

SECTION 5.0

UNAVOIDABLE IMPACTS

This section of the Subsequent Environmental Impact Report (EIR) summarizes an analysis of the potential for implementation of the 2008 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan (proposed project) to result in significant environmental effects that cannot be avoided. Consistent with the requirements of section 15126.2(b) of the State of California Environmental Quality Act Guidelines (State CEQA Guidelines), significant impacts, including those that can be mitigated but not reduced to the level below significance, are described in this section of the Subsequent EIR. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, are also described. The potential for the construction, operation, and maintenance of the proposed project to result in significant environmental impacts has been analyzed in Section 3.0, *Existing Conditions, Impacts, Mitigation, and Level of Significance after Mitigation*, of this Subsequent EIR.

Based on the analysis contained in Section 3.0 of this Subsequent EIR, the proposed project would not be expected to result in significant impacts related to land use and planning. However, in order to continue to lessen and/or alleviate the potential impacts related to land use and planning, as found in the 2008 State Implementation Plan, that would occur if the proposed project were implemented, mitigation measure Land Use-1 would be required. In addition, construction, maintenance, and operation of the proposed project would result in significant environmental impacts to biological resources, cultural resources, hazards, hydrology and water quality, mineral resources, transportation and traffic, and utilities that would be reduced to the level below significance with the following mitigation measures:

- Mitigation measures Biology-1 through Biology-14
- Mitigation measures Cultural-1 through Cultural-4
- Mitigation measures Hazards-1 through Hazards-4
- Mitigation measures Hydrology-1 through Hydrology-5
- Mitigation measure Minerals-1
- Mitigation measures Traffic-1 through Traffic-3

The proposed project would result in significant impacts to air quality resulting from construction of the multiple dust control measures of the proposed project. Although air quality impacts may occur during construction on both regional and local scales with the implementation of the specified mitigation measures, there would be no unavoidable short or long-term negative impacts as it relates to fine particulate matter (PM₁₀ and PM_{2.5}) and ozone (O₃). Substantial beneficial impacts to air quality are expected to result with implementation of the proposed project. However, current regulations and standards in regards to greenhouse gasses (GHG) have not been developed and finalized, and it cannot be determined to a reasonable degree of certainty that the proposed project would not result in a considerable incremental contribution to the significant cumulative impact of global climate change. Mitigation measures Air-2 through Air-6 may help reduce the impacts from construction- and operation-related GHG emissions. While the overall contribution to GHG emissions is considered quantitatively small to overall state GHG emissions,

and while mitigation measures are included, the impacts of the proposed project on global climate change may be considered significant and unavoidable.

Pursuant to CEQA, this Subsequent EIR identifies four alternatives to the proposed project: No Project, Alternative 1, Alternative 2, and Alternative 3, which are described in Section 4.0 of this Subsequent EIR. Two of the alternatives, Alternative 2 and Alternative 3, are capable of meeting most of the basic objectives of the project. The No Project Alternative is the only alternative capable of avoiding the significant, unavoidable impacts related to GHG. However, the No Project Alternative does not accomplish the proposed project's goals and objectives of drastically improving air quality in the area through attaining National Ambient Air Quality Standards (NAAQS) for PM₁₀ by 2010, and it does not revise the approved 2003 State Implementation Plan by July of 2008.