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Via Electronic Mail

March 31, 2025

Nolan Bobroff
Community & Economic Development Director
Town of Mammoth Lakes
437 Old Mammoth Road Suite 230
Mammoth Lakes, CA 93546

Re: Snowcreek Development Agreement Amendment Applicant Response to Comments

Mr. Bobroff,

Our firm represents Snowcreek Hilltop Development Co, LLC and Snowcreek Investment Company II, LLC (together “Applicant”) in connection with the proposed Amended and Restated Snowcreek Development Agreement. This letter is intended to provide additional clarity and supplement the Town Council Staff Report discussion of certain public comments made by Meredith Stevenson to the Planning and Economic Development Committee on March 18, 2025 by letter and during the March 18, 2025 public hearing (together the “Public Comments”).¹

As the April 2, 2025 Town Council Staff Report (the “Staff Report”) correctly points out, there are no changes in circumstances or new information that would require additional review under the California Environmental Quality Act (“CEQA”).

The Public Comments incorrectly claim that a subsequent or supplemental Environmental Impact Report (“EIR”) is required because of purportedly significant new information relating to climate change, wildlife risk, traffic, and biological resources. However, potential impacts to wildfire risk, traffic, and biological resources were analyzed in the original 2007 Final EIR and 2009 Final EIR Addition (collectively, “Project EIR”). Further, as explained in more detail below, because these matters have already been studied in the Project EIR or, in the instance of climate change, were known at the time of the Project EIR’s certification but are merely regulatory changes that have occurred since then, additional environmental review is not required.

¹ The March 18, 2025 public comment letter also includes non-CEQA arguments relating to community benefits and purported delay. This response letter focuses solely on the CEQA matters. Applicant concurs with the responses to non-CEQA comments noted in the Staff Report.

It is well-settled law that under CEQA, “new information” about potential environmental impacts—potential impacts that were known at time of an EIR’s certification—does not require supplemental or subsequent environmental review. (*See Concerned Citizens v. City of Dublin*, (2013) 214 Cal. App. 4th 1301, 1319-1320 [new information and new thresholds related to greenhouse gas emissions did not require additional CEQA analysis where climate change impacts were known since the 1990s]; *see also Creed v. City of San Diego*, (2011) 196 Cal.App.4th 515, 531 [supplemental EIR not required where information on greenhouse gas effects on climate were known long before 1994 EIR approval].) Further, changes to regulatory guidelines are not new information that would require a supplemental EIR. (*Olen v. City of Newport Beach*, (2023) 93 Cal. App. 5th 270, 281 [changes to CEQA guidelines requiring vehicle miles traveled instead of level of service analysis for transportation impacts did not constitute new information]; *Concerned Citizens*, 214 Cal. App. 4th at 1319-1320 [changes to CEQA guidelines regarding greenhouse gas emissions was not new information for CEQA purposes].) Here, new information about traffic and wildlife risk does not warrant additional CEQA analysis because the potential for impacts related to these items has already been analyzed in the Project EIR. Further, regulatory changes relating to transportation analysis methodology or climate change also do not warrant additional CEQA analysis. (*Id.*)

These same principles apply to biological resources. The Public Comments claim that the following species have gained protections under the California and federal endangered species acts since 2007: Yosemite Toad, Sierra Nevada Yellow-Legged Frog, Burrowing Owl, Wolverine, and Sierra Nevada Red Fox. As a result, the Public Comments request that potential impacts to these species be assessed and mitigated.

The Project EIR, however, *did* analyze potential impacts to all the abovementioned species and, where needed, include relevant mitigation measures. Impacts to the Yosemite Frog were analyzed (2007 EIR, pg. IV D-46-47) and appropriate mitigation measures were imposed. (MM-BIO-1B.) A distinct population segment of the Sierra Nevada Yellow-Legged Frog, known as the Mountain Yellow-Legged Frog was also studied. (2007 EIR, Table IV.D-1, pg. IV.D-34.) The EIR also studied potential impacts to migratory birds and raptors (which include Burrowing Owls) and implemented MM-BIO-1D and MM-BIO-1E to mitigate impacts to raptors (including owls) and their nests. (*Id.*, pg. IV.D.-65-66.) Wolverines and Sierra Nevada Red Foxes were also studied. The likelihood of their occurrence was found to be low and potential impacts, therefore, less than significant. (*Id.*, Table IV.D-1, pg. IV.D-39, IV.D-41.) Accordingly, the Project EIR already adequately analyzed these species, regardless of changes in regulatory status to those species since the Project EIR’s certification.

In summary, the Public Comments do not present any new information or changed circumstances that warrant additional CEQA analysis. The Development Agreement Amendment presents no changes to the project. Impacts relating to climate change, wildlife risk, biological resources, and traffic have already been analyzed, and that analysis remains valid. The Applicant agrees with Town Staff’s analysis and conclusions in the Staff Report.

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Very truly yours,



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