



## Town of Mammoth Lakes

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July 3, 2024

FWS-R8-ES-2013-0042

Division of Policy and Directives Management

U.S. Fish and Wildlife Service

4401 N. Fairfax Drive, MS 2042-PDM

Arlington, VA 22203

Subject: Mammoth Yosemite Airport (MMH)  
Proposed U.S. Fish and Wildlife Service Critical Habitat Designation for the Bi-State Distinct Population Segment of Greater Sage-Grouse

### Request Summary

The Town of Mammoth Lakes, California respectfully requests that the U.S. Fish and Wildlife Service withdraw the Mammoth Yosemite Airport (263-acres), located in Mono County, California, from the proposed critical habitat designation for the Bi-State Distinct Population Segment of Greater Sage Grouse. Mammoth Yosemite Airport is part of the Federal Aviation Administration (FAA) National Plan of Integrated Airport Systems (NPIAS) and the only airport with scheduled charter service in Mono County. The Airport is a critical economic and transportation element serving all the communities located in the Eastern Sierra. In order to maintain and operate the Airport in compliance with FAA airport design and operation standards, the Airport must be allowed to ensure that safety is maintained. This includes mowing, fencing, Foreign Object Debris (FOD) prevention, bird strike mitigation, and mitigation of terrestrial wildlife hazards. A designation as critical habitat would constrain the ability of the Airport to operate safely and increase the financial burden associated with routine maintenance.

Most of the Airport is currently developed or proposed for short-term development that is not conducive to Greater Sage Grouse habitat. Large portions of the Airport are paved, covered by buildings, or set aside by the FAA as special use areas as shown in Exhibit A – Airport Property Usage. To meet FAA safety requirements, significant areas on each side of the runway and taxiway are set aside as Runway Safety Areas and Runway Object Free Areas or Taxiway Safety Areas and Object Free Areas. These areas must be graded, mowed, or otherwise treated to remove objects that could adversely affect the integrity of an aircraft operating within these areas. Fire prevention and protection also requires clearing brush around buildings and roads. Essentially, the airport requires maintenance which renders it unsuitable as Greater Sage Grouse habitat.

Withdrawing the Airport from the proposed critical habitat consideration does not relieve the Town of Mammoth Lakes (Town) of its obligations under any Federal law, regulations, or guidance including the Endangered Species Act (ESA). Withdrawing does, however, provide the Town with management options to protect the species and maintain a safely operating Airport. In 2015, the Town

prepared a Wildlife Hazard Assessment (WHA) in accordance with FAA Advisory Circular 150/5200-33C (previously AC 150/5200-33B), *Hazardous Wildlife Attractants on or Near Airports*. The assessment identified each species causing an aviation hazard, its seasonal populations, and the extent of the hazard. The assessment included investigation of areas for concentrations of wildlife attracted to specific locations and features.

In 2015, after the completion of the WHA and utilizing the assessments findings, the Town in conjunction with the FAA prepared a Wildlife Hazard Management Plan (WHMP) for the airport. Agency expertise was used to create a plan that integrates agencies' respective programmatic responsibilities while complying with existing laws, regulations, and policies. Under provisions of 14 CFR §139.337(a) the Airport is required to take immediate action to alleviate wildlife hazards whenever they are detected. The plan allows safe operations and maintenance of the Airport while avoiding adverse impacts to wildlife populations.

An inter-agency process was facilitated by the "Memorandum of Agreement Between the Federal Aviation Administration, the U.S. Air Force, the U.S. Army, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the U.S. Department of Agriculture to Address Aircraft-Wildlife Strikes" signed by all parties in 2003. The stated purpose of the MOA is: "Through this MOA, the agencies establish procedures necessary to coordinate their missions to more effectively address existing and future environmental conditions contributing to aircraft-wildlife risks to aviation and human safety, while protecting the Nation's valuable environmental resources."

As stated above, the Town of Mammoth Lakes is committed to working with all interested parties to comply with all applicable laws, protect endangered species, mitigate risks to aviation, and protect human safety.

### **Mammoth Yosemite Airport, the FAA and the Endangered Species Act.**

Mammoth Yosemite Airport is owned and operated by the Town of Mammoth Lakes. The Airport occupies 263-acres on the eastern side of the Sierra Nevada in the Long Valley Caldera, in Mono County, California, 196 acres are owned fee simple by the Town and 67 acres are leased or covered by special use permit (See Exhibit B – Airport Interests). The Airport is located approximately seven miles south of the Town, adjacent to U.S. Highway 395, and is a critical component of the region's emergency and transportation infrastructure.

The Airport which has been at its current location since the early 1940's has played an increasingly important role as a source of transportation and emergency response. Today, the Airport serves scheduled charter flights, firefighting, search and rescue, medevac, military and other aircraft. The Airport provides a location for high-altitude training, aircraft maintenance and resources for regional utility management services. The Airport plays an increasingly important role in firefighting resources as climate change increases the risk of wildland fires.

The Airport is a significant element of firefighting operations and is critical for a highly prone fire area such as the Eastern Sierra. The Airport serves as a base during firefighting operations, and a staging location for aircraft used for initial fire response.

Mammoth Yosemite Airport is used commonly by visitors and skiers to Mammoth Mountain Ski Area, the primary private employer in the area and single largest private contributor to the area's economic base. The Town considers the Airport an economic resource to remain competitive with other ski resorts and recreational designations in the western United States.

Mammoth Yosemite Airport serves a large general aviation community including the regions' air ambulance services, and Sierra Life Flight which is based at the Airport. Access to reliable air ambulance services within ten minutes of the Town is critical to the well-being of residents and visitors. The next closest airport is located 45 miles south, in Bishop, California, a one-hour drive.

The Town has prepared numerous environmental assessments and biological surveys on and near the Airport. Those surveys and assessments acknowledge that the Airport is located within potential Greater Sage Grouse habitat but have never identified any grouse leks or resident individuals.

Mammoth Yosemite Airport is a "Federally Obligated" airport. Federally Obligated airports are public airports that have accepted Federal assistance, either in the form of grants or property conveyances. The U.S. Department of Transportation, Federal Aviation Administration is responsible for regulating civil aviation to promote safety and serves as the lead Federal agency for National Environmental Policy Act (NEPA) and for enforcing special purpose laws, such as the Endangered Species Act. The FAA reviews and approves airport plans, specifically the Airport Layout Plan (ALP) prior to consideration or approval of Airport Improvement Program (AIP) funding. Non-compliance with NEPA, the airport's ALP, and federal directives, regulations, and laws would render a proposed project ineligible for AIP funding.

When the Airport's legal owner and operator, the Town of Mammoth Lakes, accepted Federal financial assistance it agreed to comply with all Federal Grant Assurances associated with federal financing. Among its grant assurances, the Town certifies that it will comply with:

- National Environmental Policy Act of 1969 – 42 U.S.C. § 4321, et seq.
- Executive Order 11990 – Protection of Wetlands

For its part, the FAA acts as the lead Federal agency for the compliance with both the procedures and policies of NEPA and for the enforcement of applicable special purpose laws to include the Endangered Species Act (16 USC Section 1531, et seq).

If the Mammoth Yosemite Airport is included in the Bi-State District Population Segment of Greater Sage Grouse critical habitat as currently proposed, the FAA, as the lead federal environmental agency, will be required to consult with the U.S. Fish and Wildlife Service (FWS) for all Airport surface disturbances within designated critical habitat. Generally, as with other airports that have been designated critical habitat for other species, this means that all activities, including routine maintenance and minor construction, such as replacing a buried electrical cable, are subject to consultation between the FAA and FWS, preparation of a Biological Assessment (BA), preparation of a Biological Opinion (BO) and preparation of a NEPA compliance document.

Furthermore, because of the way the FAA funds airport projects (federal actions), it is not always possible to foresee all future projects which should be included in the BA/BO process. Additionally,

the FAA defines near-term projects as 3 to 5 years and long-term projects as having horizons greater than 5 years; but will only approve funding for near-term projects. Therefore, any long-term projects would require additional consultation between federal agencies per ESA Section 7. The consultation process is time consuming and financially burdensome for the Town and for the FAA which typically funds a significant portion of all environmental permitting.

Since the FAA remains obligated to enforce the ESA, withdrawal of the Mammoth Yosemite Airport from the Bi-State Distinct Population Segment of Greater Sage Grouse critical habitat designation does not threaten the species population. Withdrawal provides management options and eliminates the potential for perpetual consultation between the FAA and FWS.

Therefore, the Town of Mammoth Lakes requests that Mammoth Yosemite Airport, a 263-acre area as shown on Exhibit B, be withdrawn from the Bi-State Distinct Population Segment of Greater Sage Grouse because it presents an economic and management hardship on the Town and because the species will remain protected under ESA as administered by the FAA and the FWS.

The Town and the FAA will continue to cooperate with the FWS to protect the Greater Sage Grouse in such a way that it meets the requirements of the ESA and provides for the continued safe operations of the Mammoth Yosemite Airport.

Respectfully,



Sierra Waugh  
Deputy Airport Manager

Bill Sauser  
Mayor

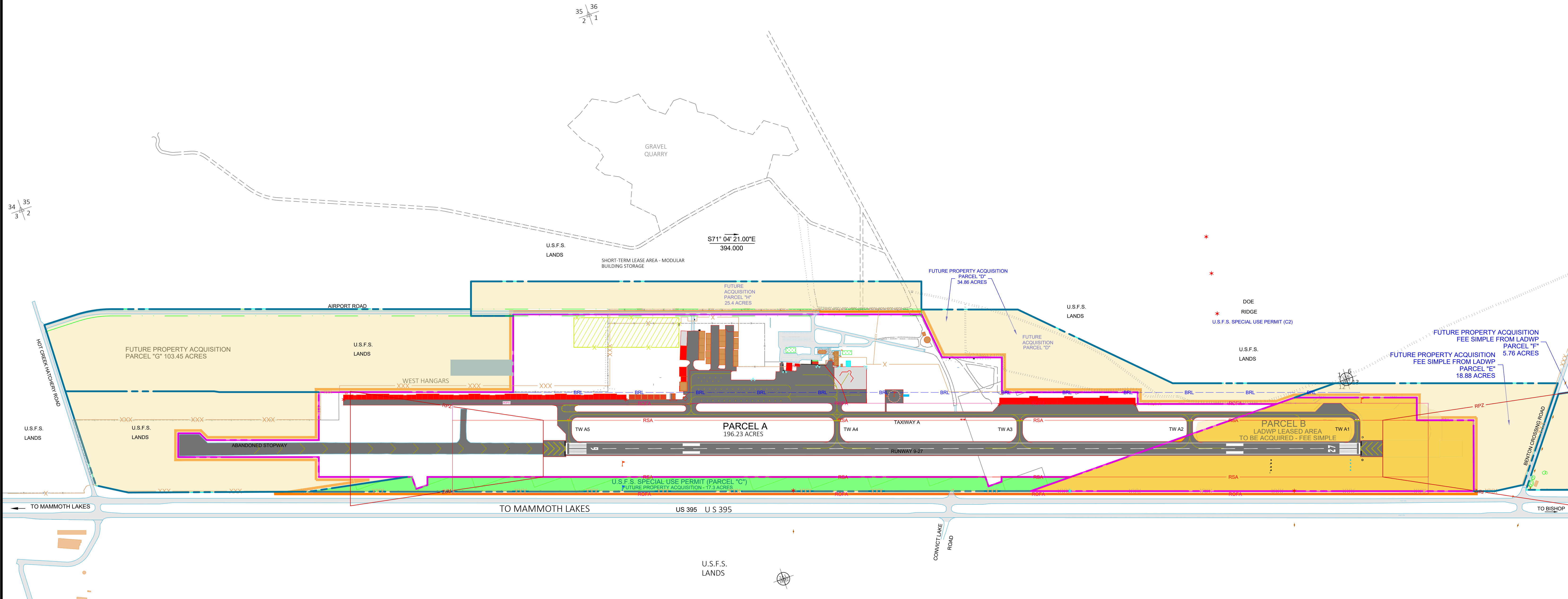
CC



Congressman Kevin Kiley  
Mono County  
Justin Barrett, FWS  
Marissa Reed, FWS



- NOTES:
1. EXISTING SCE AND VERIZON POWER AND TELEPHONE DUCT CROSS AIRPORT PROPERTY (NORTH TO SOUTH) NO EASEMENT INFORMATION AVAILABLE.
  2. EXISTING VERIZON SWITCHING GEAR LOCATED IN EXISTING ELECTRICAL VAULT. LEASE INFORMATION PENDING.
  3. LAND OBSTRUCTION TOWERS LOCATED ON DOE RIDGE BY USFS SPECIAL PERMIT.
  4. AIRPORT ACCESS ROAD EASEMENT CURRENTLY HELD BY MONO COUNTY FROM USFS. FUTURE PROPERTY ACQUISITION TO BE DETERMINED.

- LEGEND
- EXISTING AIRPORT PROPERTY - PARCEL A - 196.23 acres
  - EXISTING LADWP LEASED AREA - PARCEL B - 49.63 acres
  - EXISTING HOT CREEK AVIATION LEASE AREA
  - EXISTING SPECIAL USE PERMIT C FROM USFS - PARCEL C - 17.3 acres
  - FUTURE PROPERTY ACQUISITION
  - PROPOSED HABITAT EXCLUSION
  - EXISTING PROPERTY LINE
  - FUTURE PROPERTY LINE
  - BUILDING RESTRICTION LINE
  - ROFA - EXISTING RUNWAY OBJECT FREE AREA
  - RSA - EXISTING RUNWAY SAFETY AREA



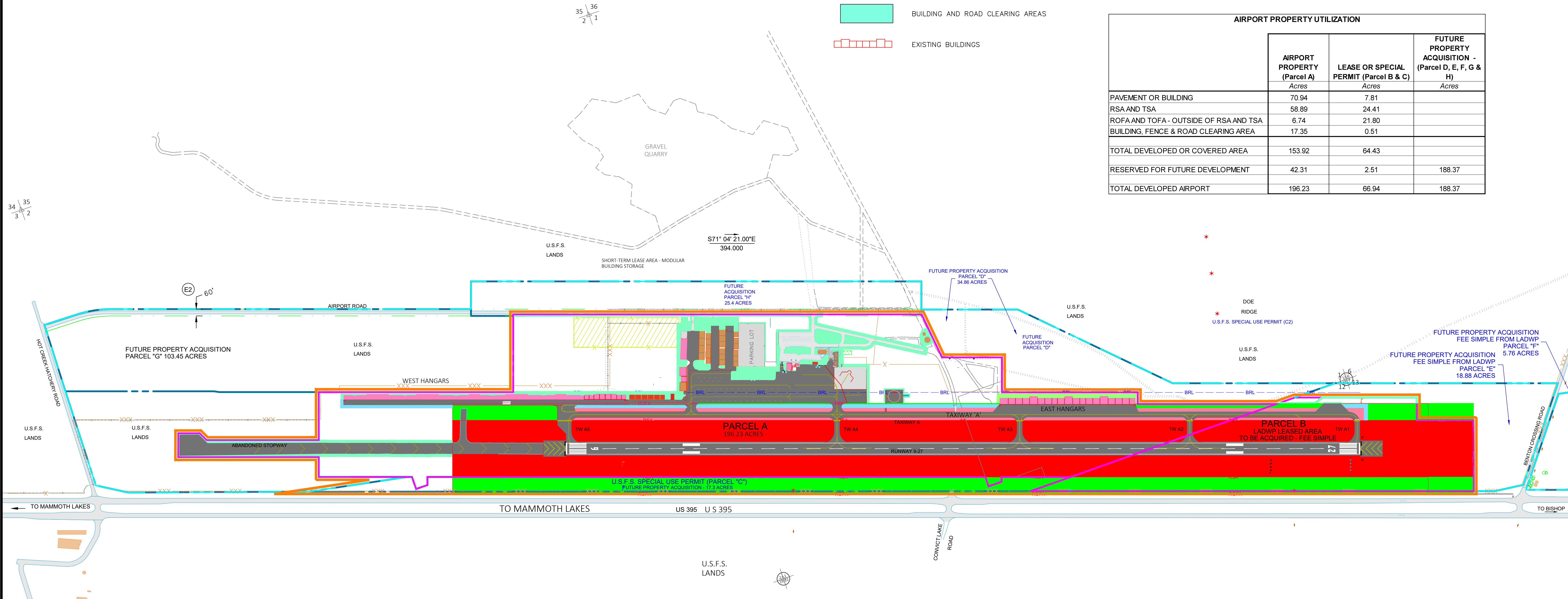
		TOWN OF MAMMOTH LAKES		NO.	REVISIONS	BY	APR	DATE	DATE	6/24/2024	
		2020 AIRPORT LAYOUT PLAN UPDATE							SCALE	1"=400'	
		<b>MAMMOTH YOSEMITE AIRPORT</b>								DRAWN	TS
MAMMOTH LAKES, CALIFORNIA									FILE	SageGrouse Exhibit A 2024	
<b>AIRPORT PROPERTY INTERESTS</b>									SHEET No.	Exhibit A	



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- LEGEND**
- PROPOSED HABITAT EXCLUSION AREA
  - EXISTING PROPERTY LINE
  - FUTURE PROPERTY LINE
  - EXISTING PAVEMENT
  - RUNWAY SAFETY AREA
  - RUNWAY OBJECT FREE AREA
  - TAXIWAY SAFETY AREA
  - TAXIWAY OBJECT FREE AREA
  - BUILDING AND ROAD CLEARING AREAS
  - EXISTING BUILDINGS

AIRPORT PROPERTY UTILIZATION			
	AIRPORT PROPERTY (Parcel A)	LEASE OR SPECIAL PERMIT (Parcel B & C)	FUTURE PROPERTY ACQUISITION - (Parcel D, E, F, G & H)
	Acre	Acre	Acre
PAVEMENT OR BUILDING	70.94	7.81	
RSA AND TSA	58.89	24.41	
ROFA AND TOFA - OUTSIDE OF RSA AND TSA	6.74	21.80	
BUILDING, FENCE & ROAD CLEARING AREA	17.35	0.51	
<b>TOTAL DEVELOPED OR COVERED AREA</b>	<b>153.92</b>	<b>64.43</b>	
RESERVED FOR FUTURE DEVELOPMENT	42.31	2.51	188.37
<b>TOTAL DEVELOPED AIRPORT</b>	<b>196.23</b>	<b>66.94</b>	<b>188.37</b>



	 <p>6125 KING ROAD, SUITE 201 · LOOMIS, CALIFORNIA 95650 · (916) 652-4725</p>	TOWN OF MAMMOTH LAKES 2020 AIRPORT LAYOUT PLAN UPDATE		NO.	REVISIONS	BY	APR	DATE	DATE	
		<b>MAMMOTH YOSEMITE AIRPORT</b> MAMMOTH LAKES, CALIFORNIA								6/24/2024
		<b>AIRPORT PROPERTY - USAGE</b>								
									DRAWN TS CHECKED MB FILE SageGrouse Exhibit B 2024 SHEET No. Exhibit B	