Approvals**

The Town of Mammoth Lakes is the Lead Agency under CEQA and has discretionary authority over the proposed project. The project would be subject to various Town permits and approvals, including, but not limited to:

- Certification of CEQA Environmental Clearance Document;
- Major Design Review (DR) 17-002 Approval; and
- Issuance of applicable grading and building permits.

In addition, the following permits/approvals may be required of other agencies:

- NPDES Construction General Permit – Lahontan Regional Water Quality Control Board;
- Construction and Connection Permits – Mammoth Community Water District; and
- Construction Permit – Great Basin Unified Air Pollution Control District.

## SECTION 4.1, AESTHETICS

### Page 4.1-1, Response 4.1(a), Second Paragraph, First Sentence

Project implementation would result in a new 25,494,214,464-square foot Arts and Cultural Center (referred to as the “MACC”) that includes a Performing Arts Theatre, outdoor amphitheater, a new parking lot, and improvements to the existing Edison Theatre and parking lot.

## SECTION 4.5, CULTURAL RESOURCES

### Page 4.5-3, Response 4.5(d), First Paragraph, Last Sentence

The MLD would have 48 hours from when site access is granted to make recommendations to landowners for the disposition of any Native American human remains and grave goods found.

## SECTION 4.12, NOISE

### Page 4.12-15, Mitigation Measure NOI-2

NOI-2 Prior to issuance of a Certificate of Occupancy of the Arts and Cultural Center, the Applicant shall develop, submit to the Community and Economic Development Director for review and approval, and implement a Noise Control Plan for event operations at the Arts and Cultural Center that have live or recorded amplified music related to the outdoor amphitheater. ~~The Applicant shall reimburse the Town for the cost of having the Noise Control Plan peer reviewed by a Town selected acoustical engineer.~~ The Noise Control Plan shall contain the following elements:

- A maximum of two speakers shall be installed at a maximum height of 5 feet from ground level. The speakers shall be positioned no more than 10 feet from the amphitheater stage and shall be oriented toward the amphitheater crowd/seating area. Amplification systems shall include and utilize a processor to control the maximum output that the speakers can reach. Noise levels during this period shall not exceed 97 dBA per speaker at 1 meter from the source. Activities permitted pursuant to Municipal Code Chapter 8.16.100, *Exemptions*, shall not be subject to this limit. All other non-permitted activities shall be subject to the limits set forth in this mitigation measure.
- The contact telephone number and email address of the Noise Control Officer shall be posted at each facility entrance for neighbors to lodge noise complaints or other concerns. Complaints shall be addressed in a diligent and responsive manner.
- Future modifications to the amplification systems would require the Applicant to prepare an acoustical study prepared by an certified acoustical engineer to ensure compliance with the Town’s noise standards prior to any performances. The Applicant shall reimburse the Town for the cost of having the acoustical study peer reviewed, and the Noise Control Plan updated, by a Town selected acoustical engineer.

**SECTION 4.16, TRANSPORTATION/TRAFFIC**

Page 4.16-8, Response 4.16(a), Table 4.16-4

**Tables 4.16-4  
Performing Arts Theater Hourly Vehicle Trip Generation**

Hour Starting	Full Time Employees		Performers/ Performance Staff		Attendees		Service Vehicles		Total Vehicles		
	In	Out	In	Out	In	Out	In	Out	In	Out	Total
<b>Saturday</b>											
8:00 a.m.	0	0	0	0	0	0	0	0	0	0	0
9:00 a.m.	4	0	0	0	0	0	0	0	4	0	4
10:00 a.m.	0	0	0	0	0	0	0	0	0	0	0
11:00 a.m.	0	0	0	0	0	0	1	1	1	1	2
12:00 p.m.	0	2	0	0	0	0	0	0	0	2	2
1:00 p.m.	2	0	0	0	0	0	0	0	2	0	2
2:00 p.m.	0	0	0	0	0	0	0	0	0	0	0
3:00 p.m.	0	0	6	0	0	0	1	1	7	1	8
4:00 p.m.	2	0	0	0	0	0	0	0	2	0	2
5:00 p.m.	0	4	4	3	0	0	0	0	4	7	11
<b>6:00 p.m.</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>92</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>95</b>	<b>0</b>	<b>95</b>
7:00 p.m.	0	0	0	0	2	0	0	0	2	0	2
8:00 p.m.	0	0	0	0	0	0	0	0	0	0	0
9:00 p.m.	0	2	0	4	0	94	0	0	0	100	100
10:00 p.m.	0	4	0	6	0	0	0	0	0	7	7
<b>Total Trips</b>	<b>8</b>	<b>8</b>	<b>13</b>	<b>13</b>	<b>94</b>	<b>94</b>	<b>2</b>	<b>2</b>	<b>117</b>	<b>117</b>	<b>234</b>
Notes: Peak hour is bolded.											
Source: LSC Transportation Consultants, Inc., Mammoth Arts and Cultural Center Transportation Impact Analysis, November 16, 2018; refer to Appendix F.											

**SECTION 4.18, UTILITIES AND SERVICE SYSTEMS**

Page 4.18-1, Response 4.18(a), First Paragraph

a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

**Less Than Significant Impact.** Wastewater generated in the Town of Mammoth Lakes is treated by the Mammoth Community Water District (MCWD) at its Wastewater Treatment Plant. The Wastewater Treatment Plant for the Town provides advanced secondary treatment, which includes biological treatment, filtration, and disinfection through utilization of chlorine. According to MCWD’s 2015 Urban Water Management Plan (UWMP), the Wastewater Treatment Plant has a capacity for 4.05 million gallons per day (MGD) and processed 1,083 acre-feet of wastewater in 2015.<sup>1.1</sup> Treated wastewater is discharged to Laurel Pond, located approximately 5.5 miles southeast of Mammoth Lakes. Laurel Pond receives secondary treated wastewater provides secondary treatment in the amount of approximately 1,145 acre-feet per year to approximately 1,677 acre-feet per year in 2030. Project implementation would construct an Arts and Cultural Center (MACC) that includes a Performing Arts Theatre, outdoor amphitheater, a new parking lot, and



improvements to the existing Edison Theatre and existing Edison Theatre parking lot. Based on consultation with the MCWD, wastewater generated from project implementation is not expected to exceed the existing capacity of the

## 4.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring plan. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, Table 1, *Mitigation Monitoring and Reporting Checklist*, has been prepared for the Mammoth Arts and Cultural Center (MACC) Project (the “project”). This Mitigation Monitoring and Reporting Checklist is intended to provide verification that all applicable Conditions of Approval relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the Town of Mammoth Lakes MACC Project file.

This Mitigation Monitoring and Reporting Program (MMRP) delineates responsibilities for monitoring the project, but also allows the Town flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the Mitigation Monitoring and Reporting Checklist (Table 1). If an adopted mitigation measure is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The Town distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the Initial Study/Mitigated Negative Declaration, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the Town as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the Town with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.



- The Town prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the MMRP, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the Town. Such changes could include reassignment of monitoring and reporting responsibilities, plan redesign to make any appropriate improvements, and/or modification, substitution or deletion of mitigation measures subject to conditions described in CEQA Guidelines Section 15162. No change will be permitted unless the MMRP continues to satisfy the requirements of Public Resources Code Section 21081.6.

**Table 1**  
**Mitigation Monitoring and Reporting Checklist**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
<b>AESTHETICS</b>								
AES-1	Prior to issuance the Building Permit, the Town shall identify on the building plans that potential reflective building materials (e.g., the vertical ribbed metal siding, aluminum windows and doors, raw steel columns and beams, metal roofing, and steel doors) shall use a non-reflective finish.	Project Applicant	Prior to Building Permit Issuance	Community and Economic Development Director	Prior to Building Permit Issuance			
<b>AIR QUALITY</b>								
AQ-1	Prior to approval of the project plans and specifications, the Public Works Director, or designee, shall confirm that the plans and specifications stipulate that, in compliance with GBUAPCD Rule 401, excessive fugitive dust emissions shall be controlled by regular watering or other dust preventive measures, as specified in the GBUAPCD Rules and Regulations. In addition, GBUAPCD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term	Applicant/ Contractor	Prior to Approval of Project Plans and Specifications/ During Construction	Public Works Director, or Designee	Prior to Approval of Project Plans and Specifications/ During Construction			

**Table 1, Mitigation Monitoring and Reporting Checklist, continued**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
	fugitive dust impacts on nearby sensitive receptors: <ul style="list-style-type: none"> <li>All active portions of the construction site shall be watered to prevent excessive amounts of dust;</li> <li>On-site vehicles' speed shall be limited to 15 miles per hour (mph);</li> <li>All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized;</li> <li>All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust; watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day;</li> <li>If dust is visibly generated that travels beyond the site boundaries, clearing, grading, earth moving or excavation activities that are generating dust shall cease during periods</li> </ul>							

**Table 1, Mitigation Monitoring and Reporting Checklist, continued**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
	<p>of high winds (i.e., greater than 25 mph averaged over one hour); and</p> <ul style="list-style-type: none"> <li>All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.</li> </ul>							
<b>BIOLOGICAL RESOURCES</b>								
BIO-1	<p>If construction activities are to be initiated during the nesting season (February 1st to August 31st), a pre-construction nesting bird clearance survey shall be conducted by a qualified biologist no more than three days prior to the start of any vegetation removal or ground-disturbing activities. A qualified biologist shall survey all suitable nesting bird habitat within the project impact area, and within a biologically defensible buffer distance surrounding the project impact area. Documentation of surveys and findings shall be submitted to the Town of Mammoth Lakes for review and file. If no active nests are detected, project construction activities may begin. If an active nest is found, the bird(s) shall be identified to species and a “no disturbance” buffer shall be estimated and established around the active nest(s). The distance of the “no</p>	Contractor/ Qualified Biologist	Three Days Prior to Vegetation Removal or Ground Disturbing Activities/ During Construction	Community and Economic Development Director/ Qualified Biologist	Three Days Prior to Vegetation Removal or Ground Disturbing Activities/ During Construction			

**Table 1, Mitigation Monitoring and Reporting Checklist, continued**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
	disturbance” buffer may be increased or decreased according to the judgement of the qualified biologist depending on the level of construction activity and sensitivity of the species. The qualified biologist shall periodically monitor any active nests to determine if the “no disturbance” buffer should be increased based on increased or moved construction activities. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, project construction activities within the “no-disturbance” buffer may occur.							
<b>CULTURAL RESOURCES</b>								
CUL-1	<b>Workers Environmental Awareness Program.</b> Prior to ground disturbing activities, the Project Applicant shall prepare and implement a Workers Environmental Awareness Program (WEAP) training to address cultural resources issues anticipated at the project site for review and approval by the Public Works Director. The WEAP shall include information of the laws and regulations that protect cultural resources, the penalties for a disregard of those laws and regulations, what to do if cultural resources are unexpectedly uncovered during construction, and contact information for	Project Applicant/ Contractor	Prior to Ground Disturbing Activities/ During Construction	Community and Economic Development Director	Prior to Ground Disturbing Activities/ During Construction			

**Table 1, Mitigation Monitoring and Reporting Checklist, continued**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
	a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, who shall be contacted in the case of unanticipated discoveries. The WEAP shall also include project specific information regarding the potential for and types of prehistoric and historic resources that may potentially be encountered.							
CUL-2	<b>Archaeological and Native American Monitoring.</b> A qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, and qualified Native American monitor shall be retained to perform all mitigation measures related to prehistoric and historic cultural and tribal cultural resources for the project. An archaeologist and Native American monitor shall be present to monitor all initial ground disturbing activities associated with the project, including but not limited to: removal of building asphalt, pot-holing or auguring, grubbing, weed abatement, boring/grading of soils, drilling/trenching for utilities, excavations associated with development, etc. The monitors shall complete monitoring logs on a daily	Qualified Archaeologist/ Qualified Native American Monitor	Ground Disturbing Activities	Qualified Archaeologist/ Qualified Native American Monitor/ Community and Economic Development Director	Ground Disturbing Activities			



**Table 1, Mitigation Monitoring and Reporting Checklist, continued**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
	<p>basis. The logs shall provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. In addition, the monitors are required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the California Environmental Quality Act, California Public Resources Code Division 13, Section 21083.2 (a) through (k).</p> <p>If, during initial ground disturbance, the monitors determine that the ground disturbing activities have little or no potential to impact cultural resources, and/or the monitors determine that ground disturbances would occur within previously disturbed and non-native soils, the qualified archaeologist may recommend that monitoring may be reduced or eliminated. This decision shall be made in consultation with the Native American monitor and the Town of Mammoth Lakes. The final decision to reduce or eliminate monitoring shall be at the discretion of the Town of Mammoth Lakes. If cultural resources are encountered during ground</p>							

**Table 1, Mitigation Monitoring and Reporting Checklist, continued**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
	disturbing activities, work in the immediate area shall halt, the qualified archaeologist shall immediately notify the Public Works Director, and the find shall be evaluated for significance under the California Environmental Quality Act and National Historic Preservation Act (NHPA). Consultation with the Native American monitor, the Native American Heritage Commission, and data/artifact recovery, if deemed appropriate, shall be conducted. The qualified archaeologist and monitors may reduce or stop monitoring dependent upon observed conditions.							
<b>NOISE</b>								
NOI-1	<p>Prior to issuance of any Grading Permit or Building Permit for new construction, the Public Works Director, or designee, shall confirm that the Grading Plan, Building Plans, and specifications stipulate that:</p> <ul style="list-style-type: none"> <li>All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State required noise attenuation devices.</li> </ul>	Applicant/ Contractor	Prior to Grading Permit or Building Permit Issuance/ During Construction	Public Works Director, or Designee/ Noise Disturbance Coordinator	Prior to Grading Permit or Building Permit Issuance/ During Construction			

**Table 1, Mitigation Monitoring and Reporting Checklist, continued**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
	<ul style="list-style-type: none"> <li>The Contractor shall provide a qualified “Noise Disturbance Coordinator.” The Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Disturbance Coordinator shall notify the Town within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Public Works Director, or designee. The contact name and the telephone number for the Disturbance Coordinator shall be clearly posted on-site.</li> <li>When feasible, construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, schools, hospitals, etc.).</li> <li>During construction, stationary construction equipment shall</li> </ul>							

**Table 1, Mitigation Monitoring and Reporting Checklist, continued**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
	<p>be placed such that emitted noise is directed away from sensitive noise receivers.</p> <ul style="list-style-type: none"> <li>Construction activities that produce noise shall not take place outside of the allowable hours specified by the Town's Municipal Code Section 8.16.090 (7:00 a.m. and 8:00 p.m. Monday through Saturday; construction is prohibited on Sundays and/or federal holidays).</li> </ul>							
NOI-2	<p>Prior to issuance of a Certificate of Occupancy of the Arts and Cultural Center, the Applicant shall develop, <u>submit to the Community and Economic Development Director for review and approval</u>, and implement a Noise Control Plan for event operations at the Arts and Cultural Center that have live or recorded amplified music <u>related to the outdoor amphitheater</u>. <del>The Applicant shall reimburse the Town for the cost of having the Noise Control Plan peer reviewed by a Town selected acoustical engineer.</del> The Noise Control Plan shall contain the following elements:</p>	Project Applicant	Prior to Certificate of Occupancy Issuance/ During Operations	Community and Economic Development Director/ Acoustical Engineer	Prior to Certificate of Occupancy Issuance/ During Operations			

**Table 1, Mitigation Monitoring and Reporting Checklist, continued**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
	<ul style="list-style-type: none"> <li>A maximum of two speakers shall be installed at a maximum height of 5 feet from ground level. The speakers shall be positioned no more than 10 feet from the amphitheater stage and shall be oriented toward the amphitheater crowd/seating area. Amplification systems shall include and utilize a processor to control the maximum output that the speakers can reach. Noise levels during this period shall not exceed 97 dBA per speaker at 1 meter from the source. Activities permitted pursuant to Municipal Code Chapter 8.16.100, Exemptions, shall not be subject to this limit. All other non-permitted activities shall be subject to the limits set forth in this mitigation measure.</li> <li>The contact telephone number and email address of the Noise Control Officer shall be posted at each facility entrance for neighbors to lodge noise complaints or other concerns.</li> </ul>							

**Table 1, Mitigation Monitoring and Reporting Checklist, continued**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Timing	Monitoring Responsibility	Timing	Verification of Compliance		
						Initials	Date	Remarks
	<p>Complaints shall be addressed in a diligent and responsive manner.</p> <ul style="list-style-type: none"> <li>Future modifications to the amplification systems would require the Applicant to prepare an acoustical study prepared by an <u>certified</u> acoustical engineer to ensure compliance with the Town's noise standards prior to any performances. The Applicant shall reimburse the Town for the cost of having the acoustical study peer reviewed, <u>and the Noise Control Plan updated</u>, by a Town selected acoustical engineer.</li> </ul>							



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