

**DEPARTMENT OF FISH AND GAME**

http://www.dfg.ca.gov  
Habitat Conservation Program  
Inland Deserts Region  
407 W. Line Street  
Bishop, CA 93514  
(760) 872-1171  
(760) 872-1284-Fax



March 28, 2007

Theodore D. Schade  
Great Basin Air Pollution Control District  
157 Short Street  
Bishop, CA 93514

**2008 Owens Valley PM10 Planning Area Demonstration of Attainment****State Implementation Plan****State Clearinghouse Number 2007021127**

Dear Mr. Schade:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the above-referenced project, relative to impacts to biological resources. To enable Department staff to adequately review and comment on the proposed project, we recommend the following information be included in the Draft Environmental Impact Report (DEIR), as applicable:

1. A complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, and locally unique species and sensitive habitats.
  - a. A thorough assessment of rare plants and rare natural communities, following the Department's May 1984 Guidelines (revised May 2000) for Assessing Impacts to Rare Plants and Rare Natural Communities.
  - b. A complete assessment of sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.

- c. Rare, threatened, and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA Guidelines, § 15380).
    - d. The Department's California Natural Diversity Data Base in Sacramento should be contacted at (916) 327-5960 to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.
  2. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, should be included.
    - a. CEQA Guidelines, § 15125(a), direct that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.
    - b. Project impacts should be analyzed relative to their effects on off-site habitats. Specifically, this should include nearby public lands, open space, adjacent natural habitats, and wetland or riparian ecosystems. Impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas, should be fully evaluated and provided.
    - c. A discussion of impacts associated with increased lighting, noise, human activity, changes in drainage patterns, changes in water volume, velocity, and quality, soil erosion, and /or sedimentation in streams and water courses on or near the project site, with mitigation measures proposed to alleviate such impacts should be included.
    - d. Land uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.
    - e. A cumulative effects analysis should be developed as described under CEQA Guidelines, § 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
  3. A range of alternatives should be analyzed to ensure that alternatives to the proposed project are fully considered and evaluated. A range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources

should be included. Specific alternative locations should also be evaluated in areas with lower resource sensitivity where appropriate.

- a. The Department considers Rare Natural Communities as threatened habitats having both regional and local significance. Thus, these communities should be fully avoided and otherwise protected from project-related impacts.
4. Mitigation measures for adverse project-related impacts to sensitive plants, animals, and habitats should be discussed. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.
- a. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.
  - b. Areas reserved as mitigation for project impacts should be protected from future direct and indirect impacts. Potential issues to be considered include limitation of access, conservation easements, monitoring and management programs, control of illegal dumping, water pollution, and fire.
  - c. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.
  - d. Mitigation areas for impacts to western snowy plover (*Charadrius alexandrinus nivosus*) may include the Sulfate Well outflow area, the outflow from Cabin Bar Ranch, and Swede's Pasture outflows. In addition, mitigation may also include the removal of Tamarisk (salt cedar) infestations at wetlands on State Lands around Owens Lake's margins.

5. A California Endangered Species Act (CESA) Permit must be obtained, if the project has the potential to result in "take" of species of plants or animals listed under CESA, either during construction or over the life of the project. CESA Permits are issued to conserve, protect, enhance, and restore State-listed threatened or endangered species and their habitats. Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of a 2081 permit unless the project CEQA document addresses all project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a 2081 permit. For these reasons, the following information is requested:
  - a. Biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA Permit.
  - b. A Department-approved Mitigation Agreement and Mitigation Plan are required for plants listed as rare under the Native Plant Protection Act.
6. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether intermittent or perennial, should be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations.
  - a. If the site has the potential to support aquatic, riparian, or wetland habitat, a jurisdictional delineation of lakes, streams, and associated riparian habitats should be included in the DEIR, including a delineation of wetlands pursuant to the U. S. Fish and Wildlife Service wetland definition as adopted by the Department<sup>1</sup>. Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers.

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<sup>1</sup> Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

- b. The project may require a Lake or Streambed Alteration Agreement, pursuant to Section 1600 *et seq.* of the Fish and Game Code, with the applicant prior to the applicant's commencement of any activity that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank (which may include associated riparian resources) of a river, stream or lake, or use material from a streambed. The Department's issuance of a Lake or Streambed Alteration Agreement for a project that is subject to CEQA will require CEQA compliance actions by the Department as a responsible agency. The Department as a responsible agency under CEQA may consider the local jurisdiction's (lead agency) Negative Declaration or Environmental Impact Report for the project. To minimize additional requirements by the Department pursuant to Section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the agreement<sup>2</sup>.

Thank you for this opportunity to comment. Questions regarding this letter and further coordination on these issues should be directed to Brad Henderson at (760) 873-4412.

Sincerely,



for

Denyse Racine  
Habitat Conservation Supervisor

cc: Department of Fish and Game  
File  
Bishop

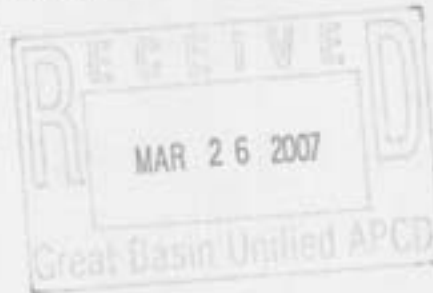
State Clearinghouse  
Sacramento

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<sup>2</sup> A Streambed Alteration Agreement form may be obtained by accessing the Department's web site at [www.dfg.ca.gov/1600](http://www.dfg.ca.gov/1600).

**DEPARTMENT OF TRANSPORTATION**

District 9  
 500 South Main Street  
 Bishop, CA 93514  
 PHONE (760) 872-0785  
 FAX (760) 872-0754  
 TTY (760) 872-9043



*Flex your power!  
 Be energy efficient!*

March 22, 2007

Theodore D. Schade  
 Air Pollution Control Officer  
 Great Basin Air Pollution Control District (GBAPCD)  
 157 Short Street  
 Bishop, California 93514

File: 09-CA  
 NOP DEIR  
 SCH #: 2007021127

Dear Mr. Schade:

**2008 Owens Valley PM 10 Planning Area Demonstration of Attainment State  
 Implementation Plan – Notice of Preparation (NOP) for a Draft Environmental Impact  
 Report (March 2007)**

Thank you for giving the California Department of Transportation (Caltrans) the opportunity to comment during the NOP phase for the Owens Valley PM 10 Plan, with project activities in the Owens Lake area. We have the following comments:

- If any utilities (page 1-11, pipelines, powerlines) and/or and if fence installation (page 1-13) would be within State right-of-way, they must be to Caltrans' standards and installed under encroachment permit. Stephen Winzenread may be contacted at (760) 872-0674.
- Although project traffic may not affect the Level of Service of the State Highways (US 395, State Routes 190 and 136), to promote safety, please plan to utilize existing highway access points and provide applicable safety improvements (such as paved approaches, sight distance, signage, acceleration/deceleration lanes). The Los Angeles Department of Water and Power has not improved the Sulfate Road approach at State Route 136, so is currently in violation of their 2006 permit (Enclosure A). Please see that this situation is remedied.
- Ensure any changes to drainage patterns will not affect State Highway facilities.
- We appreciate that lighting will be directed away from roadways to minimize impact to the traveling public (page 3.1-3).

Please continue to forward pertinent project information. We value a cooperative working relationship with the GBAPCD to address project transportation impacts. If you have any questions, I may be contacted at (760) 872-0785.

Sincerely,

GAYLE J. ROSANDER  
 IGR/CEQA Coordinator

Enclosure

c: State Clearinghouse  
 Steve Wisniewski, Caltrans

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION  
**ENCROACHMENT PERMIT**  
 TR-0120 (REV. 5/92)

Permit No. <b>0906-NRC 0142</b>	
Dist/Co/Rte/PM <b>09/Inyo/136/14.0</b>	
Date <b>10/20/2006</b>	
Fee Paid <b>\$ Exempt</b>	Deposit <b>\$</b>
Performance Bond Amount (1) <b>\$</b>	Performance Bond Amount (2) <b>\$</b>
Bond Company	
Bond Number (1)	Bond Number (2)

In compliance with (Check one):

- Your application of 08/25/2006
- Utility Notice No. \_\_\_\_\_ of \_\_\_\_\_
- Agreement No. \_\_\_\_\_ of \_\_\_\_\_
- RW Contract No. \_\_\_\_\_ of \_\_\_\_\_

**PERMIT EXPIRES**  
N/A

TO: **Los Angeles Department of Water and Power**  
**300 Mandich Street**  
**Bishop, CA 93514**

**ATTN: Gene Coufal**  
**PHONE: (760)873-0225**

, PERMITTEE

and subject to the following, PERMISSION IS HEREBY GRANTED to:

Construct and maintain a driveway access on State Route 136 in Inyo county at PM 14.0 on the east side of the highway.

Driveway shall be constructed at a 90 degree angle to the highway with 4 inches of commercial grade, hot applied asphalt concrete over 6 inches of aggregate base. The limits of required paving are indicated on the attached drawing. Additional construction details can be found on the drawing labeled "Standard Private and Commercial Driveway Approach."

Traffic control for construction of the driveway shall be accomplished in accordance with the current Caltrans Standard Plans. Standard Plans are available at [http://www.dot.ca.gov/hq/esc/oe/project\\_plans/HTM06\\_plans\\_disclaim\\_US.htm](http://www.dot.ca.gov/hq/esc/oe/project_plans/HTM06_plans_disclaim_US.htm). A traffic control plan shall be submitted to this office for approval 7 days prior to starting work. A Permit Traffic Control Request Form shall be submitted by the Monday prior to the week of a requested closure. A copy of the Permit Traffic Control Request Form is enclosed. Start of work date must be verified with Rick DeLaRosa at 760-872-0632, 72 hours prior to starting work.

**THIS PERMIT IS NOT A PROPERTY RIGHT AND DOES NOT TRANSFER WITH THE PROPERTY TO A NEW OWNER.**

The following attachments are also included as part of this permit (Check applicable):

- Yes  No General Provisions
- Yes  No Utility Maintenance Provisions
- Yes  No Special Provisions
- Yes  No A Cal-OSHA permit, if required: Permit No. \_\_\_\_\_
- Yes  No As-Built Plans Submittal Route Slip for Locally Advertised Projects
- Yes  No Storm Water Pollution Protection Plan

In addition to fee, the permittee will be billed actual costs for:

- Yes  No Review
- Yes  No Inspection
- Yes  No Field Work


(If any Caltrans Effort Expended)

Yes  No The information in the environmental documentation has been reviewed and considered prior to approval of this permit.

This permit is void unless the work is completed before N/A.

This permit is to be strictly construed and no other work other than specifically mentioned is hereby authorized.

No project work shall be commenced until all other necessary permits and environmental clearances have been obtained.

T. Erlwein R. DeLaRosa S. Wisniowski K. Aldridge	D. Anderson P. Duncan E. Cutler M. Taghavi W. Bamossy	APPROVED:  Thomas P. Hallenbeck, District Director BY:  Terry Erlwein, District Permit Engineer
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ADA Notice

For individuals with sensory disabilities, this document is available in alternative formats. For information call (916) 653-3657 or TDD (916) 646-3660 or write Records and Forms Management, 1120 N Street, MS-49, Sacramento, CA 95814.





CALIFORNIA STATE LANDS COMMISSION  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer  
(916) 574-1800 FAX (916) 574-1810  
Relay Service From TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922



Contact Phone: (916) 574-1868  
Contact FAX: (916) 574-1835

March 23, 2007

File Ref: PRC 8079.9

Mr. Theodore Schade  
Great Basin Unified Air Pollution Control District  
157 Short Street  
Bishop, CA 93514-3537

Dear Mr. Schade:

SUBJECT: Tour of Owens Lake

Thank you very much for your hospitality in giving Commission staff a tour of the dust control project being implemented by the City of Los Angeles Department of Water and Power on a portion of the Owens Lake. Because of your knowledge and history of the site, we have a better understanding of the air quality issues and the project.

We look forward to working with you on the review of the environmental impact report for Phase VII of the dust control project and on other projects and issues affecting the jurisdiction of the California State Lands Commission within the Great Basin Unified Air Pollution Control District.

Sincerely,

Colin Connor  
Public Land Manager  
Land Management Division

Judy Brown  
Public Land Management Specialist  
Land Management Division

**CALIFORNIA STATE LANDS COMMISSION**

100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



**PAUL D. THAYER**, Executive Officer  
(916) 574-1800 FAX (916) 574-1810  
Relay Service From TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1868  
Contact FAX: (916) 574-1945

March 27, 2007

File Ref: PRC 8079.9

Great Basin Unified Air Pollution Control District  
Theodore D. Schade  
157 Short Street  
Bishop, CA 93514-3537

Subject: 2008 Owens Valley PM<sub>10</sub> Planning Area Demonstration of Attainment State Implementation Plan NOP/IS

Dear Mr Schade:

Staff of the California State Lands Commission (CSLC) has reviewed the Notice of Preparation and Initial Study for the 2008 Owens Valley PM<sub>10</sub> Planning Area Demonstration of Attainment State Implementation Plan. Based on this review, we offer the following comments.

Jurisdiction:

The State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation and open space. The boundaries of these State-owned lands generally are based upon the last naturally occurring location of the ordinary high or low water marks prior to artificial influences which may have altered or modified the river or shoreline characteristics. On tidal waterways, the State's sovereign fee ownership extends landward to the ordinary high water mark as it last naturally existed. On navigable non-tidal waterways, the State holds fee ownership of the bed landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, as they last naturally existed. Such boundaries may not be readily apparent from present day site inspections. The State's sovereign interests are under the jurisdiction of the CSLC.

In addition, State school lands were granted to the State of California under the School Land Grant of 1853. The CSLC, through its State School Lands Management Program, manages approximately 473,000 acres of school lands held in fee ownership by the State and the reserved mineral interests on an additional 790,000± acres where the surface estates previously have been sold.

The proposed project involves the historic bed of Owens Lake, which is State sovereign and State school land under the jurisdiction of the CSLC; therefore, the City of Los Angeles Department of Water and Power (City) is required to submit an application for CSLC consideration of an amendment to Lease PRC 8079.9. Under the California Environmental Quality Act (CEQA), the Great Basin Air Pollution Control District is the Lead Agency and the CSLC is a Responsible Agency for any and all projects which could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters.

#### General Comments:

There appear to be overlaps in the proposed dust control measure areas with existing Lessees of the CSLC that will need to be resolved among the Great Basin Air Pollution Control District, the City, and the CSLC.

The DEIR should include a discussion and analysis of all dust control measure alternative designs at each control area designated by Great Basin as having significant impacts to air quality resulting from the loss of water on Owens Lake. The site-specific alternatives analysis is critical to providing the CSLC with sufficient site-specific information from which to consider appropriate design measures on lands under its jurisdiction.

CSLC staff is interested in Dust Control Measures that restore and enhance the historic public trust and natural resource values of the lands within the jurisdiction of the CSLC. Staff is in agreement that water conservation is important and that attainment of dust control emissions are a high priority. However, the City has re-established the presence of water to mitigate the significant air quality impacts that resulted from the City's early 20<sup>th</sup> century water diversion actions. Shallow flooding of the Owens Lake bed has provided habitat that is important to the wildlife that depend upon it. Alternative dust control measures other than shallow flooding, such as, but not limited to, gravel and moat and row designs, may not be the best use of sovereign lands to protect, preserve, and restore the public trust resources.

The DEIR should include a description and depiction of the existing biological habitat areas required to be maintained in perpetuity, as agreed to between the City and the California Department of Fish and Game pursuant to Agreement No. R6-2001-060, and pursuant to a fully-executed Lease PRC 8079.9 between the CSLC and the City, and any additional areas.

The NOP/IS only addressed noise impacts to persons and communities. The DEIR should also include a discussion and analysis of all noise impacts to sensitive species.

Specific Comments:

Habitat Shallow Flooding – The DEIR should include a discussion of the definition, operation and maintenance requirements of “habitat” shallow flooding and how this differs from implementation and maintenance of other “shallow flooding”. It should also include a discussion of the habitat types that will be created and their intended benefits to the environment.

Moat and Row– Owens Lake has very little natural topography and the Moat and Row project will create relatively dramatic berms, ditches and slopes that may create barriers or traps for some wildlife species. The DEIR should include a discussion and analysis of the impacts that the berms and ditches created at the moat and row test areas may have on the movement and habits of wildlife within the project area. It should also consider that microhabitats might be created by the artificial topography that could attract native species or harbor invasive species. In addition, it can be inferred from the project description that the rows will wear down and the moats will eventually fill up, so they will require periodic maintenance. The DEIR should also address how the moats and rows will be maintained and any impacts associated with that maintenance.

Construction Scenario – The construction scenario indicated that there might be substantial night work, with associated trailer mounted lights powered by diesel generators. The DEIR should include a discussion of light and noise impacts to wildlife species at night and how such impacts will be minimized.

Please contact Judy Brown at (916) 574-1868 for information concerning the Commission’s leasing jurisdiction. You may also contact Sarah Mongano at (916) 574-1889, concerning Commission staff’s environmental review comments.

Sincerely,



Marina R. Brand, Assistant Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, CA 95812-3044

Mr. Richard Harasick,  
Assistant Director of Water Resources  
City of Los Angeles  
Department of Water and Power  
111 N. Hope Street  
Los Angeles, CA 90012

Mr. Paul Lamos  
U. S. Borax Inc.  
Rio Tinto Services, Inc.  
209 North Main Street  
Lone Pine, CA 93545

Judy Brown  
Sarah Mongano

**CALIFORNIA STATE  
LANDS COMMISSION**

JOHN GARAMENDI, *Lieutenant Governor*  
JOHN CHIANG, *Controller*  
MICHAEL C. GENEST, *Director of Finance*

EXECUTIVE OFFICE  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202

PAUL D. THAYER, *Executive Officer*  
(916) 574-1800 Fax (916) 574-1810  
California Relay Service TDD Phone 1-800-735-2929  
Voice Phone 1-800-735-2922

March 27, 2007



Mr. Graham Chisholm  
Director of Conservation and Deputy State Director  
Audubon California  
4225 Hollis Street  
Emeryville, CA 94608

**SUBJECT: Wildlife Assessment and Management Plan for Owens Lake**

Dear Mr. Chisholm:

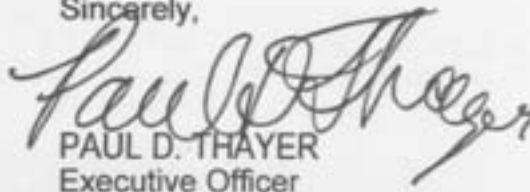
Thank you for your recent letter expressing support for the preparation of a wildlife assessment and management plan for Owens Lake (Lake). We, too, are pleased with the return of more water onto the lakebed and the resultant recovery of wetland and wet meadow habitat which has resulted in an increase in the number and diversity of bird species utilizing the Lake.

As you are probably aware, the California State Lands Commission (Commission) has issued several leases around the Lake for various purposes including a lease to the City of Los Angeles, Department of Water and Power (City), for the City's implementation of dust control measures on the Lake as required by the Owens Valley PM<sub>10</sub> State Implementation Plan. Staff agrees that conducting a wildlife assessment and developing a long-term management plan for the Lake should be considered in the State Implementation Plan. We have forwarded your letter to the City and to the Great Basin Unified Air Pollution Control District for their consideration and coordination on future project planning efforts. These agencies are beginning to work on a draft environmental impact report regarding expansion of dust control measures.

We support consideration of wildlife benefits during the dust remediation at Owens Lake and recommend that the City and the Control District look into this in the ongoing environmental review and planning process. We would urge you to contact these agencies directly and participate in that process.

Please feel free to contact Judy Brown of the Land Management Division at (916) 574-1868, if you require additional information.

Sincerely,

  
PAUL D. THAYER  
Executive Officer

Mr. Graham Chisholm  
March 27, 2007  
Page 2

cc: Mr. Ryan Broddrick, Director (without attachment)  
California Department of Fish and Game  
1416 Ninth Street, 12<sup>th</sup> Floor  
Sacramento, CA 95814

Mr. Theodore Schade (w/attachment)  
Air Pollution Control Officer  
Great Basin Unified Air  
Pollution Control District  
157 Short Street  
Bishop, CA 93514-3537

Mr. Richard Harasick (w/attachment)  
Assistant Director of Water Resources  
City of Los Angeles  
Department of Water and Power  
111 N. Hope Street  
Los Angeles, CA 90012

Ms. Denyse Racine (without attachment)  
California Department of Fish and Game  
Eastern Sierra Inland Deserts Region  
407 W. Line Street  
Bishop, CA 93514

Emeryville, CA 94608  
Tel: 510-601-1866  
Fax: 510-601-1954  
www.audubon-ca.org

LD 2/20/07 0000

Ryan Broddrick, Director  
California Department of Fish and Game  
1416 9th Street  
Sacramento, CA 95814

Paul D. Thayer, Executive Officer  
California State Lands Commission  
100 Howe Ave. #100 S.  
Sacramento, CA 95825

RECEIVED

JAN 25 2007

CA STATE LANDS  
COMMISSION-ED

Dear Mr Broddrick and Mr. Thayer:

On behalf of Audubon California, I am writing to express our support for a much needed wildlife assessment and management plan for Owens Lake. Audubon California speaks on behalf of some 50,000 members statewide.

Owens Lake was designated as one of 150 Important Bird Areas by Audubon California in 2004 and is also recognized nationally as an Important Bird Area. Owens Lake is a major stop-over sight for tens of thousands of shorebirds and waterfowl attracted by lake's brine flies and other invertebrates. During the nesting season, Owens Lake supports large numbers of breeding Snowy Plovers, as well as at least 12 other species listed as sensitive in California (state endangered, threatened, or species of special concern).

In recent years, thanks to a concerted conservationist support, water has been released out onto the dry lake bed resulting in a recovery of wetland and wet meadow habitat. Birdlife has responded dramatically with both numbers and species diversity increasing. The lake now supports the largest inland Snowy Plover nesting site in California. Although birds have returned to a lake bed that was historically rich in bird populations up until the early 1900's, the lack of a long-term conservation and management strategy is needed to secure Owens Lake long-term role as an Important Bird Area.

An opportunity exists to protect and secure this valuable resource by undertaking a much needed wildlife assessment and management plan for Owen Lake. Multiple landowners and managers are currently involved in or have an interest in the future of the Lake's bed. The various activities at the lake, including dust control, grazing, wildlife viewing and recreation, and long term research and monitoring, need careful coordination. Coordination and cooperation of all involved stakeholders in the development of a comprehensive management plan could result in a guiding document to secure permanent protection for this important and historic component of California's wildlife heritage.



**CALIFORNIA STATE  
LANDS COMMISSION**

JOHN GARAMENDI, *Lieutenant Governor*  
JOHN CHIANG, *Controller*  
MICHAEL C. GENEST, *Director of Finance*



EXECUTIVE OFFICE  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202

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(916) 574-1800 Fax (916) 574-1810  
California Relay Service TDD Phone 1-800-735-2929  
Voice Phone 1-800-735-2922

March 27, 2007

File Ref: PRC 8079.9

Mr. Michael Patterson  
Cerro Gordo Bugle of Freedom  
Post Office Box 221  
Keeler, CA 93530

**SUBJECT: Mosquito Abatement - Owens Lake**

Dear Mr. Patterson:

Thank you for bringing this matter to our attention.

As you are probably aware, the California State Lands Commission (Commission) has issued several leases around the Lake for various purposes including a lease to the City of Los Angeles, Department of Water and Power (City), for the City's implementation of dust control measures on the Lake as required by the Owens Valley PM<sub>10</sub> State Implementation Plan.

We have forwarded a copy of the material you provided to the City and to the Great Basin Unified Air Pollution Control District for their consideration. For your information, the City is required to mitigate the potential increase in mosquito populations as a result of construction and operation of dust control measures as specified by the Great Basin Unified Air Pollution Control District. The mitigation measure indicates that the City must provide the application of mosquito control measures on all dust control areas as deemed necessary by the Inyo County Mosquito Abatement District. A copy of the mitigation measure language has been enclosed for your convenience.

Please feel free to contact Judy Brown of the Land Management Division at (916) 574-1868, if you require additional information.

Sincerely,

PAUL D. THAYER  
Executive Officer

Enclosure



Mr. Michael Patterson  
March 27, 2007  
Page 2

cc: (All with Enclosure)  
Senator Dean Florez  
State Capitol, Room 5061  
Sacramento CA 95814

Mr. Donald W. Odell  
P. O. Box 128  
Lone Pine, CA 93545

Mr. Theodore Schade  
Air Pollution Control Officer  
Great Basin Unified Air  
Pollution Control District  
157 Short Street  
Bishop, CA 93514-3537

Mr. Richard Harasick  
Assistant Director of Water Resources  
City of Los Angeles  
Department of Water and Power  
111 N. Hope Street  
Los Angeles, CA 90012

Ms. Denyse Racine  
California Department of Fish and Game  
Eastern Sierra Inland Deserts Region  
407 W. Line Street  
Bishop, CA 93514

Mosquito Abatement  
207 W. South Street  
Bishop, CA 93514

Judy Brown, CSLC

---

# Proposed Mitigated Negative Declaration

## Owens Lake Dust Mitigation Program – Phase V Project

Inyo County, California

Prepared for  
**Los Angeles Department  
of Water and Power**

111 North Hope Street, Room 1463  
Los Angeles, California 90012

June 2005

Prepared by  
**CH2MHILL**  
3 Hutton Centre Drive, Suite 200  
Santa Ana, California 92707

LADWP, GBUAPCD, and the Eastern Information Center, signifies the completion of the program to mitigate impacts to archaeological resources.

Should an unrecorded archaeological resource be discovered as a result of construction monitoring, the LADWP shall complete Phase II investigations in the areas that have been identified as those that contain significant archaeological sites. Where Phase II investigations identify unique archaeological resources as defined in Section 21083.2 of the Public Resources Code, the site shall be subject to specified requirements for treatment. Any area where unique archaeological resources are not identified, but the materials recovered from shovel test pits indicate the potential presence of unique archaeological resources, shall be reported to LADWP and GBUAPCD.

### **New Mitigation Measures**

**Measure Cul-4** To reduce the potentially significant impact on the historical resources in the Natural Soda Products Company historic district from vehicles accidentally driving outside the Operations Facility site to below a level of significance, barriers will be installed to protect historic features located directly adjacent to the Operations Facility site and a cultural awareness training display will be installed in the reception area of the new Operations Facility to educate staff and visitors about the sensitive nature and cultural importance of the NSP District and regulations that protect historic resources.

**Measure Cul-5** The impact to the setting of the proposed NSP District will be reduced to below the level of significance through further archival research and interpretation. Further archival research and large format photography will be used to create a display to provide the visiting public with an educational interpretative display about the history of the Natural Soda Products Company and their facility on the shore of Owens Dry Lake. This interpretative display (duplicate copies) will be made available to the Information Center at the intersection of U.S. 395 and SR-136.

### **HAZARDS AND HAZARDOUS MATERIALS**

**Measure Hazards-1** To minimize impacts related to the unauthorized release of hazardous materials during routine transport, use, or disposal of hazardous materials, prior to construction work specified in the Revised 2003 SIP, the LADWP shall ensure through its construction permitting process, or through enforcement of contractual obligations for its own projects, that all contractors transport, store, and handle construction-required hazardous materials in a manner consistent with relevant regulations and guidelines established by the California Code of Regulations (Title 13, Division 2, Chapter 6), the California Department of Transportation (Caltrans), and the California Regional Water Quality Control Board, Lahontan Region, prior to construction. The City shall submit proof of incorporation of this requirement in all construction contracts related to work specified in the Revised 2003 SIP to GBUAPCD and Inyo County. The City shall submit an Operation Plan for the routine transport, use, storage, handling, and disposal of hazardous materials to GBUAPCD and Inyo County prior to the operation of dust control measures specified in the Revised 2003 SIP. The City shall provide to GBUAPCD and Inyo County an annual update as required for the transport, use, storage, handling, and disposal of hazardous materials.

**Measure Hazards-2** To minimize impacts related to the unauthorized release of hazardous materials into the environment, the LADWP shall prepare a Spill Prevention Control and

Countermeasure (SPCC) program applicable to all statutes and regulations. LADWP shall submit an SPCC to Inyo County for review and approval. LADWP shall demonstrate approval of the SPCC by Inyo County to GBUAPCD prior to the use, storage, and handling of hazardous materials in conjunction with construction or operation of work specified in the Revised 2003 SIP. The SPCC shall address all above-ground storage tanks within the fertilizer injection and water treatment systems in accordance with all federal, state, and local laws and regulations. The LADWP shall enclose all the fertilizer injection and water treatment systems with a minimum 6-foot-high barb-wire-topped chain-link fence or equivalent enclosure and locked gate to prevent unauthorized access. LADWP shall amend its existing lease with the State Lands Commission to allow for the improvement specified in this measure. The SPCC shall be in place throughout construction, operation, and maintenance of work specified in the Revised 2003 SIP.

**Measure Hazards-3** To minimize impacts related to the unauthorized release of hazardous materials into the environment, the LADWP shall develop a business plan for emergency response for the routine transport, use, storage, handling, and disposal of hazardous materials. The business plan for emergency response shall address preparation for possible emergencies involving hazardous materials. The LADWP shall provide copies of the approved business plan for emergency response to GBUAPCD and Inyo County. The City shall provide to GBUAPCD and Inyo County an annual update to the approved business plan as required for the transport, use, storage, handling, and disposal of hazardous materials.

**Measure Hazards-4** To minimize direct, indirect, and cumulative impacts to local residents from a potential increase in mosquito populations as a result of construction and operation of dust control measures as specified in the Revised 2003 SIP, the City of Los Angeles shall provide for the application of mosquito control measures on all dust control areas as deemed necessary by the Inyo County Mosquito Abatement District. The costs of the mosquito control efforts within project boundaries shall be borne by the City of Los Angeles. Mosquito control shall be implemented in compliance with all applicable state and federal regulations. Proof of compliance with this mitigation measure shall be submitted by the City of Los Angeles to the Abatement District and the Air Pollution Control District prior to construction of any new dust control areas. An annual report summarizing the mosquito control activities shall be submitted to the Abatement District and the Air Pollution Control District by December 31 of each year.

**Measure Hazards-5** To minimize the direct, indirect, and cumulative impacts related to the occurrence of wildland fires during construction and operation of work specified in the Revised 2003 SIP, the LADWP shall provide for fire protection services for all dust control areas to the satisfaction of Inyo County. Fire protection services shall be provided prior to any further construction on the lakebed. Fire protection services shall include provision of adequate equipment and personnel as determined by the County. Proof of compliance with this mitigation measure shall be submitted by the City of Los Angeles to Inyo County and GBUAPCD prior to construction of any additional dust control measures.

## HYDROLOGY AND WATER QUALITY

**Measure Hydro-1** To mitigate for direct, indirect, and cumulative surface water quality impacts caused by construction pollutants contacting storm water, products of erosion

LETTER OF TRANSMITTAL

AND FILING OF PETITION TO CALIFORNIA STATE LANDS COMMISSION,  
CALIFORNIA STATE SENATOR DEAN FLOREZ, CHAIR OF THE CALIFORNIA  
SELECT COMMITTEE ON WEST NILE VIRUS AND OTHER LEGISLATORS AND  
CONGRESSIONAL REPRESENTATIVES, STATE AND FEDERAL OFFICIALS, BY  
THE PEOPLE, RESIDENTS AND NEIGHBORS OF KEELER, CALIFORNIA

TO:

California State Lands Commission  
100 Howe Avenue, Suite 100 South  
Sacramento, California 95825-8202

The Honorable Dean Florez  
California State Senator  
State Capitol, Room 5061  
Sacramento, California 95814

I do hereby deliver herewith, and to be officially filed with your offices upon receipt, the following: LETTER OF TRANSMITTAL, PETITION TO CALIFORNIA STATE LANDS COMMISSION, CALIFORNIA STATE SENATOR DEAN FLOREZ, CHAIR OF THE CALIFORNIA SELECT COMMITTEE ON WEST NILE VIRUS AND OTHER LEGISLATORS AND CONGRESSIONAL REPRESENTATIVES, STATE AND FEDERAL OFFICIALS, BY THE PEOPLE, RESIDENTS AND NEIGHBORS OF KEELER, CALIFORNIA and OPINION LETTER OF DONALD W. ODELL, LAWYER, DATED MAY 5, 2006, ADDRESSED TO MICHAEL PATTERSON, A CIRCULATOR OF SAID PETITION

As one of circulators of the above described Petition among the people of Keeler, California and its neighborhood, as indicated by circulation and signature pages of said Petition, and as the person transmitting and filing said Petition, and accompanying documents I respectively request that your respective offices inform me in writing of the date, time and place of delivery the enclosed documents to your office, by return mail, at the following address:

Michael Patterson, Cerro Gordo Bugle of Freedom, Post Office Box 221, Keeler, California 93530. My e-mail address is [ghostoffathill@starband.net](mailto:ghostoffathill@starband.net). My telephone number is 760 area code 876-5030.

Also, I request, and will appreciate receiving, any other subsequent written communications or documents related to the matters set forth in this Letter of Transmittal, the enclosed Petition and Opinion Letter, written or electronically sent to or by your offices, Commission or Committees, at my mailing address or e-mail address stated above.

Thank you for your attention to this letter of transmission and other enclosures.

Keeler, California  
February 16, 2007

Sincerely,



MICHAEL PATTERSON



PAGE ONE

PETITION TO CALIFORNIA STATE LANDS COMMISSION, CALIFORNIA STATE SENATOR DEAN FLOREZ, CHAIR OF THE CALIFORNIA SENATE SELECT COMMITTEE ON WEST NILE VIRUS AND OUR OTHER LEGISLATORS AND CONGRESSIONAL REPRESENTATIVES, STATE AND FEDERAL OFFICIALS, BY THE PEOPLE, RESIDENTS AND NEIGHBORS OF KEELER, CALIFORNIA.

We, the people and residents of the town and neighborhood of Keeler, California, established on or before 1873 as a steamship port and, further, in 1883 as a town and railroad terminus on the Owens Lake and lakeshore and, in the neighboring town sites of Cerro Gordo, established in 1867 and Swansea, established as a steamship port in 1869 on the Owens Lake and lakeshore, all located within the Cerro Gordo and Swansea Mining Districts, in the County of Inyo, State of California, do hereby petition the California State Lands Commission, and Senator Dean Florez, Chair, California Senate Select Committee on West Nile Virus and our other Legislators and Congressional Representatives and State and Federal Officials, as follows:

1. We do hereby petition for the preservation and protection of our inalienable right to life, liberty and the pursuit of happiness by the immediate abatement of the air pollution and dust nuisances, including PM-10 emissions and the abatement and eradication of mosquitoes and other biting insect and disease vectors and their anthropogenic habitats, injurious to health and annoyingly offensive to the senses, being created at the Owens Lake Project and the Lower Owens River Project by the City of Los Angeles Department of Water and Power, caused by its water gathering in the Owens Valley, including the diversion of flowing waters from the river, streams and creeks of Owens Lake and the dust control measure known as "shallow flooding" of the damaged lake bed and the re-watering of the Lower Owens River, in accordance with the policy of the State of California, as stated in Sections 370 and 371 of the California Penal Code; and

2. That California State Lands Commission, individually, and in cooperation with California State Senator Dean Flores, Chair, Senate Select Committee on West Nile Virus and other legislators and legislative committees, initiate a statewide study, review and public report of the nuisances and offenses occurring on California state lands, including at the Lower Owens River and the Owens River and Lake interface, known as the Delta area and at Owens Lake, near Keeler, California and its neighborhood, caused and perpetrated by the City of Los Angeles and its Department of Water and Power, at Owens Lake and the Lower Owens River Project and that such study and review be for the purpose of taking appropriate action for the preservation and protection of public health and safety and safe access of the public in and to and the use of Owens Lake and the Owens River, under the public trust doctrine of this state.

NAME	ADDRESS	SIGNATURE	AND DATE-2006
<u>1</u> Lorena Whittaker	<u>P.O. Box 211 Keeler CA 93520</u>	<u>Lorena M. Whittaker</u>	<u>6/3/06</u>
<u>2</u> Richard Mendez	<u>P.O. Box 112 93530</u>	<u>Richard Mendez</u>	<u>6-3-06</u>
<u>3</u> Mary Mendez	<u>P.O. Box 112 93530</u>	<u>Mary Mendez</u>	<u>6-3-06</u>



## NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364  
 SACRAMENTO, CA 95814  
 (916) 653-6251  
 Fax (916) 657-5398  
 www.nahc.ca.gov  
 ds\_nahc@pucbll.net



March 14, 2007

Theodore D. Schade  
**Great Basin Air Pollution Control District**  
 157 Short Street  
 Bishop, CA 93514



Re: SCH# 2007021127: CEQA Notice of Preparation (NOP) draft Environmental Impact Report (DEIR) for PM10 Planning Area Demonstration of Attainment State Implementation Plan Project, Inyo County, California

Dear Theodore D. Schade:

Thank you for the opportunity to comment on your proposed project. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE),' and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- √ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the 'Information Center' nearest you is available from the State Office of Historic Preservation in Sacramento (916/653-7278). The record search will determine:
  - If a part or the entire (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded in or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- √ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- √ Contact the Native American Heritage Commission (NAHC) for:
  - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have information on cultural resources in or near the APE. Please provide us site identification as follows: USGS 7.5-minute quadrangle citation with name, township, range and section. This will assist us with the SLF.
  - Also, we recommend that you contact the Native American contacts on the attached list to get their input on the effect of potential project (e.g. APE) impact.
- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- √ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
  - CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this

√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

\* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this

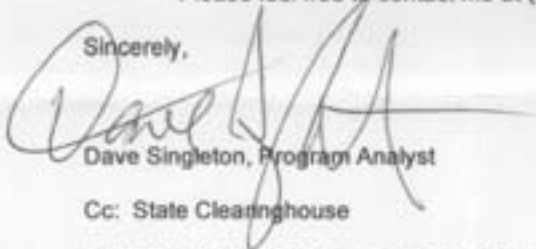
Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

√ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton, Program Analyst

Cc: State Clearinghouse

Attachment: List of Native American Contacts

## Native American Contacts

Inyo County  
March 14, 2007

Big Pine Band of Owens Valley Genevieve Jones, Chairperson P. O. Box 700 Big Pine , CA 93513 bigpinetribaladmin@earthlink. (760) 938-2003 (760) 938-2942-FAX	Owens Valley Paiute	Timbisha Shoshone Tribe Joe Kennedy, Chairperson 785 North Main Street, Suite Q Bishop , CA 93514 dianne@timbisha.org (760) 873-9003 (760) 873-9004 FAX	Western Shoshone
Bishop Paiute Tribe Leland Watterson, Chairperson 50 Tu Su Lane Bishop , CA 93514 (760) 873-3584 (760) 873-4143	Paiute - Shoshone	Bishop Paiute Tribe Brian Adkins, Environmental Mger 50 Tu Su Lane Bishop , CA 93514 tcsec@pauite.com (760) 873-3076	Paiute - Shoshone
Fort Independence Community of Paiute Carl Dahlberg Chairperson P.O. Box 67 Independence , CA 93526 stephanie@fortindependence. (760) 878-2126 (760) 878-2311- Fax	Paiute	Lone Pine Paiute-Shoshone Reservation Sandy Jefferson Yonge, Cultural Representative 880 Zucco Road Lone Pine , CA 93545 hutsie@qnet.com (760) 876-5658 (760) 876-8302 fax	Paiute Shoshone
Lone Pine Paiute-Shoshone Reservation Marjianne Yonge, Chairperson P.O. Box 747 Lone Pine , CA 93545 admin@lppsr.org (760) 876-1034 (760) 876-8302 Fax	Paiute Shoshone	Timbisha Shoshone Tribe THPO Barbara Durham, Tribal Historic Preservation Officer P.O. Box 206 Death Valley , CA 92328 dvdurbarbara@netscape.com (760) 786-2374 (760) 786-2376 FAX	Western Shoshone

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2007021127; CEQA Notice of Preparation (NOP) for the 2008 Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan Project; draft Environmental Impact Report (DEIR); Inyo County, California.

**Native American Contacts**

Inyo County  
March 14, 2007

Big Pine Band of Owens Valley THPO  
Bill Helmer, Tribal Historic Preservation Officer  
P.O. Box 700 Paiute  
Big Pine, CA 93513  
amargosa@aol.com  
(760) 938-2003  
(760) 938-2942 fax

Bishop Paiute Tribe THPO  
Leland Chavez, Tribal Historic Preservation Officer  
50 Tu Su Lane Paiute - Shoshone  
Bishop, CA 93514  
(760) 873-3665

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2007021127; CEQA Notice of Preparation (NOP) for the 2008 Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan Project; draft Environmental Impact Report (DEIR); Inyo County, California.

**Ted Schade**

---

**From:** ebelden@sapphosenvironmental.com  
**Sent:** Monday, March 26, 2007 3:10 PM  
**To:** tedschade@yahoo.com  
**Subject:** Fw: Letter of Into

See comment below. Any other comments yet?

Edward A. Belden  
Environmental Analyst  
Sapphos Environmental, Inc.  
133 Martin Alley  
Pasadena, CA  
(626) 683-3547 Voice  
(626) 683-3548 Fax  
www.sapphosenvironmental.com

----- Forwarded by Edward A Belden/sapphos on 03/26/2007 03:09 PM -----

"Theresa Yanez" <Theresa.Yanez@bishoppalute.org>

To <ebelden@sapphosenvironmental.com>

cc

03/26/2007 03:08 PM

Subject: Letter of Into

March 26, 2007

RE: Public Notice and Initial Study

Dear Edward A. Belden

Thank you for requesting my comments on the above cited project. I have reviewed the documentation that you provided and I would like to offer the following comments.

I concur that your efforts to identify historic properties are sufficient for its intended purpose.

Theresa A. Stone-Yanez

3/27/2007

Tribal Historic Preservation Officer  
Paiute Professional Building  
50 Tu Su Lane  
Bishop, CA 93514  
760.873.3584 ext. 250  
760.873.4143 fax  
760.937.0351 cell  
[Theresa.yanez@bishoppaiute.org](mailto:Theresa.yanez@bishoppaiute.org)

Thank you for your interest and for your time.

Sincerely,

Theresa A. Stone-Yanez  
T.H.P.O.



**Bridgeport Indian Colony**  
**P.O. Box 37**  
**Bridgeport, CA 93517**

(760) 932-7083 Fax: (760) 932-7846 e-mail: biogosadm@yahoo.com



March 20, 2007

Great Basin Unified Air Pollution Control District  
Attn: Theodore D. Schade  
Air Pollution Control Officer  
157 Short Street  
Bishop, CA 93514-3537

**RE: Notice of Preparation of the Draft Subsequent Environmental Impact Report for the Great Basin Unified Air Pollution Control District's 2008 Owens Valley PM<sub>10</sub> Planning Area Demonstration of Attainment State Implementation Plan**

Dear Mr. Schade:

The Bridgeport Indian Colony is in full support of this Attainment State Implementation Plan.

Even though our Reservation is many miles North of the Owens Dry Lake area we are still subject to remnants of the hazardous dust that blows in our direction year after year. We are also in agreement that the hazardous dust does cause increased health risks over time.

Our tribe would like to be kept apprised as this plan is implemented and how we can help in this endeavor.

Please contact me at 760-932-7083 if I can be of any assistance.

Sincerely,

Charlotte Baker  
Tribal Chairperson

Cc: Cultural

## **Lone Pine Paiute-Shoshone Reservation**

P.O. Box 747 • 975 Teya Road  
Lone Pine, CA 93545  
(760) 876-1034 FAX (760) 876-8302  
Web Site: [www.lppsr.org](http://www.lppsr.org)

MAR 28 2007

March 23, 2007

Great Basin Unified Air Pollution Control District  
Attention: Theodore D. Schade  
Air Pollution Control Officer  
157 Short Street  
Bishop, CA 93514-3537

**Re: Notice of Preparation of the Draft Subsequent Environmental Impact Report for the Great Basin Unified Air Pollution Control District's 2008 Owens Valley PM-10 Planning Area Demonstration of Attainment State Implementation Plan**

Dear Great Basin Unified Air Pollution Control District:

The Lone Pine Paiute-Shoshone Reservation (LPPSR) appreciates the opportunity the Great Basin Unified Air Pollution Control District (GBUAPCD) has given to comment and provide input on the Initial Study for the Draft Subsequent Environmental Impact Report for GBUAPCD's 2008 Owens Valley PM-10 Planning Area Demonstration of Attainment State Implementation Plan (SIP).

On March 5, 2007 the LPPSR received notice from GBUAPCD of preparation of the Subsequent EIR for the 2008 Owens Valley PM-10 Planning Area Demonstration of Attainment SIP. LPPSR also received a copy of the Initial Study for the 2008 Subsequent EIR. LPPSR would first like to thank GBUAPCD for its continued commitment to bring Owens Dry Lake into attainment for the National Ambient Air Quality Standards (NAAQS) for PM-10. After thorough review of the Initial Study LPPSR feels that this Initial Study includes the necessary components for a successful Attainment SIP. With this being said, LPPSR does have several comments.

The LPPSR is concerned with the cultural resources portion of the Initial study, specifically part d "Disturb any human remains, including those interred outside of formal cemeteries?" Known Native American Burial sites exist within close proximity of the project site. LPPSR requests that GBUAPCD ensure that the



project follows through with all mitigation measures described in Section 15064.5 of the CEQA Guideline in order to truly "reduce the level of impact to below the level of significance".

Secondly, LPPSR is concerned with the proposed "Moat and Row" mitigation measure. LPPSR feels that the analysis needed to validate this type of mitigation measure has not been completed. LPPSR requests that GBUAPCD apply its regulatory authority in order to ensure that the City of Los Angeles complete sufficient analysis to ensure that the "Moat and Row" is a valid mitigation measure, before the questionable measure is applied to the proposed 3 square miles. LPPSR also requests that GBUAPCD apply its regulatory authority if the "Moat and Row" measure is unsuccessful, by mandating that a proven mitigation measure be used on the 3 square miles proposed for "Moat and Row".

Lastly, LPPSR would appreciate the final Environmental Impact Report (EIR) for the 2008 SIP to address green house gas emissions related to the four different mitigation measures. This should include emission reduction measures that will be taken in order to minimize greenhouse gas emission related to the project.

Once again, LPPSR would like to thank GBUAPCD for the opportunity to comment on the Initial Study of the Draft Subsequent Environmental Impact Report for the 2008 Owens Valley PM-10 Planning Area Demonstration of Attainment State Implementation Plan (SIP). LPPSR commends GBUAPCD for all its continued diligent work to bring Owens Dry Lake into attainment by 2010. LPPSR looks forward to supporting GBUAPCD in all its future endeavors.

Sincerely,



Marianne Yonge, Tribal Chairwoman  
Lone Pine Paiute-Shoshone Reservation

Cc: Mr. Larry Biland, U.S. EPA Region 9



ANTONIO R. VILLARAGUISA  
Mayor

Commissioners  
H. DAVID NAYAR, Chairman  
FRITH RAMIREZ, Vice-Chairman  
MARY D. NICHOLS  
NICK PANAYIOTAKIS  
ROBERT L. HIGGINS ROWLES  
BARBARA L. MOSCHOS, Secretary

RONALD D. BEATON, General Manager

April 6, 2007

**Mr. Theodore D. Schade**  
Air Pollution Control Officer  
Great Basin Unified Air Pollution Control District  
157 Short Street  
Bishop, CA 93514-4537

Dear Mr. Schade:

**Subject: Notice of Preparation of the Draft Subsequent Environmental Impact Report and Initial Study for the Great Basin Unified Air Pollution Control District's 2008 Owens Valley PM<sub>10</sub> Planning Area Demonstration of Attainment State Implementation Plan (Initial Study)**

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to review the Notice of Preparation of the Draft Subsequent Environmental Impact Report and Initial Study for the Great Basin Unified Air Pollution Control District's 2008 Owens Valley PM<sub>10</sub> Planning Area Demonstration of Attainment State Implementation Plan (Initial Study). LADWP is providing the following comments on the Initial Study for your consideration:

**Section 1.9 – Project Elements:**

**Page 1-7:** To accurately describe the proceedings and subsequent negotiations between the Great Basin Unified Air Pollution Control District (District) and LADWP, references should be made to the District and LADWP's December 2006 Settlement Agreement (2006 Settlement Agreement). Additionally, the document incorrectly states 3.0 square-miles for the moat and row Dust Control Mitigation (DCM) area. In accordance with the 2006 Settlement Agreement, 3.5 square-miles have been designated for the moat and row DCM area.

**Moat and Row:**

**Page 1-9:** Please note that the proposed minimum spacing of the moat and row facilities is 200 feet, not 250 feet; therefore, the third sentence in the first paragraph

**Water and Power Conservation ... a way of life**

should be revised to read "Initial pre-test modeling .... vary from 200 to 1,000 feet,....".

Channel Areas:

Page 1-9: To be consistent with the 2006 Settlement Agreement, the 3<sup>rd</sup> line under "Channel Areas" should be revised to end with "...emissive areas, thus, may require DCMs." Similarly, the last sentence in the paragraph should be revised to "...type and location, if any, of DCMs within these areas".

Section 2.0 – Environmental Checklist:

To ensure consistency between Sections 2.0 and 3.0, LADWP recommends the following changes to the environmental checklist:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>2.7. HAZARDS AND HAZARDOUS MATERIALS</b> — Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	_____	<u>  X  </u>	_____	_____
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	_____	_____	_____	<u>  X  </u>
<b>2.8. HYDROLOGY AND WATER QUALITY</b> — Would the project:				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	_____	_____	_____	<u>  X  </u>
j) Inundation by seiche, tsunami, or mudflow?	_____	_____	_____	<u>  X  </u>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>2.11. NOISE –</b> Would the project result in:				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	_____	_____	_____	<u>  X  </u>
<b>2.13. PUBLIC SERVICES –</b>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?				
Fire protection?	_____	_____	_____	<u>  X  </u>
Police protection?	_____	_____	_____	<u>  X  </u>
Parks?	_____	_____	_____	<u>  X  </u>
Other public facilities?	_____	_____	_____	<u>  X  </u>
<b>2.16. UTILITIES AND SERVICES SYSTEMS –</b> Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	_____	_____	_____	<u>  X  </u>

Section 3.3 – Air Quality:

Page 3.3-3: The text concerning construction activities (under Construction Emissions) should be revised to match the construction scenario activities noted in Section 1.11 or the construction activities outlined in Table 1.11-1. Though the current text has

Mr. Theodore D. Schade  
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elements that take into account the primary construction scenario activities, it appears to represent a new list of construction activities that could be confusing for the reader.

#### Section 3.4 – Biological Resources:

Page 3.4-3: The language in the first paragraph suggests that the project has limited potential for adverse impacts; however, this is characterized in the checklist as "potentially significant." This issue needs to be clarified.

The concept of focusing on resources having "the potential to occur in the region of the proposed project" (last sentence on p 3.4-3), which infers meaning west central Inyo County, is too overreaching and needs to be refocused on existing resource conditions within the specific project site. Addressing such a large geographic area is an unnecessary use of staff time and results in needless expenditures of funds. A lot of resources are being put into biological resources based on the justification of "potentially in the region" versus having suitable habitat within the project site that will actually support the species.

The wetlands and other vegetation community types which are stated to be 200 acres out of 14.6 square-miles is a very small fraction of the total project area and the resources put into this aspect should reflect this fact (see middle paragraph under (a)). It is our understanding that any potential wetland mitigation has already been covered in an umbrella mitigation effort undertaken during previous dust control phases and thus may not need to be covered in this effort. Otherwise, LADWP would be "double mitigating" for wetland impacts.

Page 3.4-4: The listed plant species (Sidalcea or Owens Valley Mallow) has not been documented in five previous years of surveys (see first paragraph on page 3.4-4). This definitively documents the absence of these species as the years listed on page 3.4-7 cover wet and average precipitation years. If the species were present, they would have been readily documented. No further efforts are necessary. LADWP resources staff has been conducting Owens Valley Mallow surveys for years and have a good understanding of its potential habitat. This type of habitat does not occur in the project site.

In general, the main concern is making sure that reasonable and appropriate monitoring and mitigation is proposed that reflects the fact that there is very minimal useable habitat within the proposed project site.

Page 3.4-17: "Sensitive Species" are treated as if these species are federally listed when in fact there is no legal/jurisdictional foundation to require mitigation measures or

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the inferred time spent researching species of such status under the California Environmental Quality Act (CEQA) guidelines. If these species become listed, at that time, we should look into the expanded list of species.

Page 3.4-25: It is suggested that the sentence in the second paragraph of item (b) that states, "Implementation of dust control measures such as gravel, managed vegetation, shallow flooding, or moat and row may result . . . ." be revised as follows: "Implementation of dust control measures such as shallow flooding or moat and row (including moat and row enhanced by combining with other dust control methods such as vegetation and gravel) may result . . . ." This revision would eliminate any confusion that the proposed project does not include gravel or managed vegetation as primary proposed dust control measures.

The same phrase/inference is also made in item (c) and a similar statement is made in item (d), under "Wildlife Movement/Corridors." We suggest revising those statements as well.

Page 3.4-26, item (d): CH2M HILL, Inc., conducted quarterly wildlife surveys for LADWP on the project site for five years and prepared reports which were submitted to the California Department of Fish and Game (CDFG) and the District as documentation of compliance with mitigation measures. None of these quarterly reports are referenced in the Notes of Preparation (NOP). This information should be useful in determining the presence or absence of species listed in tables provided in the NOP.

Page 3.4-27: The document states that, "Mitigation measures would generally mirror techniques used currently for management of migratory species, including maintaining adequate shallow flood habitat and filled moats throughout the year and limiting the amount of fencing placed on the site to allow for local movement across areas of Owens Lake". Mitigation measures should not solely be selected for these reasons since LADWP currently does not maintain shallow flood habitat throughout the year and filling moats throughout the year, or at anytime, may not be feasible.

### Section 3.5 – Cultural Resources:

Test excavations have not substantiated the statement that areas with the highest sensitivity for cultural resources are at the southernmost portion of the lake. While numerous concentrations of artifacts were recorded by Ancient Enterprises as sites in the southern portion of the lake, further investigation of these resources revealed that these concentrations were not the result of human factors but rather were caused by natural taphonomic processes such as wind, water movement, and erosion.

Page 3.5-1: The organizational structure of the analysis should be reordered to follow the order of the questions included in the initial study checklist format as follows:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d) Disturb any human remains, including those interred outside of formal cemeteries?

Page 3.5-1: The analysis cites the paleontological assessment conducted in 2003 as concluding that the project area is covered by Pleistocene and Holocene sediments that have the potential to contain late Pleistocene to Recent fossil remains. The analysis also states that paleontological surveys recovered some fossil remains of small mammals and invertebrates, but that these remains were neither unusual nor in short supply. The analysis should state whether these finds did or did not meet the criteria established by CEQA for unique paleontological resources.

This section should also be brought up to date by including a statement that full-time monitoring for archaeological resources and part-time focused monitoring by a paleontologist for previous phases of construction implemented since the 2003 SIP Environmental Impact Report (EIR) did not result in the discovery of any unique fossils or geological features.

This section also refers to the 'deeper' excavations for the moat and row. Does that infer deeper than other components of this project or deeper than previous phases or compared with other components of the current project? Construction of the main lines would have been the deepest excavations and would therefore have the best chance to uncover paleontological resources if they were present.

The term "area of potential effects" (APE) is used incorrectly here and elsewhere in the section. APE is a term defined and used exclusively in the federal National Historic Preservation Act (NHPA) process. It's best not to use terms that are not recognized by CEQA in CEQA compliance documents. We suggest replacing the term APE with the term "project area".

While in general, impacts on unique paleontological resources and unique geological resources can be reduced to a less than significant level by proper recovery methods, the findings thus far from surveys or monitoring warrants focused paleontological monitoring during construction.

Page 3.5-4: The text notes that, "Of the 13.2 square-miles that constitute the Supplemental Dust Control Areas (DCA) for the proposed project, approximately 158 acres (less than two percent) have been subject to a cultural resources survey." In Section 1.9 – Project Elements, 12.2 square-miles constitutes the Supplemental DCAs for the proposed project.

Page 3.25-5: The term "historical resources" is defined in Section 15064.5 as:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Public Resource Code SS 5024.1, Title 14 CCR, Section 4850 et seq.)

(2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4852).

This list includes prehistoric and historical archaeological resources, historic-period buildings and structures, and traditional cultural properties.

The analysis for the Initial Study focuses on historic-period resources in this section rather than on the broader definition provided for in Section 15064.5. For example, the archaeological resources described under Section B would also qualify as historical resources for the purposes of CEQA. To clarify, we suggest including the language from the code below.



(1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is a historical resource, as defined in subdivision (a).

(2) If a lead agency determines that the archaeological site is a historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.

(3) If an archaeological site does not meet the criteria defined in subdivision (a), but does meet the definition of a unique archeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c-f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.

(4) If an archaeological resource is neither a unique archaeological nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

Page 3.5-7: It is unlikely that the project area will have a comparable number of the archaeological sites if the suggestions for revising what comprises a site on the Owens Lake playa are applied to new surveys.

#### Section 3.6 – Geology and Soils:

Page 3.6-1 The text describes the shallow flooding infrastructure. This information should be duplicated under Section 1.9.

Page 3.6-4, item (c). The discussion on groundwater pumping is not relevant to the proposed project and should be removed from the document.

#### Section 3.7 – Hazards and Hazardous Materials:

Page 3.7-1: The text notes that the "... construction phase has the potential to result in significant impacts to the public or the environment related to the routine transport, use or disposal of hazardous materials, therefore requiring the consideration of mitigation

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measures". The checklist in Section 2 has "Potentially Significant Impact" checked regarding this checklist item. If this is correct, then consideration of alternatives and/or further analysis is warranted, though neither is currently stated in the text. If no consideration of alternatives or further analysis is warranted or planned related to this checklist item, then the Section 2 checklist needs to be revised to show checklist item (a) as "Potentially Significant Unless Mitigation Incorporated." An additional note, hazards and hazardous materials checklist item (b) is written similar to checklist item (a). Section 2 checklist has item (b) marked as "Potentially Significant Unless Mitigation Incorporated."

Page 3.7-2: The substantiation for these two issues indicate that the proposed Project has the potential to result in a significant impact due to the routine transport, use and disposal of hazardous materials and/or the risk on a reasonably foreseeable upset or accident that would involve the release of hazardous materials. The significance of this impact has been over stated and is not supportable. There are various regulations overseen by various agencies that minimize the potential for the release of hazardous materials during transport, use, and disposal. The types of materials associated with the project include diesel fuel transported to and stored on the project site during construction. This is no different than the hundreds of construction projects throughout the state and the impacts from these projects are routinely determined to be less than significant based not on project specific mitigation measures, but rather based on the set of regulatory requirements that are in place related to the transport (DOT and Caltrans), and storage through the state and county. We are not aware of other EIRs for projects with construction issues similar to the Project (i.e., the excavation, filling, etc. that have found these types of impacts to be potentially significant.

The substantial for item (c) first says that impacts would be expected to be less than significant within 0.25 miles of a school based on mitigation measures, but then the substantiation indicates that there are no schools within 0.25 miles of the project. This should be characterized as "no impact."

#### Section 3.8 – Hydrology and Water Quality:

Page 3.8-2: Line 13 of the first paragraph under item (a) should be modified to read, "concentrated with naturally-occurring salts and other existing trace elements." Line 14 of this paragraph should specify "construction impacts." Also, what "water quality control methods" are being referred to in the last sentence in this paragraph?

Page 3.8-7: This should be characterized as "no impact" versus "less than significant impact."

Section 3.11 – Noise:

Page 3.11-1: The text under item (a) indicates that the pumps used for shallow flooding would be enclosed. This information should be duplicated under Section 1.9

Page 3.11-3: The first sentence under item (d) indicates that, "the proposed project would be expected to result in less than significant impacts to noise in relation to exposure or generation of noise levels in excess of established standards." The last sentence states that "... there would be no expected impacts to noise related to temporary or periodic increase in ambient noise levels." If the last statement is correct, then the first sentence needs to be revised as does the Section 2 checklist. If the first sentence is correct, please revise the last sentence. The checklist item should be "No Impact," particularly in light of checklist item (a) being designated as such

Section 3.13 – Public Services:

Page 3.13-1: Impacts to public services such as fire protection, police, schools, and parks would be more accurately characterized as "no impact" rather than "less than significant impact". The project does not result in any impacts to public services

Section 3.15 – Transportation and Traffic:

Page 3.15-3: The use of "significant impacts" currently used in the first sentence under item (b) is more appropriate if the potential impact was "less than significant." Since the checklist has "No Impact", as confirmed by Level of Service (LOS) not being exceeded due to the proposed project, the first and second to the last sentences should be revised to reflect language used under checklist item (e).

Page 3.15-3: The proposed shallow flood berms serve to contain project water used for dust control and can also allow for the release of excess water to protect these facilities during periods of significant precipitation. We do not believe the checklist question pertains to these types of design features of the project, but more appropriately addresses the construction and expansion of traditional stormwater collection and drainage facilities.

Section 3.16 – Utilities and Service Systems

Page 3.16-1, item (a): The discussion in this section should be limited to the wastewater generation from the project site and not water used for operation of DCMs. Therefore, the impact relative to the checklist should be "no impact."

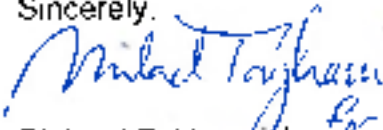
Mr. Theodore D. Schade

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If you have any questions, please contact Mr. Milad Taghavi of my staff at  
(213) 367-1032

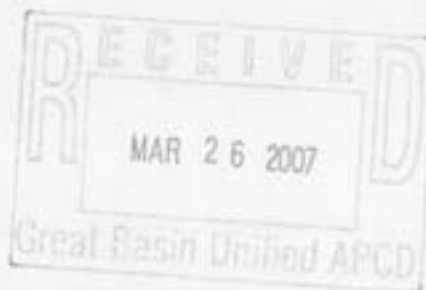
Sincerely,

A handwritten signature in blue ink that reads "Milad Taghavi" with a large flourish at the end.

Richard F. Harasick *for*  
Assistant Director  
Water Resources Division

MT/PCP:jmm

c: Mr. Milad Taghavi



U.S. Borax Inc.  
Owens Lake Operations  
P.O. Box 37  
209 N. Main Street  
Lone Pine, CA 93545  
tel: (1) 760 876 4775  
fax: (1) 760 876 4469

Thursday, March 22, 2007

Mr. Theodore Schade, PE  
Great Basin Unified Air Pollution Control District  
157 Short Street  
Bishop CA 93514-3537

Re: Notice of Preparation (NOP) of the Draft Subsequent Environmental Impact Report for the Great Basin Unified Air Pollution Control District's 2009 Owens Valley PM<sub>10</sub> Planning Area Demonstration of Attainment State Implementation Plan

Dear Mr. Schade,

Thank you for the opportunity to comment on the above referenced NOP. As you know I represent the mining company (U.S. Borax Inc), operating on Owens Lake, located down gradient of the proposed dust control areas. Please consider the following comments:

Project elements *Water Distribution Facilities* Pages 1-11&12;  
The last paragraph beginning on page 1-11 describes keying in down gradient soil berms and installing down gradient drain tiles to recover leaking water. This is a welcome and important element in the design. These have been missing in previous construction and I believe there is considerable leakage, a waste of valuable water and a risk to the resource. As you know the result of a 2000 injunction modification which allowed LADWP to put water on Owens Lake also requires reasonable measures be taken to protect the mineral resource and the State's lessee from detrimental effects of that water addition. These are reasonable measures.

Methods 3.8 *Hydrology and Water Quality* (d) Page 3.8-4&5 describes the design of the Moat and Row as related to erosion from natural flood events. Care should be taken that the design does not result in high flow velocity that deepens channels by erosion with the resultant eroded sediments being washed onto the mineral resource. Drainage patterns pre-project resulted in braiding and ponding which diminished the velocity of floodwater on the relatively flat playa and which resulted in the sediments typically dropping out before they reached the ore body.

Methods 3.8 *Hydrology and Water Quality* (e) Page 3.8-5; describes the construction of berms along the downstream boundaries of shallow flooding areas. This is somewhat misleading as so far these berms are part of the structure, not an additional protection. Failure of these berms results in discharge to the brine pool area of Owens Lake.

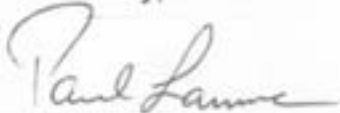
Methods 3.8 *Hydrology and Water Quality* (i) Page 3.8-7; there are no inhabited structures located below the shallow flooding areas to be affected by the failure of a dam or levee. There is, however, the potential for people to be working in the area of the Owens Lake Mine. Structures that are at risk are mining panels and associated roads. Minimum mitigation would be a prompt warning to our mining operation that a levee or pipeline has failed.

Methods 3.10 *Mineral Resources* (a) 3.10-1&2; I strongly agree that there is the potential for a significant impact to the recovery of minerals. Please provide a more detailed map (including GPS coordinates) or an on ground tour of areas overlapping the mineral lease PRC 5464.1 (or both) so I can more fully evaluate the impact. There may be a need to recover the resource before operation of the proposed measures. Figure 3.10.1 which shows the mineral lease area is slightly aged in that the lease area was modified in 2004 by quitclaiming 80 acres for the Phase 5 dust control construction.

I also commented to the Phase 5 mitigated negative declaration that discharges from shallow flood structures to the brine pool, that cross areas we have in our mining plan should be piped or otherwise controlled to prevent the dissolution of trona and its re-deposition in the brine pool area where it will be inaccessible with our current mining methods. This is still a valid comment.

Thank you for consideration of the above comments. Please call 760 876-4775, write, or email [paul.lamos@borax.com](mailto:paul.lamos@borax.com) if you have any questions.

Sincerely,



Paul Lamos  
Superintendent  
Owens Lake Operations

Cc: Robert Deal RTM  
Judy Brown RTM  
James Good GNST  
Greg Pelka SLC  
Judy Brown SLC

**Ted Schade**

---

**From:** Wind Wholes [wind.wholes@windwholes.com]  
**Sent:** Tuesday, March 27, 2007 12:50 PM  
**To:** tedschade@yahoo.com  
**Subject:** 2008 Owens Valley PM10 Planning Area Demonstration of Attainment 1 State Implementation Plan - Initial Study

Mr. Ted Schade  
Chief, Permit, Certified Air Pollution Control District  
151 Grant St.  
Granger, CA 92617-1537

Dear Mr. Schade,

Thank you for the opportunity to comment on the subject plan. On behalf of the Sierra Club Light Group, Tolyde Chapter of the Sierra Club, I submit the following:

The Group supports the efforts to reduce PM 10 emissions to attain compliance with National Ambient Air Quality Standards for PM 10 by the year 2010.

We do have concerns about the effects of the plan on wildlife, especially birds. The Snow Plover has been found to have a large nesting colony in Owens Lake, possibly the largest nesting site in California. Therefore, it is extremely important to protect this site and the species. I refer to Miss Frasier's comment letter of March 24, her comments, and her reference to "Effects of a Changing Environment On the Northern Snow Plover at Owens Lake."

Other mitigation measures should include curtailment of lighting, minimizing of light pollution. All lighting should be directed downward so it illuminates only target areas. Enhancement of the "no hunting" and "keep on track" requirements. If hunting is allowed once the project is complete, it should be under the control of California Dept. of Fish and Game.

The Group supports access for the public to view what is and interpretative programs once the project is complete.

Thank you for pursuing and enforcing mitigation of the air pollution problem at Owens Lake.

Sincerely,

Wind Wholes  
Conservation Committee  
Sierra of Light Group, Tolyde Chapter  
of the Sierra Club  
97 Barkspur Lane  
P.O. Box 4019  
Patterson Lake, CA 93516  
707 934-1166

## McClintock Valley

### Reclamation of the McClintock Valley for the Proposed State

#### Conclusions

##### 1. Project Description

- The McClintock Valley NRE is a 100,000-acre (100,000-acre) project area.
- The McClintock Valley NRE is a 100,000-acre (100,000-acre) project area.
- The McClintock Valley NRE is a 100,000-acre (100,000-acre) project area.

##### 2. Project Description - Habitat Shallow Flood Areas

- Show the life of the Habitat Shallow Flood Areas of the McClintock Valley NRE.
- Map the life of the Habitat Shallow Flood Areas of the McClintock Valley NRE.

#### State Water (SNPL) reports

For each of the following sites, the following can be expected:

- Carroll Springs outflows
- Carroll Creek - Burgett outflows
- Carroll Creek outflows
- Swick's Pasture outflows
- State Well outflows
- Channel area

#### State Water (SNPL) reports

- State Well outflows area
- Channel outflow for the State Well area
- Swick's Pasture outflows

#### Additional information

Removal of the State Well outflows area will result in the State Well outflows area being removed from the State Well outflows area.

#### State Water (SNPL)

- The State Well outflows area is not subject to the SNPL outflows area. The State Well outflows area is not subject to the SNPL outflows area. The State Well outflows area is not subject to the SNPL outflows area.



- Study of new delisting of SNP and population growth in the state of California. It is the advent of the largest of the delisting process to date that remains a significant percentage of the SNP and from California. DRR SNP is a process in 200-2022 and is a national level agreement. Research on the delisting process and its effects on the environment.
- Bureau of Environmental Policy should show the Western Bird. *Water Quality* is a journal of the Department of the State. *Water Quality* is a journal of the Bureau of Environmental Policy. *Water Quality* is a journal of the Department of the State.
- *Water Quality* is a journal of the Department of the State. *Water Quality* is a journal of the Department of the State. *Water Quality* is a journal of the Department of the State.

### Regulation

- Minimize fishing and wildlife trapping activities. *Water Quality* is a journal of the Department of the State. *Water Quality* is a journal of the Department of the State. *Water Quality* is a journal of the Department of the State.

### Issues

- The existing project called for no hunting and traps on base. There is currently a major response to the hunting and traps program during the water flow season. The project is a major response to the hunting and traps program during the water flow season. The project is a major response to the hunting and traps program during the water flow season.
- Access for the public to view wildlife and trap information on the ground is a major response to the hunting and traps program during the water flow season. The project is a major response to the hunting and traps program during the water flow season.
- Grant for the hunting and traps program is a major response to the hunting and traps program during the water flow season. The project is a major response to the hunting and traps program during the water flow season.

### Water Quality

- If the water quality is not as good, and positive scientific data is not available, the project is a major response to the hunting and traps program during the water flow season.
- What are the water quality issues?
- If the water quality is not as good, and positive scientific data is not available, the project is a major response to the hunting and traps program during the water flow season.

### Water Quality Assessment - 2024

#### Summary

Water

#### Water Quality

#### Water Quality

#### Water Quality

#### Water Quality

#### Water Quality

