



Great Basin Unified Air Pollution Control District

2008 Owens Valley PM₁₀ Planning Area
Demonstration of Attainment State Implementation Plan

Final Subsequent Environmental Impact Report
Volume III

State Clearinghouse Number 2007021127

Prepared for:

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January 14, 2008

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- B 2006 Settlement Agreement
- C Air Quality Technical Memorandum
- D Biological Resources Technical Report
- E Cultural Resources Technical Report
- F Environmental Records Search: Owens Lake PM, Lone Pine, California
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REVISED TECHNICAL APPENDICES

- R.D Final Biological Resources Technical Report
- R.E Final Cultural Resources Technical Report

SECTION 12.0
CLARIFICATIONS AND REVISIONS TO THE
DRAFT ENVIRONMENTAL IMPACT REPORT

NOTE TO READER

Section 12.0 consists of clarifications and revisions to the Draft Environmental Impact Report (EIR), which have resulted from responses to comments received from agencies and the public. The Draft EIR was released for a 45-day public review period between September 16, 2007, and October 30, 2007. The District received a total of 14 letters of comment on the Draft EIR.

SECTION ES EXECUTIVE SUMMARY

The Executive Summary has been revised and clarified based on the comments received during the public comment period from September 16, 2007, to October 30, 2007. Please replace the Draft EIR Executive Summary with the revised Executive Summary included in the following pages. All information contained in the revised Project Description within the revised Executive Summary supersedes the information contained in the Project Description circulated for public comment with the Draft EIR.

SECTION ES

EXECUTIVE SUMMARY

This Subsequent Environmental Impact Report (EIR) analyzes the potential for significant environmental impacts in association with the 2008 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan (SIP)¹ (proposed project). The proposed project location is in the dry Owens Lake bed (frequently referred to as playa) at the southern end of Owens Valley, Inyo County, eastern-central California. The Great Basin Unified Air Pollution Control District (District) proposes a revised air pollution control strategy to bring the Owens Valley PM₁₀ Planning Area into attainment with the National Ambient Air Quality Standard (NAAQS) for particulate matter (PM₁₀) by April 1, 2010, as required by the Clean Air Act Amendments of 1990. Previous air pollution control programs, the Owens Valley PM₁₀ Planning Area Demonstration of Attainment 1998 SIP and 2003 SIP,^{2,3} were analyzed in previous program-level EIRs and approved by the U.S. Environmental Protection Agency (EPA) in 1998 and 2003. The proposed project revises the approved 2003 SIP. This Subsequent EIR incorporates the 1998 EIR and 2003 EIR by reference and provides broad program-level and project-specific environmental analyses for the 2008 SIP revision.

In the 1998 SIP, the District committed to continue studying the lake bed and revise the SIP in 2003 to refine the actual areas necessary for control. Based on those additional studies, in November 2003, the Great Basin Governing Board adopted a revised SIP and ordered the City of Los Angeles Department of Water and Power (City) to implement dust control measures (DCMs) on 29.8 square miles of the Owens Lake bed by December 31, 2006. The 2003 SIP also contained provisions requiring the District to continue monitoring air pollution emissions from the lake bed and to identify any additional areas beyond the 29.8 square miles that may require PM₁₀ controls in order to meet the standards. On December 21, 2005, the Air Pollution Control Officer issued the Supplemental Control Requirements determination that additional areas of the lake bed would require DCMs in order to meet the PM₁₀ standards based on July 2002 through June 2004 data. Based on that SCR analysis, and subsequent discussions and agreements with the City, the construction of up to an additional 15.1 square miles of DCMs would be necessary to bring the lake bed into compliance with the NAAQS for PM₁₀. These additional DCMs beyond the 29.8 square miles completed at the end of 2006 are the subject of the proposed project. The 2008 SIP revision would increase the previously approved locations for development and operation of Shallow Flooding and an additional alternative DCM referred to as "Moat & Row." Moat & Row is currently being tested for effectiveness on the lake bed.

As provided by the State of California Environmental Quality Act (CEQA), this Subsequent EIR includes program-level environmental analysis for the 2003 SIP revision and project-level analysis for the construction and operation of up to 15.1 square miles of DCMs.

¹ PM₁₀ refers to particulate matter up to 10 micrometers in size, a regulated air emission pursuant to the federal Clean Air Act Amendments of 1990.

² Great Basin Unified Air Pollution Control District. 1998. *Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan Addendum No.1 to the Final Environmental Impact Report*. State Clearinghouse Number No. 96122077. Bishop, CA.

³ Great Basin Unified Air Pollution Control District. February 2004. *2003 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan Integrated Environmental Impact Report*. State Clearinghouse House Number 2002111020. Prepared by: Sapphos Environmental, Inc., Pasadena, CA.

The proposed project would include the construction and operation of the following project elements:

- Site preparation (surface grading and earth moving)
- Berm construction and access road grading
- Mainline water delivery and drain line construction (trenching, pipeline installation, trench backfilling)
- DCM area dewatering
- Water distribution system installation within the DCM areas
- Power line and DCM controls installation
- Moat & Row shaping and enhancing
- Shallow Flooding DCM flooding

ES.1 EXISTING FACILITIES

The Owens River flows south through the Owens Valley and terminates in the Owens Lake brine pool. There are three communities in the vicinity of the proposed project (the community of Lone Pine to the north, the community of Keeler to the east, and the community of Olancho/Cartago to the southwest) and one designated Indian reservation (Lone Pine Indian Reservation to the north). Other land uses include mining, recreation (hiking, birdwatching, hunting, and golfing) and cattle grazing. Historic mining and transportation sites are located along the former Owens Lake shoreline. The Owens Valley has a rich variety of plants, riparian habitat, alkaline meadow, and seep habitat, serving resident and migratory wildlife species. Several archaeological and historical sites are known in the area. The eastern shore of Owens Lake was used by Native American groups. The Los Angeles Aqueduct also traverses the Owens Valley from north to south. Water diverted from the Owens River through the aqueduct has resulted in a dry alkaline Owens Lake bed and the remnant Owens Lake brine pool. Winds in the Owens Valley raise clouds of fine particulate dust from the lake bed causing exceedances of the NAAQS for PM₁₀. Pursuant to an order from the District, the City has installed DCMs consisting of Shallow Flooding areas, managed vegetation plots, and gravel on 29.8 square miles (19,072 acres) of the emissive dry lake bed pursuant to an existing 1998 SIP, which has been approved by the U.S. Environmental Protection Agency, and a 2003 SIP revision.^{4,5} These existing DCMs and proposed DCMs will result in a reduction in PM₁₀ emissions of approximately 73,174 tons per year. Current annual uncontrolled lake bed emissions are estimated at about 76,000 tons per year.

ES.2 PROPOSED PROJECT

The proposed project consists of revisions to the 1998 and 2003 SIP dust control program analyzed in the 1997 and 2003 Program EIR and the 1998 Addendum, including changes in the location and

⁴ Great Basin Unified Air Pollution Control District. 1998. *Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan Addendum No.1 to the Final Environmental Impact Report*. State Clearinghouse Number No. 96122077. Bishop, CA.

⁵ Great Basin Unified Air Pollution Control District. February 2004. *2003 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan Integrated Environmental Impact Report*. State Clearinghouse House Number 2002111020. Prepared by: Sapphos Environmental, Inc., Pasadena, CA.

size of the emissive dust control areas (DCAs).^{6,7,8} Program-level environmental analysis is provided for these changes to develop and operate up to 15.1 square miles of new DCMs identified in the revised SIP. In addition, operational environmental monitoring programs proposed through mitigation measures in this EIR would be used in the operation of previously developed DCMs to provide project consistency and efficiency.

ES.2.1 Dust Control Measures

DCMs are defined as those measures of PM₁₀ abatement that could be placed onto portions of the playa, and when in place, are effective in reducing the PM₁₀ emissions from the surface of the playa. Since 1989, the District has pursued a comprehensive research and testing program to develop PM₁₀ control measures that are effective in the unique Owens Lake playa environment. The District, in cooperation with the City, has developed three PM₁₀ control measures that it has found to be feasible and effective: Shallow Flooding, Managed Vegetation, and Gravel Cover. In addition, the proposed project includes a new alternative DCM known as Moat & Row, which may be mixed with the proposed DCMs. The proposed project includes the use of Shallow Flooding and Moat & Row DCMs.

ES.2.1.1 Shallow Flooding

This DCM consists of applying water to emissive lake bed areas. To attain the required PM₁₀ control efficiency, at least 75 percent of each square mile of the DCA must be wetted to produce standing water or surface-saturated soil, between October 1 and June 30 of each year. The evaluation of this alternative is based on the assumption that between 3 and 4 acre-feet of water would be required annually to control PM₁₀ emissions from an acre of lake bed. Except for limited habitat maintenance flows, water will be turned off between July 1 and September 30 to allow for facility maintenance activities. This is typically a period when dust storms do not occur.

ES.2.1.2 Moat & Row

The general form of the Moat & Row DCM is an array of earthen berms (rows) about 5 feet high with sloping sides, flanked on either side by ditches (moats) about 4 feet deep. As analyzed, the Moat & Row would include placement of up to a 5-foot-high sand fence on the top of the row. Moats serve to capture moving soil particles, and rows physically shelter the downwind lake bed from the wind. The performance standard for the Moat & Row DCM consists of achieving PM₁₀ control efficiency through the construction of moats and rows, aligned generally perpendicular to the predominant wind direction such that the majority of the saltating particles are retained within the height of the uppermost feature of the row. The City proposes to achieve the performance standard through the construction of individual Moat & Row elements that would generally be aligned parallel to one another and spaced at variable intervals to minimize the fetch between rows

⁶ Great Basin Unified Air Pollution Control District. 1998. *Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan Addendum No.1 to the Final Environmental Impact Report*. State Clearinghouse Number No. 96122077. Bishop, CA.

⁷ Great Basin Unified Air Pollution Control District. February 2004. *2003 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan Integrated Environmental Impact Report*. State Clearinghouse House Number 2002111020. Prepared by: Sapphos Environmental, Inc., Pasadena, CA.

⁸ Great Basin Unified Air Pollution Control District. 1998. *Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan Addendum No.1 to the Final Environmental Impact Report*. State Clearinghouse Number No. 96122077. Bishop, CA.

along the predominant wind directions. The predominant winds are from the north and the south with the north-blowing wind being the strongest but less frequent. It is anticipated that the Moat & Row berms would primarily be oriented perpendicular to the primary wind vector, and may be serpentine where necessary to control emissions under the full range of principal wind directions

Initial pre-test modeling indicates that Moat & Row spacing will generally vary from 250 to 1,000 feet, depending on the surface soil type and the PM₁₀ control effectiveness required on the Moat & Row area. For the purpose of the analyses in this EIR, it was assumed that the Moat & Row elements would be spaced a minimum of 250 feet apart and would not be separated by more than 1,000 feet, thus allowing up to 21 Moat & Row elements per square mile treated with this DCM (5,280 feet per mile divided by 250 feet between Moat & Row elements). Thus, for the purpose of this environmental analysis, it was assumed that the Moat & Row DCM would affect up to 33 percent of the ground surface in the Moat & Row control areas (85 feet per Moat & Row element times 21 elements per mile divided by 5,280 feet per mile). For purposes of the analysis in this EIR, both the moats and rows were assumed to have sloped sides and not pose a barrier to wildlife movements. If moats or rows are recommended to be formed with vertical sides, additional environmental analysis would be required.

It is anticipated that the PM₁₀ control effectiveness of Moat & Row could be enhanced by combining it with various approved DCMs and currently utilized measures, including Augmentation, Shallow Flooding, Application of Brine, Armoring, and Managed Vegetation. These enhancements would ensure that if significant dust sources (hot spots) develop within these areas, they will be addressed. Any single method or combination of the enhancements could be implemented for both primary and secondary wind vector mitigation, where demonstrated to be in substantial conformance with the performance standards for the Moat & Row DCM and within or below the impact analysis parameters. The primary Moat & Row DCMs include earthen Moat & Row and a sand fence. Enhancements to these methods include Managed Vegetation and irrigation/fertigation as required, Shallow Flooding facilities, and enhancing existing vegetation and natural topographic and surface drainage features at Owens Lake. Moat & Row earthwork and sand fences may also be enhanced through a number of additional methods. These measures include placing sand fences on the open playa between Moat & Row elements (as long as the total number of sand fence elements did not exceed a density of 21 per mile), adding bands of Managed Vegetation, adding water from surrounding Shallow Flooding DCAs, and enhancing or protecting existing vegetation and natural topographic and surface drainage features at Owens Lake. If utilized, these enhancements would be added during Phase 7 construction or during a later phase.

ES.2.1.3 Study Areas

Included in the total 15.1 square miles of the total project area are 1.9 square miles of Study Areas. These are areas where the exact location and magnitude of dust emissions is uncertain. In order to provide as extensive an impact analysis as possible, these areas would be treated as other areas requiring dust control. The District would continue to collect data in these four areas to determine their emissivity through the course of the project.

ES.2.1.3 Channel Areas

In addition to the above-listed DCMs, this EIR addresses potential impacts to 0.5 square mile of channel areas. These areas contain natural drainage channels that have been observed to be emissive and will require some level of dust control. These areas may have potentially significant

resource issues and regulatory constraints that could affect the type and location of DCMs within these areas.

ES.2.2 Other Project Elements

ES.2.2.1 Water Supply Conservation

An additional element of the proposed project to be analyzed is the refinement of the amount of water used to control dust in Shallow Flood DCM areas. The District's Shallow Flood research conducted in the 1990s indicated that 99-percent control was achieved when 75 percent of an area consisted of standing water or surface-saturated soil. This is considered a conservative requirement; the actual amount of water required to provide 99-percent control may be less than 75 percent. The City will conduct limited field testing on no more than 1.5 square miles of existing Shallow Flood areas to refine the amount of water required to achieve 99-percent control. Based on data collected from January 2000 through June 2006, the level of control required to reduce lake bed emissions to below the federal standard has been identified for areas of the lake bed known as the minimum dust control efficiency (MDCE). The MDCEs for the new DCAs vary from 99 percent to 0 percent. Although some of the new Shallow Flood DCM areas will be constructed and operated to provide less than 99-percent dust control efficiency, existing Shallow Flood DCMs will require 99-percent control efficiency and thus 75 percent of wetted area.

ES.2.2.2 Water Supply and Conveyance

Expanded water conveyance pipeline systems would be tied into existing mainlines on the proposed project site. The mainline capacity shall be increased by tying the existing brine line into the mainline and using the brine line in parallel with the mainline for transmission of water. In addition, paralleling of the mainline in selected reaches is being considered. Those mainline improvements would be in existing disturbed operational areas or in the areas already analyzed in this EIR. The estimated water demand for the proposed project ranges between 0 and 4 acre-feet per year depending on the control measures selected and climatic and operational conditions. The source of water for the proposed project analyzed in this EIR is from the Los Angeles Aqueduct. The City may seek to utilize other sources of water for dust control in the future, such as groundwater from Inyo County. However, utilization of water for dust control from sources other than the Los Angeles Aqueduct would require separate environmental review and is not covered in this analysis.

ES.2.2.3 Access Roads

Unpaved and gravel-paved, permanent all-year access roads would be constructed and used for construction, operation, and maintenance of the DCAs. New secondary access roads would connect to existing primary access roads. Secondary access roads would be about 10 feet wide, with centerline elevation 2 feet above existing grade and shoulder slopes of 3:1. The elevation of the access roads may increase to about 4 feet above existing grade on portions of the lake bed. Access is currently provided from U.S. Highway 395 via the existing north and south mainline pipeline access roads, from State Route 136 via the existing Sulfate Road, and from State Route 190 via the existing Dirty Socks access road. Two new secondary access roads would be constructed directly off U.S. Highway 395 for the northwestern areas of the DCAs, with the pathway being built on existing dirt roads rather than completely new construction for access. It is not anticipated that pipelines and buried power lines would be constructed along these access roads as part of Phase 7. If required, pipelines and buried power lines would be placed and constructed under, along, or

close to these access roads. All lake bed roads are to be maintained in a substantially nonemissive condition through the use of water, brine, and/or gravel. Improvements to access roads may be nonpermanent and performed when necessary, as required. These may include, but are not limited to, mats, grading, fill, compaction, and base-course at any "soft spots" encountered. Improvements to existing access road to DCA No T37-1 shall not be made, as it falls under the Bureau of Land Management's jurisdiction.

ES.2.2.4 *Power Supply*

Up to 2,000 kilovolts of electrical power may be required to operate proposed project facilities, including the Shallow Flooding facilities. This power will be supplied from existing line power facilities to the site provided by the City. Underground power lines will be buried 18 to 30 inches below ground surface and will be located generally in the vicinity of access roads and pipelines. Up to several thousand feet of underground power line may be installed.

Existing overhead power lines run along the north end and down the east side of Owens Lake, generally paralleling the historic shoreline on the north and State Route 136 on the east. Power drops from nearby overhead lines are connected to the underground power lines that carry power to the lake bed control measure facilities.

In addition, small portable generators mounted on construction vehicles will provide some temporary construction and emergency power.

ES.2.2.5 *Water Distribution Facilities*

Shallow Flooding areas will be subdivided into smaller flooding-area blocks to improve water use efficiency. It is anticipated that approximately half of the units will be operated simultaneously, with water being supplied nearly continuously during peak demand periods.

Water distribution facilities within the flooding-area blocks may include submain pipelines, lateral pipelines, water delivery risers, drain pump stations, ponds, whiplines, tailwater pumping stations, and sideslope and downslope berms. The number and size of the individual flooding-area blocks may vary based on the final design and layout. However, the anticipated facilities would be similar to existing facilities.

ES.2.2.6 *Staging Areas*

Two existing staging areas have been established to provide contractor(s) currently working on ongoing implementation of approved DCMs with storage and placement of heavy equipment and construction materials and supplies. One contractor staging area is located south of Sulfate Road and west of State Route 136 near their junction, just above the eastern historic shoreline of Owens Lake. A second contractor staging area is located above the southeast shoreline of the lake bed near Dirty Socks Spring. A third staging area is proposed to be located at T-37. It is anticipated that these areas would also suffice as staging areas for construction activities associated with the proposed project.

ES.2.2.7 *Effectiveness Monitoring Program*

A dust emissions monitoring program, known as the Dust ID Program, has been established by the District. The program consists of air monitoring devices, a grid of sand motion monitoring devices

deployed on the lake bed, remote cameras, visual observations, and global positioning system mapping to measure and map dust emissions from the lake bed. The District and the City, with assistance of third-party technical experts, would work cooperatively to improve the Dust ID Program by 2010. The Dust ID Program will continue to operate during and after DCM installation. The City also intends to install and operate additional air monitoring devices within the proposed project area.

ES.3 AREAS OF KNOWN CONTROVERSY

Other than those described in Section ES.4, there are no areas of substantial controversy known to the District. The Owens Valley Planning Area (OVPA) has been in serious nonattainment for the NAAQS for PM₁₀ emissions since 1987. Since the 1998 certification of the Owens Valley PM₁₀ Planning Area Demonstration of Attainment SIP EIR, the District has been working in conjunction with the City of Los Angeles to bring PM₁₀ emissions from the dry lake bed into compliance with the NAAQS.⁹ This Subsequent EIR represents an important continuation of this process.

ES.4 ISSUES TO BE RESOLVED

Two issues to be resolved by the District to implement the proposed project are property ownership in areas where DCMs are to be installed and California Department of Fish and Game (CDFG) jurisdiction.

ES.4.1 Property Ownership

The majority of the land in the project area falls under the jurisdiction of the California State Lands Commission (CSLC). Some areas in which DCMs would be installed are located on federal Bureau of Land Management (BLM) land (Approximately 11.4 acres). The requirements of the National Environmental Policy Act (NEPA) and other relevant legislation for the installation of DCMs on federal BLM land will be met by tiering off of this EIR.

ES.4.2 California Department of Fish and Game Jurisdiction

The second issue that needs to be resolved by the District is the extent of CDFG jurisdiction in the proposed project area. The District's position, supported by past Streambed Alteration Agreements provided to City, is that the CDFG's jurisdiction includes all existing wetlands (including spring mounds), ephemeral and perennial stream courses with defined beds and banks, and the existing lake (brine pool) up to its ordinary high water mark. The extent of CDFG jurisdiction will determine the amount of acreage to be included in the Streambed Alteration Agreement, which the City will seek from CDFG for the installation of the DCMs¹⁰.

⁹ Great Basin Unified Air Pollution Control District. 1998. *Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan Addendum No. 1 to the Final Environmental Impact Report*. State Clearinghouse Number No. 96122077. Bishop, CA.

¹⁰ Great Basin Unified Air Pollution Control District. 30 April 2003. Memorandum for the Record: Great Basin Unified Air Pollution Control District's 2003 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan. Prepared by: Morrison & Foerster LLP. Received by: California Department of Fish and Game.

ES.5 POTENTIAL IMPACTS FOUND NOT TO BE SIGNIFICANT

The analysis undertaken in support of this Subsequent EIR determined that there are seven environmental issue areas related to CEQA that are not expected to have significant impacts resulting from implementation of the proposed project.¹¹ These issue areas are aesthetics, agricultural resources, geology and soils, noise, population and housing, public services, and recreation. These issue areas, therefore, were not carried forward for detailed analysis in the Subsequent EIR. The environmental issues identified in the Initial Study that need to be resolved in this Subsequent EIR are air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, traffic and transportation, and utilities and service systems.

ES.6 SUMMARY OF IMPACTS

The analysis undertaken in support of this Subsequent EIR has determined that impacts to biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, traffic and transportation, and utilities and service systems can be mitigated to below the level of significance. Table ES.6-1, *Summary of Significant Impacts*, presents potentially significant impacts related to each issue area analyzed that might result or can be reasonably expected to result from implementation of the proposed project. Table ES.6-1 also presents the measures that can mitigate the significant impacts and the level of significance after mitigation for each issue area analyzed in the Subsequent EIR. Impacts to air quality in terms of green house gas emissions were found to be significant and unavoidable, but mitigation measures have been included to reduce impacts.

¹¹ Great Basin Unified Air Pollution Control District. 1998. *Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan Addendum No. 1 to the Final Environmental Impact Report*. State Clearinghouse Number No. 96122077. Bishop, CA.

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS**

Impact	Mitigation Measure	Level of Significance After Mitigation
<p>Air Quality</p> <p>Implementation of the proposed project has the potential to result in impacts to air quality related to air emissions.</p>	<p>Measure Air-1, Construction Activities Fugitive Dust Emissions Control and Minimization</p> <p>Fugitive dust emissions during construction shall be controlled and minimized, to comply with Great Basin Unified Air Pollution Control District Rules 400 and 401 (EPA 1992), through the City of Los Angeles Department of Water and Power's application of best available control measures during construction activities from unpaved roads and areas affected by the construction work specified in this 2008 Revised SIP, or related transportation and staging of equipment and materials. This may include, but would not be limited to, the use of, surface coverings, windbreaks, water trucks, and water sprays twice a day, or comparable measures that prevent visible dust from occurring. At a minimum, active operations shall utilize one or more of the applicable best available control measures to minimize fugitive dust emissions from each fugitive dust source type that is part of the active operation. The City of Los Angeles Department of Water and Power shall demonstrate compliance with this measure through the preparation of a project construction dust control plan to be prepared by the City of Los Angeles Department of Water and Power and approved by the Great Basin Unified Air Pollution Control District prior to the start of construction and the submission of weekly monitoring reports to the Great Basin Unified Air Pollution Control District and the California State Lands Commission. The Great Basin Unified Air Pollution Control District shall monitor the application of best available control measures at least once a week on an ongoing basis during the construction phase of the proposed project, and maintain a monitoring log on file.</p> <p>Measure Air-2, Construction Equipment Low-emissions Tune-ups Schedule</p> <p>To mitigate the air quality impact related to greenhouse gas emissions, the City of Los Angeles Department of Water and Power shall develop a schedule of low-emissions tune-ups for all equipment operating on site for more than 10 working days, and maintain a log of required tune-ups and submit a monthly copy to the Great Basin Unified Air Pollution Control District during the project's construction phase. Prior to implementation of the schedule, the City of Los Angeles Department of Water and Power shall submit the schedule to the Great Basin Unified Air Pollution Control District and the California State Lands Commission. The Great Basin Unified Air Pollution Control District shall ensure conformance of the equipment operation with the approved schedule.</p> <p>Measure Air-3, Low-emission Construction Equipment Utilization</p> <p>To mitigate the air quality impact related to greenhouse gas emissions, the City of Los Angeles Department of Water and Power shall apply best available control measures during construction by utilizing low-emission equipment/mobile construction equipment for the proposed project site, unless the City of Los Angeles Department of Water and Power submits documentation and consults with the Great Basin Unified Air Pollution Control District and the California State Lands Commission that use of such equipment is not practical, feasible, or available. The Great Basin Unified Air Pollution Control District should monitor the application of low-emission equipment/mobile construction equipment, or other approved equipment at least once a week on an ongoing basis during the project's construction phase and should maintain a monitoring log on file during this phase.</p> <p>Measure Air-4, Low-sulfur Fuel Utilization during Construction</p> <p>To mitigate the air quality impact related to greenhouse gas emissions, the City of Los Angeles Department of Water and Power shall apply best available control measures during construction by utilizing low-sulfur and/or alternative fuels for on-site stationary equipment. Stationary sources of air emissions, such as pumps, compressors, and generators shall be line-powered, unless the City of Los Angeles Department of Water and Power submits documentation and consults with the Great Basin Unified Air Pollution Control District and the California State Lands Commission that the use of such equipment is not practical, feasible, or available. The Great Basin Unified Air Pollution Control District should monitor the application of low-sulfur and/or alternative fuels for on-site stationary equipment, or other approved on-site stationary equipment at least once a week on an ongoing basis during the project's construction phase and should maintain a monitoring log on file during this phase.</p>	<p>Implementation of mitigation measure Air-1 would reduce potential impacts on air quality in relation to fugitive dust from the construction of the proposed project to below the level of significance.</p> <p>Construction, operation, and maintenance of dust control measures at Owens Lake introduces the use of mechanized vehicles and the storage and application of chemicals on the lake bed that would exceed the levels that occurred in 1990 when operations on the lake bed were limited to mineral extraction, incidental recreation, and air quality studies. Application of mitigation measures Air-2 through Air-6 would reduce greenhouse gas emissions to the maximum extent practicable but are not capable of reducing impacts to 1990 levels; thus, the proposed project would result in a significant unavoidable adverse impact to the achievement of greenhouse gas emission controls commensurate with the goals articulated in Assembly Bill 32.</p>

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>Measure Air-5, Low-emission Mobile Vehicle Utilization during Construction</p> <p>To mitigate the air quality impact related to greenhouse gas emissions, low-emission or alternative-fueled mobile vehicles during the proposed project's construction shall be utilized for the proposed project site, unless the City of Los Angeles Department of Water and Power submits documentation and consults with the Great Basin Unified Air Pollution Control District and the California State Lands Commission that use of such equipment is not practical, feasible, or available. In addition, carpooling of construction workers should be considered and encouraged by the City of Los Angeles Department of Water and Power to reduce vehicular emissions.</p> <p>Measure Air-6, Low-emission Mobile Vehicle Utilization during Operation</p> <p>To mitigate the air quality impact related to greenhouse gas emissions during the proposed project's operation, hybrid, low-emission (CA LEV II; PZEV, SULEV; or ULEV) or alternative-fueled mobile vehicles, such as electric or fuel cells, shall be utilized for the proposed project site, unless the City of Los Angeles Department of Water and Power submits documentation and consults with the Great Basin Unified Air Pollution Control District and the California State Lands Commission that use of such equipment is not practical, feasible, or available. The City of Los Angeles Department of Water and Power shall provide the Great Basin Unified Air Pollution Control District with its purchasing policy procedures that shall provide provisions that encourage the use of low-emission or alternative-fueled mobile vehicles before operation of the project. In addition, carpooling of operations and maintenance workers should be considered and encouraged by the City of Los Angeles Department of Water and Power to reduce vehicular greenhouse gas emissions.</p>	
Biological Resources		
<p>Implementation of the proposed project has the potential to result in impacts to biological resources related to sensitive habitats, federally protected wetlands, and special status biological resources.</p> <p>Implementation of the proposed project has the potential to result in impacts to biological resources related to western snowy plovers and nonemissive wetland and upland scrub vegetation communities during construction activities that require mitigation measures.</p> <p>Implementation of the proposed project has the potential to result in impacts to riparian and wetland communities, native wildlife communities, state-designated sensitive habitat, sensitive species (western snowy plovers), and wildlife corridors during operations and maintenance activities that require mitigation measures.</p> <p>Based on the experience from implementation of DCMs in support of the 1998 and 2003 SIP, substantial increases to habitat functions and values have occurred at Owens Lake. The public, Responsible Agency, and Trustee Agency provided comments regarding the vulnerability of resident and migratory species populations to</p>	<p>Construction Measures</p> <p>Measure Biology-1, Lake Bed Worker Education Program</p> <p>To minimize potential direct impacts to western snowy plover from construction activities to below the level of significance, the City of Los Angeles Department of Water and Power shall continue the lake bed worker education program consistent with the previous approach and per California Department of Fish and Game recommendations. The program shall mirror the program instituted for workers for the 1997 EIR and shall focus on western snowy plover identification, basic biology and natural history, alarm behavior of the snowy plover, and applicable mitigation procedures required of the City of Los Angeles Department of Water and Power and construction personnel. The program shall be conducted by a biologist familiar with the biology of the western snowy plover at Owens Lake and familiar with special status plant and wildlife species of the Owens Lake basin. The biologist shall be approved by the Great Basin Unified Air Pollution Control District prior to implementation of the education program. The qualifications of the biologist shall be submitted to the California Department of Fish and Game for review. The education program shall be based on the 1997 program EIR and shall include relevant updates by the biologist. The education program shall explain the need for the speed limit in the snowy plover buffer areas and the identification and meaning of buffer markers. All construction, operation, and maintenance personnel working within the project area shall complete the program prior to their working on the lake bed. A list of existing personnel who have completed the program shall be submitted to the Great Basin Unified Air Pollution Control District prior to the start of any work on the lake bed. A list of new personnel who have participated and completed the education program shall be submitted monthly to the Great Basin Unified Air Pollution Control District. A copy of the worker education program shall be provided to the California Department of Fish and Game and California State Lands Commission.</p> <p>Measure Biology-2, Preconstruction Surveys for Western Snowy Plover</p> <p>To minimize potential direct impacts to western snowy plover within the project area due to construction activities, the City of Los Angeles Department of Water and Power shall conduct a preconstruction survey for western snowy plover in all potential snowy plover habitat prior to any construction activity that is performed during the snowy plover breeding season (March 15 to August 15). Preconstruction surveys shall be performed no more than seven days prior to the start of ground-disturbing activities. The City of Los Angeles Department of Water and Power shall place a 200-foot buffer around all active snowy plover nests that are discovered within the construction area. This buffer shall protect the plover nest from both destruction and construction noise. Green-colored stakes of less than 60 inches in height with yellow flagging shall be used to mark buffer edges, with stakes spaced at eight approximately</p>	<p>The substantial evidence that mitigation measures Biology-5, Biology-6, and Biology-8 are capable of reducing impacts to sensitive habitats and protected wetlands to below the level of significance is evidenced in the 2007 field data that demonstrate that the implementation of comparable measures in conjunction with the 1998 SIP and 2003 SIP were able to conserve pre-1997 levels of wetlands and state-designated sensitive habitats (Table 2.4.4-1). Therefore, the District has determined, in consultation with the respective Responsible and Trustee Agencies (California State Lands Commission, California Department of Fish and Game, and U.S. Army Corps of Engineers) that implementation of mitigation measures Biology-5, Biology-6, and Biology-8 would be capable of reducing impacts to sensitive habitats and protected wetlands to below the level of significance.</p> <p>The substantial evidence that mitigation measures Biology-1, Biology-2, Biology-3, Biology-4, Biology-7, Biology-9, Biology-10, Biology-11, Biology-13, and Biology-14 are capable of reducing impacts to special status biological resources to below the level of significance is evidenced in the 2007 field data that demonstrate that the implementation of comparable measures in conjunction with the 1998 SIP and 2003 SIP were able to conserve pre-1997 levels of wetlands and state-designated sensitive habitats (Table 2.4.4-1) and adult and breeding population and habitat of the western snowy plover (Section 3.2.2, Existing Conditions, Sensitive Species, Western Snowy Plover, and Figures 3.2.2-3, 3.2.2-4, 3.2.2-6, 3.2.2-7, and 3.2.2-10). Therefore, the District has determined, in consultation with the respective Responsible and Trustee Agencies (California State Lands Commission, California Department of Fish and Game,</p>

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation
<p>fluctuating habitat functions and values at Owens Lake as a result of the long-term operations and maintenance of the DCMs, which has the potential to result in cumulative impacts.</p>	<p>equidistant locations. The location of the nest (global positioning system coordinates) and current status of the nest shall be reported within 24 hours of discovery to the Great Basin Unified Air Pollution Control District. Maps of snowy plover nest locations shall be posted at the construction office and made available to all site personnel and Great Basin Unified Air Pollution Control District staff. The activity of the nest shall be monitored by a biological monitor approved by the Great Basin Unified Air Pollution Control District, as per existing guidelines for the North Sand Sheet and Southern Zones dust control projects and any revisions to the monitoring protocol that have been approved by the California Department of Fish and Game. Active snowy plover nests shall be monitored at least weekly. The qualifications of the biological monitor shall be submitted to the California Department of Fish and Game for review. The nest buffer shall remain in place until such time as the biological monitor determines that the nest is no longer active and that fledglings are no longer in danger from proposed construction activities in the area. Buffers shall be more densely marked where they intersect project-maintained roads. Vehicles shall be allowed to pass through nest buffers on maintained roads at speeds less than 15 miles per hour, but shall not be allowed to stop or park within active nest buffers. Permitted activity within the nest buffer shall be limited to foot crews working with hand tools and shall be limited to 15-minute intervals, at least one hour apart, within a nest buffer at any one time. Compliance with this mitigation measure shall be confirmed by the Great Basin Unified Air Pollution Control District through issuance of a weekly written report by the City of Los Angeles Department of Water and Power to the Great Basin Unified Air Pollution Control District.</p> <p>Measure Biology-3, Snowy Plover Nest Speed Limit</p> <p>To minimize potential direct and cumulative impacts to western snowy plover and other sensitive biological resources from vehicles construction activities, the City of Los Angeles Department of Water and Power shall implement a speed limit of 30 miles per hour within all active construction areas on Owens Lake during construction of dust control measures. Speed limits shall be 15 miles per hour within active snowy plover nest buffers. Designated speed limits for other construction areas outside of active nest buffers shall be maintained at 30 miles per hour where it is determined to be safe according to vehicle capabilities, weather conditions, and road conditions. Site personnel and Great Basin Unified Air Pollution Control District staff shall be informed daily of locations where active nest buffers overlap with roads in the construction area. Signs shall be posted that clearly state required speed limits. Speed limit signs shall be posted at all entry points to the lake. The number of speed limit signs shall be kept at a minimum near active snowy plover nest areas to reduce potential perches for raptors and other snowy plover predators and shall be outfitted with Nixalite or the functional equivalent if greater than 72 inches (increased from the original 60 inches) in height at entry points to the lake and 60 inches in height by active snowy plover nest areas. Compliance with this mitigation measure shall be confirmed by the Great Basin Unified Air Pollution Control District through issuance of a summary written report by the City of Los Angeles Department of Water and Power to the Great Basin Unified Air Pollution Control District after posting of speed limits. A copy of the summary report shall be provided to the California Department of Fish and Game.</p> <p>Measure Biology-4, Lighting Best Management Practices</p> <p>To minimize indirect impacts to nesting bird species associated with project lighting during construction activities, the City of Los Angeles Department of Water and Power shall institute all best management practices to minimize lighting impacts on nocturnal wildlife consistent with previous requirements and California Department of Fish and Game recommendations. Best management practices include those listed below, and are included in the Project Description of the 2008 State Implementation Plan Environmental Impact Report. Previous construction has occurred during nighttime hours to complete construction schedules and to prevent personnel from working during times of high temperatures. If night work is deemed necessary, then construction crews shall make every effort to shield lighting on equipment downward and away from natural vegetation communities or playa areas, and especially away from known nesting areas for snowy plovers during the nesting season (March to August). All lighting, in particular any permanent lighting, on newly built facilities shall be minimized to the greatest extent possible, while still being in compliance with all applicable safety requirements. Required lighting shall be shielded so that light is directed downward and away from vegetation or playa areas. Proof of compliance with this mitigation measure shall be confirmed by the Great Basin Unified Air Pollution Control District, and a copy of the compliance record shall be provided to the California Department of Fish and Game.</p>	<p>U.S. Army Corps of Engineers, and U.S. Fish and Wildlife Service) that implementation of mitigation measures Biology-1, Biology-2, Biology-3, Biology-4, Biology-7, Biology-9, Biology-10, Biology-11, Biology-13, and Biology-14 would be capable of reducing impacts to below the level of significance.</p>

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>Measure Biology-5, Marking of Nonemissive Wetland and Upland Scrub Areas</p> <p>To minimize the potential direct impacts to nonemissive wetland and upland scrub vegetation communities from construction activities to below the level of significance, the City of Los Angeles Department of Water and Power shall clearly mark the boundary of construction zones (including the 50-foot buffer) within 50 feet of the boundary of nonemissive wetland areas and upland scrub communities to prevent incursion into these vegetation communities. No construction zone buffer is allowed for construction areas immediately adjacent to wetland or sensitive areas. Construction zone buffers are not allowed to impact wetland or sensitive areas. Construction zone boundaries near nonemissive areas shall be marked using stakes less than 72 inches (originally 60 inches) high, spaced 10 feet apart, along the edges of spring mounds, and spaced 100 feet apart along other wetland and vegetated edges. Marking shall occur prior to the initiation of construction activities. Construction buffer areas outside of the dust control boundaries shall not exceed 50 feet in width and shall be reduced as required to prevent construction activities from impacting adjacent vegetated areas. No temporary or permanent access routes through vegetated areas shall be established, except those specified in the Project Description. Incursions into established vegetated areas, including vegetated areas within the temporary impact area of the 50-foot construction zone buffer, that cause measurable loss of plant cover shall require revegetation with suitable local, native plant species. Proof of compliance with this mitigation measure shall be verified by submitting a written report to the Great Basin Unified Air Pollution Control District and the California Department of Fish and Game that details the location of markings and the type and locations of delineated wetland and upland areas that are marked. This report shall be submitted prior to the start of construction activities. A written mitigation plan for those vegetated areas where plant cover loss has been measured must be submitted to the Great Basin Unified Air Pollution Control District following the completion of construction. The mitigation plan must contain a schedule and protocol for achieving revegetation within two years of any impacts to vegetation caused by access routes or construction activities outside the areas specified in the Project Description.</p> <p>Operations and Maintenance Measures</p> <p>Measure Biology-6, Wetland Mitigation Program</p> <p>To minimize direct impacts to riparian and wetland communities caused by installation of dust control measures to below the level of significance, the City of Los Angeles Department of Water and Power shall obtain a Programmatic Streambed Alteration Agreement for all existing or proposed activities that may impacts areas subject to the jurisdiction of the California Department of Fish and Game pursuant to Section 1600 of the California Department of Fish and Game Code that require the approval of the California Department of Fish and Game in the form of a Streambed Alteration Agreement. If previous phases or the proposed work covered by the 2008 State Implementation Plan and Environmental Impact Report do not require a Streambed Alteration Agreement, then they will not be incorporated into the Programmatic Streambed Alteration Agreement. The City of Los Angeles Department of Water and Power shall institute a wetland mitigation program prior to the initiation of construction activities as recommended by the California Department of Fish and Game. The program shall be designed to emphasize restoration of equivalent functions and values of wetlands within the project area as compared to pre-project impacts.</p> <p>The wetlands mitigation program shall include mitigation goals, target success criteria, identification of impact areas, an implementation plan, plant species and spacing, irrigation design, post-implementation monitoring plan, and maintenance requirements. Managed Vegetation is deemed to have equivalent functions and values to dry transmontane alkali meadow that would be impacted by the project at a ratio of 2 acres of Managed Vegetation created for every 1 acre of dry transmontane alkali meadow impacted. Up to 413 acres of dry transmontane alkali meadow may be converted to dust control measures as a result of the project. The creation-to-impact ratio for the proposed project would be approximately 2:1. A Managed Vegetation area of up to 826 acres, based on actual impact area identified, shall be designated as the wetland mitigation area within the prescribed Managed Vegetation areas as proposed in the project description. The City of Los Angeles Department of Water and Power shall designate the wetland mitigation area within a Managed Vegetation area that is on the bed of Owens Lake. The City of Los Angeles Department of Water and Power currently has a bank of 53.9 acres of excess installed transmontane alkali meadow that may count toward the total number of acres that would be required as mitigation. Potential mitigation areas may include the Sulfate Well outflow area and Swansea outflow area. Potential mitigation areas may not include state-owned lands currently used for cattle grazing. Banked mitigation (Table 2.4.4-1) credits may be applied for in-kind mitigation.</p>	

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>A design and plan for the designated wetland mitigation area shall be provided to the Great Basin Unified Air Pollution Control District and California State Lands Commission for approval prior to construction of any Managed Vegetation. Included in the plan shall be the location, plant species, schematics, schedule, irrigation requirements, performance criteria, and contingency measures. A copy of the plan shall be provided to the California Department of Fish and Game, U.S. Army Corps of Engineers, and the California State Lands Commission. A transmontane alkali meadow management plan shall be created by the City of Los Angeles Department of Water and Power that sets forth a program to monitor the designated wetland mitigation areas for appropriate coverage of native plant species, for change in the extent of transmontane alkali meadow over a five-year period postconstruction, and for management of invasive, nonnative plant species in wetland areas in and within 500 feet of the project area. The transmontane alkali meadow management plan shall be approved by the Great Basin Unified Air Pollution Control District prior to the initiation of construction activities. A copy of the management plan and subsequent monitoring reports shall be provided to the California Department of Fish and Game, U.S. Army Corps of Engineers, and to the California State Lands Commission.</p> <p>Calculations of dry transmontane alkali meadow impacts from implementation of the project are estimates based on the mapped extent of transmontane alkali meadow areas within the project area and a determination of whether an area is emissive or nonemissive based on dust monitoring data. The total acreage of wetland mitigation for dry transmontane alkali meadow shall be two times the actual direct and indirect impact area caused to dry transmontane alkali meadow by both construction and postconstruction activities. If any unanticipated indirect postconstruction impacts to riparian communities proximal to Shallow Flood dust control measures occur as a result of project construction or operation, the City of Los Angeles Department of Water and Power shall designate additional wetland mitigation areas and incorporate design parameters that would result in the replacement of equivalent functions and values to the impacted moist or saturated transmontane alkali meadow wetlands within two years of the initiation of the replacement effort. Significant impacts would include loss of vegetative cover due to ground disturbance or change in species composition attributable to drying of springs or ponds, which does not self-repair within two years of detection. Managed Vegetation would not be suitable mitigation for impacts to moist or saturated transmontane alkali meadow communities. The City of Los Angeles Department of Water and Power shall compensate for all loss of transmontane alkali meadow that occurs. Mitigation for impacts to all transmontane alkali meadow associated with construction and operation of dust control measures constructed between 1998 and 2008 (prior to the project) shall be replaced at a ratio of 1 acre of wetland replacement for every acre of wetland impact (1:1 replacement ratio). Replacement wetlands shall consist of similar habitat function and values as the wetland that is lost. Banked mitigation (described in EIR Table 2.4.4-1) credits may be applied for in-kind mitigation. All wetland replacement described in this mitigation measure shall be approved by the Great Basin Unified Air Pollution Control District, California Department of Fish and Game, U.S. Army Corps of Engineers, and California State Lands Commission. All wetland replacements for anticipated impacts shall be constructed and fully functional no later than April 1, 2010. All wetland replacements for unanticipated impacts shall be constructed and fully functional within two years of when the impact was determined.</p> <p>Measure Biology-7, Toxicity Monitoring Program</p> <p>To avoid direct and cumulative impacts to native wildlife communities that may potentially result from bioaccumulation of toxic substances resulting from naturally occurring heavy metals and other potential toxins in lake bed deposits to below the level of significance, the City of Los Angeles Department of Water and Power shall implement a toxicity monitoring program to investigate the potential of bioaccumulation of heavy metals and other potential toxins in wildlife from feeding in dust control areas throughout the Owens Lake bed. A copy of the long-term monitoring program shall be submitted to the California State Lands Commission and Great Basin Unified Air Pollution Control District for review and comment at least 60 days prior to the start of operation of new water-based dust control measures. Monitoring shall take place in all dust control areas within the Owens Lake as well as at all spring and outflow areas within 500 feet of the construction boundaries. The purpose of the monitoring program shall be to determine if bioaccumulation of toxins is occurring within native wildlife populations attributable to the Dust Control Mitigation Program. Procedures for bioaccumulation monitoring shall follow existing permits issued by the Lahontan Water Quality Control Board (Lahontan Water Quality Control Board) and any subsequent water quality monitoring requirements deemed necessary by the Lahontan Water Quality Control Board. All monitoring shall be conducted by individuals familiar with the native wildlife species of the Owens Lake bed. Monitoring personnel shall be approved by the Great Basin Unified Air Pollution Control District prior to implementation of the long-term monitoring. The monitoring plan shall include adaptive management procedures and mitigation procedures to follow in the instance that signs of toxicity do develop in native wildlife populations that are attributable to the Dust</p>	

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation																				
	<p>Control Mitigation Program. Management procedures would be implemented depending on the type and extent of impact that was observed and could potentially, but not necessarily, include covering of dust control areas to prevent wildlife utilization, hazing of wildlife to prevent utilization of dust control areas, or any other appropriate measures. Any adaptive management measures that would potentially be implemented shall be approved by the Great Basin Unified Air Pollution Control District, and the California Department of Fish and Game prior to implementation.</p> <p>The monitoring shall be conducted as described in Table 3.2.5-1, <i>Biology-7, Postconstruction Bioaccumulation Monitoring Schedule</i>. In order to have the 2003 State Implementation Plan and 2008 State Implementation Plan monitoring schedules coincide, the final year for monitoring in 2003 State Implementation Plan areas has been moved from 2020 to 2023. Monitoring shall be conducted on a semiannual basis (summer and winter) during each year that monitoring is conducted. If, after the completion of the 14-year monitoring schedule as described in mitigation measure Biology-7, it is determined that there is no evidence of toxicity issues in native wildlife populations, then the monitoring program may be discontinued. If monitoring determines that impacts to native wildlife species are occurring, then the monitoring shall continue on a semiannual basis (summer and winter) in every year until significant impacts are not detected, and the monitoring sequence shall resume at the Year 3 monitoring event and shall continue at the intervals shown in Table 3.2.5-1. Written monitoring reports shall be provided to the Great Basin Unified Air Pollution Control District, the California Department of Fish and Game, Lahontan Water Quality Control Board, and the California State Lands Commission by the approved biological monitor within four months following the end of the monitoring year. Any changes in the existing monitoring requirements by the Regional Water Quality Control Board shall be included into this mitigation measure.</p> <p align="center">TABLE 3.2.5-1 BIOLOGY-7, POSTCONSTRUCTION BIOACCUMULATION MONITORING SCHEDULE</p> <table border="1" data-bbox="761 973 2135 1161"> <thead> <tr> <th>2003 SIP areas only</th> <th>2003 SIP areas only</th> <th>Year 1 monitoring event*</th> <th>Year 2 monitoring event*</th> <th>Year 3 monitoring event[†]</th> </tr> </thead> <tbody> <tr> <td>2008</td> <td>2009</td> <td>2010</td> <td>2011</td> <td>2012</td> </tr> <tr> <th>Year 4 monitoring event*</th> <th>Year 5 monitoring event[†]</th> <th>Year 6 monitoring event*</th> <th>Year 9 monitoring event[†]</th> <th>Year 14 monitoring event*</th> </tr> <tr> <td>2013</td> <td>2014</td> <td>2015</td> <td>2018</td> <td>2023</td> </tr> </tbody> </table> <p>NOTE: * 2003 and 2008 SIP areas monitored [†] 2008 SIP areas only</p> <p>Measure Biology-8, Exotic Pest Plant Control Program</p> <p>To minimize indirect impacts to native vegetation communities that may result from the project construction and operations and to prevent creating an environment for weedy plant species to become established in native plant communities, the City of Los Angeles Department of Water and Power shall continue the exotic pest plant control program initiated in 2007 per the 2003 State Implementation Plan within all current and previously constructed designated dust control areas after full build-out of the project (April 1, 2010). The spread of exotic, invasive plant species, such as salt cedar (<i>Tamarix</i> spp.), has detrimental effects on habitat quality for native plant and wildlife species and, in the case of species like salt cedar, can reduce the availability and quality of water within native vegetation areas for plant and wildlife species. The goals of the program shall be consistent with the goals specified in the Inyo County General Plan, the Inyo County Inter-Agency Weed Management Program, and the U.S. Fish and Wildlife Service Owens Basin Wetland and Aquatic Species Recovery Plan for the portion of the Recovery Plan included within the project area. The program shall be written by a pest management specialist or other person familiar with exotic plant species management and shall be submitted to the Great Basin Unified Air Pollution Control District no later than April 1, 2010. Measures for control shall include all best management practices, which include prudent and safe use of control measures such as herbicides, brushing, direct weed removal, tire washing, or comparable measures such that no increase in invasive plant cover occurs. The program shall include yearly monitoring to ensure that exotic plant species are being sufficiently controlled. The draft exotic plant species control program shall be submitted to both the Great Basin Unified Air Pollution Control District and California State Lands Commission and approved by the Great Basin Unified Air Pollution Control District prior to the initiation of exotic plant control activities. All pesticide use shall be</p>	2003 SIP areas only	2003 SIP areas only	Year 1 monitoring event*	Year 2 monitoring event*	Year 3 monitoring event [†]	2008	2009	2010	2011	2012	Year 4 monitoring event*	Year 5 monitoring event [†]	Year 6 monitoring event*	Year 9 monitoring event [†]	Year 14 monitoring event*	2013	2014	2015	2018	2023	
2003 SIP areas only	2003 SIP areas only	Year 1 monitoring event*	Year 2 monitoring event*	Year 3 monitoring event [†]																		
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Year 4 monitoring event*	Year 5 monitoring event [†]	Year 6 monitoring event*	Year 9 monitoring event [†]	Year 14 monitoring event*																		
2013	2014	2015	2018	2023																		

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>undertaken by a state-certified and licensed pesticide applicator. Annual written monitoring reports documenting exotic plant location, type, pretreatment abundance, control type used, and control efficacy shall be delivered to the Great Basin Unified Air Pollution Control District within four months following the end of each calendar year (by April 30). A copy of the control program and resulting monitoring reports shall be provided to the California State Lands Commission and to the California Department of Fish and Game.</p> <p>Measure Biology-9, Plover Identification Training</p> <p>To minimize potential direct, indirect, and cumulative impacts to western snowy plover resulting from required maintenance within Shallow Flooding dust control areas during the western snowy plover breeding season (March to August), foot crews and all-terrain vehicle (ATV) operators that must enter Shallow Flooding panels within the entire Owens Lake bed during the snowy plover breeding season shall be briefed in plover identification, nest identification, and adult alarm behavior, and the identification and meaning of buffer markers. Crews shall receive this training from a biologist knowledgeable in western snowy plover biology at Owens Lake as part of the contractor education program as described in mitigation measure Biology-1. The qualifications of the biological monitor shall be submitted to the California Department of Fish and Game for review. Maintenance crews shall utilize hand tools and ATVs only to conduct maintenance activities during this time period in Shallow Flooding panels where snowy plovers may be present. Crews shall minimize time within the Shallow Flooding and playa areas to the greatest extent possible. In the event that a crew discovers an active nest, a biologist shall be contacted to mark the nest buffer. If crews are working within an active nest buffer, they shall be limited to 15 minutes out of every hour within the buffer. If an unanticipated take to western snowy plovers or an active snowy plover nest occurs during any maintenance activities, a project biologist shall document the impact and report the incident to the Great Basin Unified Air Pollution Control District and the California Department of Fish and Game within 48 hours of the event. A take in this case would be defined as mortality to adults, chicks, or fledglings, or a modification in adults' behavior due to human pressure that results in a loss of a nest and its contents. Proof of compliance with this mitigation measure shall be verified by submitting copies of any incident reports to the Great Basin Unified Air Pollution Control District, the California State Lands Commission, and the California Department of Fish and Game.</p> <p>Emergency repair activities are exempt from the requirements of this provision. An emergency is defined in the State of California Environmental Quality Act Guidelines, Section 15269, as "a sudden, unexpected occurrence that presents a clear and imminent danger, demanding action to prevent or mitigate loss of or damage to life, health, property, or essential public services." Emergency repairs as defined under the 2003 State Implementation Plan revision and the 1998 State Implementation Plan are further defined as those repairs that must be completed immediately to protect human health and safety, ensure the project is in compliance with required air quality standards, or protect project infrastructure from significant and immediate damage that could result in the failure of a dust control measure to maintain compliance with required air quality standards. In the event that an emergency repair must be performed on a Shallow Flooding panel during the snowy plover breeding season, a qualified biological monitor shall be present on site during the duration of the repair activity to document any impacts to western snowy plover adults, juveniles, or active nests. The Great Basin Unified Air Pollution Control District and the California Department of Fish and Game shall be notified within 24 hours of the start of all emergency repair activities. A copy of the biological monitor's written report shall be provided to the Great Basin Unified Air Pollution Control District and the California Department of Fish and Game within 48 hours of completion of the emergency repair activity. Any appropriate mitigation that may be required from impacts to western snowy plovers shall be negotiated between City of Los Angeles Department of Water and Power and the California Department of Fish and Game based on the report provided by the biological monitor. A copy of the resultant mitigation that is negotiated between City of Los Angeles Department of Water and Power and the California Department of Fish and Game shall be provided to the Great Basin Unified Air Pollution Control District and California State Lands Commission.</p> <p>Measure Biology-10, Long-Term Monitoring Program for Western Snowy Plover</p> <p>To minimize potential direct, indirect, and cumulative impacts resulting from operation and maintenance of dust control measures to western snowy plover, the City of Los Angeles Department of Water and Power shall implement a long-term snowy plover population monitoring program for the entire Owens Lake bed. Long-term monitoring is required due to long-term implementation of the proposed project. Long-term population monitoring allows for the distinction between natural population fluctuations and human-</p>	

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation																
	<p>induced population changes. Postconstruction surveys implemented under the 2003 State Implementation Plan shall be continued under the 2008 State Implementation Plan 1, 2, 3, 4, 5, 7, 9, and 14 years after project implementation. The final western snowy plover monitoring schedule for all dust control measures on Owens Lake bed shall be coordinated so that long-term monitoring for all dust control measures covered within this document, as well as for preceding environmental documents, are conducted simultaneously. The long-term monitoring shall begin in 2010 or at such time that full build-out is completed. The goals of the monitoring are to confirm that overall numbers of snowy plovers within the dust control areas do not decrease due to implementation of the 2008 State Implementation Plan relative to baseline plover population numbers prior to implementation of the 2003 State Implementation Plan as shown by the 2002 plover report for Owens Lake, which found the population to be 272 plovers.¹² Monitoring shall be conducted during the months of May and June by a qualified biologist familiar with the natural history and habitat requirements of western snowy plovers within the Owens Lake basin. The qualifications of the biological monitor shall be submitted to the California Department of Fish and Game for review. The monitoring methodology shall be consistent with the methodology used for the Owens Lake 2002 plover surveys.</p> <p>Annual summary reports for the monitoring efforts shall be filed with the Great Basin Unified Air Pollution Control District, the California State Lands Commission, and the California Department of Fish and Game by December 31 of each monitoring year. The Great Basin Unified Air Pollution Control District shall require adaptive management changes to operation and maintenance of dust control measures if it determines that a decline in snowy plover numbers is occurring that is directly attributable to operation or maintenance procedures of the Owens Lake Dust Mitigation Program. The Great Basin Unified Air Pollution Control District shall consult with the City of Los Angeles Department of Water and Power, California State Lands Commission, and the California Department of Fish and Game prior to requiring adaptive management changes. Monitoring shall continue for a minimum of five years after implementation of adaptive management procedures to ensure that the procedures are having the desired effect on the lake-wide snowy plover population. If after the Year 5 monitoring event it is determined that no adverse impacts to the western snowy plover population at Owens Lake are occurring as a result of the project, then the long-term monitoring program and subsequent reporting may be discontinued.</p> <p>Specified calendar years for conducting lake-wide plover population surveys are provided in Table 3.2.5-2, <i>Biology-10, Postconstruction Lake-wide Plover Population Monitoring Schedule</i>. Lake-wide surveys in 2008 and 2009 shall be conducted per the 2003 State Implementation Plan. Beginning in 2010, lake-wide surveys shall conform to the 2008 State Implementation Plan schedule. Proof of compliance with this mitigation measure shall be through issuance of a written monitoring summary report for each monitoring year specified in Table 3.2.5-2. Reports shall be submitted to the Great Basin Unified Air Pollution Control District by December 31 of each monitoring year. The report shall document survey locations and dates, the number of plovers observed, and an estimate of the total plover population. A copy of the yearly summary reports shall be provided to the California Department of Fish and Game and the California State Lands Commission.</p> <p align="center">TABLE 3.2.5-2 BIOLOGY-10, POSTCONSTRUCTION LAKE-WIDE PLOVER POPULATION MONITORING SCHEDULE</p> <table border="1" data-bbox="761 1421 2138 1548"> <thead> <tr> <th>Year 1 monitoring event</th> <th>Year 2 monitoring event</th> <th>Year 3 monitoring event</th> <th>Year 4 monitoring event</th> </tr> </thead> <tbody> <tr> <td>2010</td> <td>2011</td> <td>2012</td> <td>2013</td> </tr> <tr> <th>Year 5 monitoring event</th> <th>Year 7 monitoring event</th> <th>Year 9 monitoring event</th> <th>Year 14 monitoring event</th> </tr> <tr> <td>2014</td> <td>2016</td> <td>2018</td> <td>2023</td> </tr> </tbody> </table> <p>Measure <i>Biology-11, Corvid Management Plan</i></p> <p>To reduce potential direct and cumulative impacts to western snowy plover and other migratory shorebirds within the project area due to increased predation on shorebird young and eggs from potential corvid population increases on Owens Lake resulting from construction of dust control measures, the City of Los Angeles Department of Water and Power shall continue to implement the</p>	Year 1 monitoring event	Year 2 monitoring event	Year 3 monitoring event	Year 4 monitoring event	2010	2011	2012	2013	Year 5 monitoring event	Year 7 monitoring event	Year 9 monitoring event	Year 14 monitoring event	2014	2016	2018	2023	
Year 1 monitoring event	Year 2 monitoring event	Year 3 monitoring event	Year 4 monitoring event															
2010	2011	2012	2013															
Year 5 monitoring event	Year 7 monitoring event	Year 9 monitoring event	Year 14 monitoring event															
2014	2016	2018	2023															

¹² CH2MHill. 2002. *Summary of Surveys for Snowy Plovers at Owens Lake, March 1 through April 30, 2002*. Prepared by: Point Reyes Bird Observatory (Ruhlen and Page), Stinson Beach, CA.

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>corvid management plan resulting from the 2003 State Implementation Plan with an extension of one year within the project area, or comparable corvid control measures, to the satisfaction of the California Department of Fish and Game that are capable of achieving the same performance standard of no substantial net increase in corvid predation of native nesting shorebirds (including eggs). The corvid management plan was implemented in 2005 and may conclude in 2011 depending on success. Components of the corvid management plan include lake bed trash management procedures associated with dust control measures, utilization of Nixalite or the functional equivalent on all structures greater than 72 inches in height (increased from the original 60 inches in height) to minimize perching of corvids and raptor species on dust control equipment where they can easily observe shorebirds during the nesting season, burial of power and communication lines on all lake bed areas below the elevation of 3,600 feet, and use of harassment techniques for corvids in specific instances where corvids are proving to be particularly harmful to nesting shorebirds. Specifically in conjunction with the Moat & Row DCM, the corvid management techniques shall be expanded to specify that the sand fence fabric shall be sufficiently flexible and that the post caps shall be designed to prevent perching by corvids, within 0.25 mile of occupied nesting shorebird habitat. The use of sand fencing in Moat & Row areas will be considered under this mitigation measure as exceeding the height of 72 inches, thereby requiring the utilization of Nixalite or the functional equivalent on top of sand fencing. The corvid management plan shall be implemented by a wildlife biologist familiar with the sensitive shorebird populations within the project area and familiar with corvid management techniques. The qualifications of the wildlife biologist shall be submitted to the California Department of Fish and Game for review. Lethal methods of corvid control such as shooting or poisoning shall not be implemented initially due to public and government agency concerns in the project region for such control methods and to prevent putting workers at risk from such control measures. If it is later determined that corvids are having a significant impact on shorebird populations within the project area and direct removal of corvids is a viable alternative, proposed control methods would be presented to the Great Basin Unified Air Pollution Control District and the California Department of Fish and Game for approval prior to implementation of the additional control measures. The corvid management plan includes a yearly written report estimating the lake bed nesting and foraging corvid population size, documenting the results of the corvid management techniques, documenting the observed effectiveness of the techniques in minimizing corvid impacts on shorebirds within the lake bed, and suggesting improvements for corvid management within the lake bed. Effectiveness may be determined based on the corvid population size on the lake bed. Copies of the yearly reports shall be submitted to the Great Basin Unified Air Pollution Control District and the California Department of Fish and Game no later than December 31 of each corvid management year. If after the sixth year of reporting in 2011, the Great Basin Unified Air Pollution Control District determines that the corvid management program is effective, and corvids are not impacting snowy plover populations, then the reporting schedule shall phase out in the same time frame as shown in Table 3.2.5-1. However, the corvid management practices shall be continuously implemented.</p> <p>Measure Biology-12, Habitat Management Program for Nesting Snowy Plovers</p> <p>To minimize potential direct and cumulative impacts to nesting western snowy plover from shutdown of all Shallow Flooding panels on June 30, a habitat management program shall be implemented by the City of Los Angeles Department of Water and Power on all Owens Lake bed Shallow Flooding areas to mimic the natural summer drying of seeps and springs in the area. Each year Shallow Flooding shall be slowly turned off from July 1 to July 21 to allow snowy plover broods to complete their nesting cycle. Consult Figure 3.2.5-1, <i>Conceptual Owens Lake Operational Calendar</i>, and Figure 3.2.5-2, <i>Shallow Flooding Management for the Month of July</i>, for a conceptual picture of Shallow Flooding panel operation. The schedule for decreasing the percentage of wetness in Shallow Flooding areas shall follow Table 3.2.5-3, <i>Biology-12, Schedule of Percent Surface Area Wetted Required to Achieve Level of Control Efficiency After June 30</i>.</p> <p>The City of Los Angeles Department of Water and Power has the option of surveying within 0.5 mile of Shallow Flooding areas for snowy plovers, and if active snowy plover nests or young are not present on or within a 0.5-mile radius of Shallow Flooding areas, then the habitat flows described above would not be needed in those areas and those Shallow Flooding panels may be shut down as the City of Los Angeles Department of Water and Power determines necessary. Surveying shall be conducted by a qualified biologist familiar with the natural history and habitat requirements of western snowy plovers within the Owens Lake basin and must be conducted within seven calendar days of planned shut down. The qualifications of the biologist who conducts the snowy plover surveys shall be submitted to the California Department of Fish and Game for review. A final operations plan detailing the drying operations shall be submitted to the Great Basin Unified Air Pollution Control District for approval, and a copy shall be provided to the California Department of Fish and Game prior to startup of new Shallow Flooding operations. Any changes made to the</p>	

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation								
	<p>operations plan related to the drying of Shallow Flooding areas at the end of the dust season must be submitted in writing to the Great Basin Unified Air Pollution Control District for approval at least one month prior to implementation, and a copy of the changes shall be provided to the California Department of Fish and Game.</p> <p align="center">TABLE 3.2.5-3 BIOLOGY-12, SCHEDULE OF PERCENT SURFACE AREA WETTED REQUIRED TO ACHIEVE LEVEL OF CONTROL EFFICIENCY AFTER JUNE 30</p> <table border="1" data-bbox="761 560 2135 624"> <thead> <tr> <th data-bbox="761 560 1103 590">July 1-7</th> <th data-bbox="1103 560 1445 590">July 8-14</th> <th data-bbox="1445 560 1787 590">July 15-21</th> <th data-bbox="1787 560 2135 590">July 22</th> </tr> </thead> <tbody> <tr> <td data-bbox="761 590 1103 624">~ 50% wetted area</td> <td data-bbox="1103 590 1445 624">~ 20% wetted area</td> <td data-bbox="1445 590 1787 624">~ 15% wetted area</td> <td data-bbox="1787 590 2135 624">Off</td> </tr> </tbody> </table> <p>Measure Biology-13, Wildlife Movement Gaps</p> <p>To minimize potential direct impacts to migratory corridors, used by wildlife such as flightless juvenile shorebirds and herpetofauna, from the installation of sand fencing, either atop the rows of Moat & Row areas or as enhancements between Moat & Row elements, or from the moats themselves, the City of Los Angeles Department of Water and Power shall include gaps in sand fencing and appropriate moat design that allow wildlife movement on the lake bed. For purposes of the analysis in this EIR, moats in Moat & Rows were assumed to have sloped sides and not pose a barrier to wildlife movements. If moats or rows are recommended to be formed with vertical sides, additional environmental analysis would be required. Gaps in the fences shall be no more than 0.25 mile apart and may consist of breaks in the fencing or openings within a fence. Alternatives to gaps may be utilized in place of gaps. Alternatives may include culverts and/or passage holes where wildlife could travel under berms or rows, voids in the fencing mesh, gaps between segments, and open row ends. Moats shall be required to be designed to prevent trapping of wildlife. Potential methods may include, but are not limited to, gentle side slopes and ramps. The size of gaps or alternatives to gaps in the sand fencing and the design of moats shall be submitted to and approved by the California Department of Fish and Game. Proof of compliance with this mitigation measure shall be verified by submitting a written report to the Great Basin Unified Air Pollution District and California Department of Fish and Game detailing the locations, size, and spacing of gaps and moat design for wildlife movement in Moat & Row areas.</p> <p>Measure Biology-14, Long-term Habitat Management Plan</p> <p>To avoid direct and cumulative impacts to native wildlife communities that may result from the proposed project, a Long-term Habitat Management Plan shall be prepared, pursuant to the California Department of Fish and Game requirements, by a qualified biologist familiar with the habitats and species present at Owens Lake and knowledgeable of wildlife management techniques. The qualifications of the biologist shall be submitted to the California Department of Fish and Game for review. The Long-term Habitat Management Plan shall be submitted to both the California Department of Fish and Game and the California State Lands Commission for comment, with final approval by the California Department of Fish and Game by April 1, 2009. The approved Long-term Habitat Management Plan shall be fully implemented by April 1, 2010. The Long-term Habitat Management Plan area shall encompass all emissive areas subject to dust control measures on lands owned by the California State Lands Commission and lands owned by the City of Los Angeles Department of Water and Power. In recognition of the public trust values related to resident and migratory wildlife resources at Owens dry lake, the California Department of Fish and Game and the California State Lands Commission have acknowledged the benefit of a Long-term Habitat Management Plan as a tool for ensuring compatibility between the construction, maintenance, and operation of the State Implementation Plan and the protection of public trust values. The plan shall include, at a minimum, the following objectives:</p> <ul style="list-style-type: none"> • Achieve no net loss of riparian or aquatic baseline habitat functions and values or total acres of these habitats. • Manage 1,000 acres in perpetuity for shorebirds in Zone II, in consultation with the California Department of Fish and Game. 	July 1-7	July 8-14	July 15-21	July 22	~ 50% wetted area	~ 20% wetted area	~ 15% wetted area	Off	
July 1-7	July 8-14	July 15-21	July 22							
~ 50% wetted area	~ 20% wetted area	~ 15% wetted area	Off							

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation
	<ul style="list-style-type: none"> • Manage 137 acres in perpetuity as habitat shallow flood in the vicinity of Dirty Socks, in consultation with the California Department of Fish and Game. • Manage 1,000 acres (that comprise areas that are 100 acres or greater in size) in perpetuity of deep-water habitat at a water depth equal to or deeper than 12 inches, in consultation with California Department of Fish and Game, to support focal migratory waterfowl determined to be present during 1995–1997 baseline surveys in support of the 1998 SIP, including wood duck (<i>Aix sponsa</i>), green-winged teal (<i>Anas crecca</i>), mallard (<i>Anas platyrhynchos</i>), blue-winged teal (<i>Anas discors</i>), gadwall (<i>Anas strepera</i>), and American wigeon (<i>Anas americana</i>), among others. • Maintain a baseline population of 272 snowy plovers. • In addition to the 1,000 acres of shorebird habitat in Zone II, the City of Los Angeles Department of Water and Power shall maintain a minimum of 523 acres of habitat for snowy plovers in perpetuity at Owens Lake in consultation with the California Department of Fish and Game. Suitability of Shallow Flooding habitat for western snowy plover consists of a mix of exposed sandy or gravelly substrate suitable for nesting in close proximity to standing water equal to or less than 12 inches in depth. • Ensure that the 17.5 acres of proposed DCMs that are within California Department of Fish and Game Cartago Springs Wildlife Area is compatible with the designated land use. The California Department of Fish and Game has determined that habitat shallow flooding or habitat restoration would be compatible with the Cartago Springs Wildlife Area’s designated use (Figure 3.2.5-3, <i>Cartago Springs Wildlife Area</i>). <p>Components of the plan shall also include, at a minimum, a description of baseline conditions of plant and wildlife resources, effects on biological resources as a result of implementation of dust control measures, descriptions of biological elements targeted for management, and a description of the operations and maintenance tasks required to complete each goal. Preparation of the Long-term Habitat Management Plan shall be subject to the oversight of the California Department of Fish and Game. The California State Lands Commission shall be consulted for comments on the plan. As the landowner, California State Lands Commission shall be provided copies of all monitoring and compliance reports prepared pursuant to the plan. The Long-term Habitat Management Plan shall include yearly monitoring, including a written report documenting the results of the management techniques, recording the observed effectiveness of the techniques, and suggesting improvements for habitat management within the lake bed. Copies of the yearly reports shall be submitted to the California State Lands Commission, Great Basin Unified Air Pollution Control District, and the California Department of Fish and Game no later than December 31 of each calendar year. If after five years of reporting in 2015, the California Department of Fish and Game determines that the Long-term Habitat Management Plan is effective, then the reporting schedule shall phase out in the same time frame as shown in Table 3.2.5-1. However, the habitat management practices shall be continuously implemented.</p>	
Cultural Resources		
<p>Implementation of the proposed project has the potential to result in impacts to cultural resources related to the destruction of a unique paleontological resource, a substantial adverse change to the significance of archaeological and historical resources, and unknown burial sites.</p>	<p>Paleontological Resources</p> <p>Measure Cultural-1, Paleontological Resources Construction Monitoring</p> <p>The impacts to cultural resources directly or indirectly related to the destruction of unique paleontological resource that has the potential to be present within the eastern and southern Owens Lake playa shall be reduced to below the level of significance through monitoring of ground-disturbing activities during construction and salvage of paleontological resources within 1 mile of the historic shoreline on the eastern border of the Owens Lake bed (Figure 3.3.4.1-1, <i>Paleontologically Sensitive Areas</i>). Ground-disturbing activities include, but are not limited to, drilling, excavation, trenching, and grading. Where any such ground-disturbing activity is anticipated in early Pleistocene to late Holocene units within the area shown on Figure 3.3.4.1-1 in conjunction with the construction of dust control measures, the Great Basin Unified Air Pollution Control District shall require construction monitoring. The Great Basin Unified Air Pollution Control District shall require that construction monitoring, salvage, and recovery of unique paleontological resources be consistent with standards for such recovery established by the Society of Vertebrate Paleontology (SVP):</p>	<p>The substantial evidence that significant impacts to paleontological resources would be mitigated to below the level of significance through salvage, recovery, curation, and documentation (mitigation measure Cultural-1), thus preserving scientifically valuable information, was determined through consistency with the requirements of CEQA and the guidelines of the Society of Vertebrate Paleontology. Therefore, the District determined that implementation of mitigation measure Cultural-1 was capable of preserving all scientifically valuable evidence related to unique paleontological resources salvaged during construction of dust control measures, thus reducing impacts to below the level of significance.</p>

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation
	<ul style="list-style-type: none"> • A qualified paleontologist shall be retained to provide professional paleontological services. The paleontologist shall be responsible for implementation of the mitigation plan and maintenance of professional standards of work. A “qualified paleontologist” is defined as a practicing scientist who meets the qualifications established by the SVP. The qualifications of the paleontologist shall be submitted to the responsible agency (California State Lands Commission) for approval. • Shallow Flooding without any excavation, trenching, and grading does not require mitigation; however, excavations required for the berms to implement this measure require monitoring. In addition, planned grading, trenching, and excavation activities associated with Moat & Row (or flooding areas associated with early Pleistocene to late Holocene units in the eastern and southern Owens Lake playa as shown on Figure 3.3.4.1-1) shall be monitored. This measure may be modified by the qualified paleontologist for specific locations as the depth of recent sediments varies across the project area. In conjunction with the subsurface work, the monitor shall inspect exposed sediments, including microscopic examination of matrix, to determine if fossils are present. In addition, the qualified paleontologist shall be available on call to respond to unanticipated discoveries. • The monitor may be a qualified paleontological monitor or a cross-trained archaeologist, biologist, or geologist working under the supervision of a qualified principal paleontologist. The function of the monitor is to identify potential resources and recover them with appropriate scientific data. • Paleontological Resources Sensitivity Training is required for all project personnel, if the monitor will not be present full-time. This 15-minute field training shall review what fossils are, what fossils might potentially be found, and the appropriate procedures to follow if fossils are found. • Discovery of fossil-producing localities shall require that stratigraphic columns be measured and that geologic samples be taken for analysis. • If fossil localities are discovered, the paleontologist shall collect controlled samples for processing. All fossils recovered shall be prepared, identified, and cataloged before donation to the accredited repository designated by the lead agency. The qualified paleontologist shall be required to secure a written agreement with a recognized repository, regarding the final disposition, permanent storage, and maintenance of any significant fossil remains and associated specimen data and corresponding geologic and geographic site data that might be recovered as a result of the specified monitoring program. The written agreement shall specify the level of treatment (i.e., preparation, identification, curation, cataloguing, etc.) required before the fossil collection would be accepted for storage. In addition, a technical report shall be completed. The final disposition of paleontological resources recovered on State lands must be approved by the California State Lands Commission. • Within 90 days of the completion of the paleontological monitoring, the qualified paleontologist shall submit a final mitigation report to the Great Basin Unified Air Pollution Control District and the California State Lands Commission with an appended, itemized inventory of the specimens. The report shall include a list of specimens recovered, documentation of each locality, interpretation of fossils recovered, and any technical or specialist’s reports as appendices. The report and inventory, when submitted to the Great Basin Unified Air Pollution Control District, shall signify the completion of the program to mitigate impacts to paleontological resources. <p>Archaeological and Historical Resources</p> <p>The direct and indirect impacts to cultural resources related to substantial adverse changes to the significance of archaeological and historical resources resulting from implementation of the proposed project would be reduced to below the level of significance through the implementation of mitigation measures Cultural-2 and Cultural-3, which are in accordance with Section 15126.4 (b)(3) of the State CEQA Guidelines.</p>	<p>CEQA [PRC Section 21083] requires avoidance of archaeological and historical resources, preservation in place, or, if neither of these are possible, testing and evaluation and data recovery for significant resources. The nature of the proposed project precludes avoidance and preservation, and would in fact destroy these resources. Therefore, in accordance with CEQA, implementation of mitigation measure Cultural-2—including Phase II testing and evaluation, and Phase III data recovery (if appropriate) designed to recover scientifically valuable information—reduces impacts to below the level of significance.</p> <p>The proposed project area has a demonstrated high likelihood of containing significant cultural resources, and monitoring is an approved method for locating, evaluating, and salvaging unanticipated resources. Thus, implementation of mitigation measure Cultural-3, Construction Monitoring, is expected to reduce the level of impacts to cultural resources to below the level of significance.</p>

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation
	<p><i>Measure Cultural-2, Cultural Resources Investigations</i></p> <p>The Great Basin Unified Air Pollution Control District shall ensure that potentially impacted prehistoric and historic archaeological sites be assessed for significance, as defined by Public Resources Code Section 21083.2 or State of California Environmental Quality Act Guidelines Section 15064.5(a), through the implementation of Phase II investigations. Impacts to those sites found to be significant shall be mitigated to below the level of significance through a Phase III data recovery program. Resources found to be not significant shall not require mitigation.</p> <p>Coordination with the California State Lands Commission shall be undertaken to mitigate impacts consistent with California State Lands Commission practices for the mitigation of archaeological sites that occur on lands under their jurisdiction. This coordination shall include the issuance of permits for Phase II testing and Phase III data recovery programs, and reviews and comments, when appropriate. The Great Basin Unified Air Pollution Control District shall consult with the State Historic Preservation Officer as required by 15064.5 (b) (5) of the State of California Environmental Quality Act Guidelines for state-owned historical resources. Construction shall not occur on state property until concurrence from the State Historic Preservation Officer is obtained concerning determinations of eligibility and that mitigation has reduced the impact to cultural resources to below the level of significance. In addition, coordination with interested Native American tribes identified by the Native American Heritage Commission shall be undertaken. Local tribes shall be contacted by the qualified archaeologist specified for the project, and a Native American monitor(s) shall be retained to be present on site during all ground-disturbing activities, including but not limited to archaeological evaluation, excavation, Phase II investigations and Phase III data recovery (if needed), and construction activities. The Native American monitor(s) shall coordinate with the qualified project archaeologist, the Great Basin Unified Air Pollution Control District, and the City of Los Angeles Department of Water and Power to ensure responsible remediation of Native American sites and sacred materials. Should human remains be discovered, the Inyo County Coroner shall be notified within 24 hours.</p> <p><u>Phase II</u></p> <p>A total of 12 newly recorded prehistoric archaeological sites (OL Sites 1, 2, 5, 6, 7, 12, 14, 15, 16, 17, 20, and 21), one previously recorded prehistoric site (CA-INY-6375), 12 newly recorded historic archaeological sites (OL Sites 3H, 4H, 8H, 10H, 11H, 18H, 19H, 22H, 23H, 24H, 25H, and 26H), 2 previously recorded historic sites (P14-8141 and CA-INY-6375H), and any additional prehistoric or historic archaeological sites located on the 9,664-acre proposed project site, including those sites recorded by Jones & Stokes (JS Site 1 and 2), shall be assessed for significance as defined by the California Environmental Quality Act prior to the initiation of construction activities in those areas where the sites are located. This requires the following measures:</p> <ul style="list-style-type: none"> • Development of a research design that guides assessments of site significance and scientific potential. This design shall be an update, expansion, and refinement of research designs that have guided previous Phase II evaluations in the Study Area. • Mapping and systematic collection of a representative sample of surface artifacts • Subsurface investigation through shovel test pits, surface scrapes, or 1 by 1 meter excavation units; a combination of such methods; or equivalent methods • Analysis of recovered material to determine significance pursuant to the State of California Environmental Quality Act • Preparation of a report, including evaluation of site significance and recommendations for mitigation if appropriate • Transmittal of report to the Eastern Information Center at the University of California, Riverside • Curation of artifact collection. The final disposition of collected artifacts from State lands is subject to approval by the California State Lands Commission 	

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation
	<p><u>Phase III</u></p> <p>A Phase III data recovery effort, in accordance with the State of California Environmental Quality Act (Section 21083.2 (d)), shall be implemented by the Great Basin Unified Air Pollution Control District for those sites determined to be significant, pursuant to the State of California Environmental Quality Act, through Phase II testing and evaluation. The Great Basin Unified Air Pollution Control District shall ensure that data recovery has been completed prior to the issuance of a construction permit for any area containing a site determined to be significant and for which it can be demonstrated that consequential scientific information can be recovered. The Phase III data recovery program shall include:</p> <ul style="list-style-type: none"> • Development of a comprehensive research design to answer questions addressed during the Phase II on a broader regional level and to provide a procedural framework for the collection of data at sites determined to be significant. • Mapping and systematic collection of surface artifacts, possibly complete data recovered depending on site size • Subsurface investigation through methods, such as controlled hand-excavation units, machine excavations, deep testing, or a combination of methods. When applicable, other techniques, such as geophysical testing methods may also be used • Analysis of recovered material through visual inspection, and chemical analysis when applicable • Preparation of a report • Transmittal of report to involved parties and Eastern Information Center at the University of California, Riverside • Curation of artifact collection. The final disposition of collected artifacts from State lands is subject to approval by the California State Lands Commission <p>Measure Cultural-3, Cultural Resources Monitoring Program</p> <p>Impacts to surface and subsurface cultural resources not identified during the Phase I (survey), Phase II (testing and evaluation), or Phase III (data recovery) shall be mitigated through the implementation of a monitoring program during construction or any ground-disturbing activities. Native American consultation shall be undertaken as part of this mitigation measure. Previous monitoring efforts have demonstrated that there is a high potential for the unanticipated discovery of cultural resources during construction on the Owens Lake bed, even in those areas that have been previously surveyed. This is a consequence of the movement of sediment by wind and/or water across the lake bed, which results in the exposure and covering of cultural materials on the surface of the lake bed on a regular basis. Monitoring shall be required only during initial grading and earthmoving activities. The Great Basin Unified Air Pollution Control District shall require that the following program be implemented and that the requirement be duly noted in the plans and specifications:</p> <ul style="list-style-type: none"> • Retain a Qualified Archaeologist. A qualified archaeologist shall be retained to implement a monitoring and recovery program in any area identified as having the potential to contain unique archaeological resources as defined by Public Resources Code Section 21083.2 or historical resources as defined by the State of California Environmental Quality Act Guidelines Section 15064.5(a) and Public Resources Code Sections 5020.1(k) and 5024.1(g). • Agreement for Disposition of Recovered Artifacts. The selected archaeologist shall be required to secure a written agreement with a recognized museum repository, such as the University of California, Davis and the San Bernardino County Museum, regarding the final disposition and permanent storage and maintenance of any unique archaeological resources or historical resources recovered as a result of the archaeological monitoring, as well as corresponding geographic site data that might be recovered as a result of the specified monitoring program. The 	

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>written agreement shall specify the level of treatment (i.e, preparation, identification, curation, cataloging, etc.) required before the collection would be accepted for storage.</p> <p>The ultimate decision regarding the disposition of artifacts collected during Phase I (survey), Phase II (testing and evaluation), Phase III (data recovery), or monitoring efforts on lands administered by the California State Lands Commission shall be made by the California State Lands Commission. Artifacts collected during past efforts on California State Lands Commission lands have been sent to the University of California, Davis, if they had been recovered from a site that was eligible for the National Register of Historic Places or the California Register of Historical Resources. The California State Lands Commission has indicated that those artifacts collected from sites that were not eligible for the National Register of Historic Places or the California Register of Historical Resources will be returned to the tribes. The final disposition of artifacts recovered from lands administered by other agencies (e.g. BLM) shall be determined in accordance with the policies of those agencies.</p> <ul style="list-style-type: none"> • Preconstruction Briefing. The selected archaeologist, or an equally qualified designee, shall attend a preconstruction briefing to provide information regarding regulatory requirements for the protection of unique archaeological resources, historical resources, and human remains. Construction personnel shall be briefed on procedures to be followed in the event that a unique archaeological resource, historical resource, or human remains are encountered during construction. An information package shall be provided for construction personnel not present at the initial preconstruction briefing. The archaeologist(s) shall be required to provide a telephone number where they can be reached by the construction contractor, as necessary. • Unanticipated Discovery of Human Remains on State Lands (Public Resources Code 5097). The archaeologists shall ensure that all construction personnel shall be informed of the requirement to notify the coroner of the County within 24 hours of the discovery of human remains on state lands. Upon discovery of human remains, there shall be no further excavation or disturbance of the site or any that are reasonably suspected to overlie adjacent human remains until the following conditions are met: <ul style="list-style-type: none"> ▪ The Inyo County Coroner has been informed and has determined that no investigation of the cause of death is required, and if the remains are of Native American origin, the descendants from the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. • Unanticipated Discovery of Human Remains on Federal Lands (Native American Graves Protection and Repatriation Act). Whenever any person inadvertently discovers human remains on public lands, including lands administered by the Bureau of Land Management, 43 Code of Federal Regulations 10.4 requires the individual to notify the land manager in writing of such discovery. If the discovery occurs in connection with an authorized use, the activity that caused the discovery is to cease and the materials are to be protected until the land manager can respond to the situation. Upon receipt of written confirmation of the discovery, 43 Code of Federal Regulations 10.4 requires the manager to do the following: (1) certify receipt of the notification; (2) take immediate steps, if necessary to further protect the materials; (3) notify by telephone, with written confirmation, the tribes likely to be culturally affiliated with the materials; and (4) initiate consultation with such tribes. If, after consultation with tribes, the manager determines that the material will be adequately protected in situ, without the need to excavate or remove the material from the area of discovery, then the requirements under the Native American Graves Protection and Repatriation Act have been completed. The materials remain in federal ownership, adequately protected by the manager as provided for in the law. If, after consultation with tribes, the manager determines that the circumstances warrant intentional excavation or removal of the materials from the area of discovery, then 43 Code of Federal Regulations 10.3 applies, and the manager must complete the steps outlined therein for intentional excavations. 	

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation
	<ul style="list-style-type: none"> • Construction Monitoring. A qualified archaeologist shall monitor earthmoving activities in areas that are likely to contain unique archaeological resources or historical resources. The archaeologist shall be authorized to halt construction, if necessary, in the immediate area where buried cultural remains are encountered. Prior to the resumption of grading activities in the immediate vicinity of the cultural remains, the project proponent shall provide the archaeologist with the necessary resources to identify and implement a program for the appropriate disposition (as specified by Section 15064.5 (e) of the State of California Environmental Quality Act Guidelines). • Monitoring Report. The monitor shall maintain daily monitoring logs that shall be submitted quarterly to the Great Basin Unified Air Pollution Control District. A complete set of the daily monitoring logs shall be kept on site throughout the earthmoving activities and be available for inspection. The daily monitoring log shall be keyed to a location map to indicate the area monitored, the date, assigned personnel, and the results of monitoring, including the recovery of archaeological material, sketches of recovered materials, and associated geographic site data. Within 90 days of the completion of the archaeological monitoring, a monitoring report shall be submitted to the Great Basin Unified Air Pollution Control District, the City of Los Angeles Department of Water and Power, the California State Lands Commission, and to the Eastern Information Center at the University of California, Riverside. The report, when submitted to the Great Basin Unified Air Pollution Control District, shall signify the completion of the program to mitigate impacts to unique archaeological resources or historical resources. <p>Human Remains</p> <p>Implementation of the proposed project has the potential to result in direct impacts to unknown burial sites. Mitigation measure Cultural-2, which requires Phase II and Phase III archaeological investigations and Native American monitoring, and Cultural-3, which requires monitoring of all other ground-disturbing activities and specifies the statutory procedures to be followed in the event of the discovery of human remains, would mitigate impacts to unknown locations of human remains to a less than significant level.</p>	
Hazards and Hazardous Materials		
<p>Implementation of the proposed project has the potential to result in impacts to hazards and hazardous materials.</p>	<p>Measure Hazards-1, Hazardous Materials Transport</p> <p>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 2008 State Implementation Plan, the City of Los Angeles Department of Water and Power 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; and the California Regional Water Quality Control Board, Lahontan Region, prior to construction. Should additional storage of hazardous materials be undertaken by the City of Los Angeles Department of Water and Power and approved by the California State Lands Commission, the City of Los Angeles Department of Power and Water shall submit proof of incorporation of this requirement in all construction contracts related to work specified in the 2008 State Implementation Plan to the Great Basin Unified Air Pollution Control District and Inyo County. The City of Los Angeles Department of Water and Power shall submit an operation plan for the routine transport, use, storage, handling, and disposal of hazardous materials to the Great Basin Unified Air Pollution Control District and Inyo County prior to the operation of dust control measures specified in the 2008 State Implementation Plan. The City of Los Angeles Department of Water and Power shall provide to the Great Basin Unified Air Pollution Control District and Inyo County an annual update as required for the transport, use, storage, handling, and disposal of hazardous materials.</p> <p>Measure Hazards-2, Spill Prevention Control and Countermeasure Program</p> <p>To minimize impacts related to the unauthorized release of hazardous materials into the environment, the City of Los Angeles Department of Water and Power shall prepare a Spill Prevention Control and Countermeasure Program applicable to all statutes and</p>	<p>The requirement for the City of Los Angeles Department of Water and Power and their contractors to conform with regulations and guidelines established by the Code of Federal Regulations, California Code of Regulations, and the California Department of Transportation provides a mechanism for making all personnel engaged in the routine transport, use, and storage of hazardous materials responsible for compliance with the measures identified by the State of California as being essential for the protection of people and property. The operations plan requires that there must be at all times at least one employee, either on the premises or on call, who is responsible for coordinating all emergency response measures. The provisions for compliance with applicable statutes and guidelines and the requirement to have an operations plan in place, as specified in mitigation measure Hazards-1, would be expected to reduce the risk of routine transport, storage, and use of hazardous materials to below the level of significance. Similarly, mitigation measure Hazards-2, which requires the design and implementation of a Spill Prevention and Countermeasure Control Program would be expected to reduce the risk of unanticipated oil spills from reaching navigable waters.¹³</p>

¹³ U.S. Environmental Protection Agency. 1 October 2007. "Spill Prevention, Control and Countermeasure." Available at: <http://www.epa.gov/oilspill/spcc.htm>

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>regulations. Should additional storage of hazardous materials be undertaken by the City of Los Angeles Department of Water and Power and approved by the California State Lands Commission, the City of Los Angeles Department of Water and Power shall submit a Spill Prevention Control and Countermeasure Program to Inyo County and California State Lands Commission for review and approval. The City of Los Angeles Department of Water and Power shall demonstrate approval of the Spill Prevention Control and Countermeasure Program by Inyo County to the Great Basin Unified Air Pollution Control District prior to the use, storage, and handling of hazardous materials in conjunction with construction or operation of work specified in the Revised 2008 State Implementation Plan. The Spill Prevention Control and Countermeasure Program shall address all aboveground storage tanks within the fertilizer injection and water treatment systems in accordance with all federal, state, and local laws and regulations. The City of Los Angeles Department of Water and Power 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. The City of Los Angeles Department of Water and Power shall amend its existing lease with the California State Lands Commission to allow for the improvement specified in this measure. The Spill Prevention Control and Countermeasure Program shall be in place throughout construction, operation, and maintenance of work specified in the 2008 State Implementation Plan.</p> <p>Measure Hazards-3, Emergency Response Business Plan</p> <p>To minimize impacts related to the unauthorized release of hazardous materials into the environment, the City of Los Angeles Department of Water and Power shall develop a business plan for emergency response for the routine transport, use, storage, handling, and disposal of hazardous materials. Should additional storage of hazardous materials be undertaken by the City of Los Angeles Department of Water and Power and approved by the California State Lands Commission, the City of Los Angeles Department of Power and Water shall ensure that the business plan for emergency response addresses preparation for possible emergencies involving hazardous materials. The City of Los Angeles Department of Water and Power shall provide copies of the approved business plan for emergency response to the Great Basin Unified Air Pollution Control District and Inyo County. The City of Los Angeles Department of Water and Power shall provide to the Great Basin Unified Air Pollution Control District and Inyo County an annual update to the approved business plan as required for the transport, use, storage, handling, and disposal of hazardous materials.</p> <p>Measure Hazards-4, Fire Protection Services</p> <p>To minimize the direct, indirect, and cumulative impacts related to the occurrence of wildland fires during construction and operation of work specified in the 2008 State Implementation Plan, the City of Los Angeles Department of Water and Power 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 lake bed. Fire protection services shall include provision of adequate equipment and personnel as determined by Inyo County. Proof of compliance with this mitigation measure shall be submitted by the City of Los Angeles to Inyo County and the Great Basin Unified Air Pollution Control District prior to construction of any additional dust control measures.</p>	<p>Prior to the 1998 SIP, the 2008 SIP project area was undeveloped and therefore had no designated primary and secondary responder for wildland fires on the Owens Lake bed. The City of Los Angeles Department of Water and Power proposes to install substantial infrastructure (irrigation, roadways, berms, and fencing) to support the dust control measures required pursuant to the 2008 SIP. The ability to minimize loss of life and property from wildland fires requires the availability of fire protection and response services. Measure Hazards-4 would ensure the availability of fire protection and response services.</p>
Hydrology and Water Quality		
<p>Implementation of the proposed project has the potential to result in impacts to hydrology and water quality.</p>	<p>Measure Hydrology-1, Acquire and Adhere to National Pollution Discharge Elimination System General Permit</p> <p>To mitigate for direct, indirect, and cumulative surface water quality impacts caused by construction pollutants contacting storm water, products of erosion moving off the proposed project site into receiving waters, and unauthorized non-storm-water discharges, the City of Los Angeles Department of Water and Power shall obtain and adhere to the requirements of the National Pollution Discharge Elimination System General Permit for the 15.1 square miles of new work area specified in the 2008 State Implementation Plan. This includes the development and implementation of a Storm Water Pollution Prevention Plan, which specifies best management practices that shall prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off site into receiving waters; the elimination or reduction of unauthorized non-storm-water discharges; and inspections of best management practices. The Storm Water Pollution Prevention Plan shall also identify best management practices for controlling temporary construction dewatering discharges and may include temporary sediment control measures such as the addition of low-flow dispersal methods for minimizing erosion. The City of Los Angeles Department of Water and Power shall also be required to comply with the Guidelines for Erosion Control as listed in the Water Quality Control Plan for the Lahontan Region. The City of Los Angeles Department of Water and Power shall submit the final Storm Water Pollution Prevention</p>	<p>Implementation of mitigation measures Hydrology-1 through Hydrology-5 would be expected to reduce impacts to surface water quality and groundwater quality and levels to below the level of significance.</p>

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>Plan to the Great Basin Unified Air Pollution Control District and the California State Lands Commission after its approval by the Regional Water Quality Control Board for the Lahontan Region.</p> <p>Measure Hydrology-2, Water Quality Monitoring and Reporting Program</p> <p>The City of Los Angeles Department of Water and Power, prior to issuing any Notices to Proceed for construction of work in the areas specified in the 2008 State Implementation Plan, shall implement a Water Quality Monitoring and Reporting Program to ensure that there is no substantial degradation of water quality and to mitigate direct, indirect, and cumulative impacts to surface and groundwater quality and off-site groundwater levels. The Water Quality Monitoring and Reporting Program shall monitor operational water volumes and flows, and analyze the quality of project surface waters and groundwater. This shall also include the existing but newly exposed groundwater in Moat & Row areas. The Water Quality Monitoring and Reporting Program shall include a monitoring plan of surface water and groundwater, along with an evaluation of the monitoring data and a plan for corrective actions should impacts be observed to ensure that the proposed project is operating within the quality limitations specified by the waste discharge requirements (Board Order No. R6V-2006-0036, WDID No. 6B14000903) adopted by the Regional Water Quality Control Board for Revised Waste Discharge Requirements for the Southern Zones Dust Control Project at Owens Lake. The monitoring program shall be submitted to the Great Basin Unified Air Pollution Control District and the California State Lands Commission prior to the start of construction in the areas designated for dust control in the 2008 State Implementation Plan. All chemical analyses shall be performed by a laboratory with National Environmental Laboratory Accreditation Program certification.</p> <p>Monitoring reports shall be completed and submitted to the Great Basin Unified Air Pollution Control District, the California State Lands Commission, and the Regional Water Quality Control Board within 60 days of the end of the monitoring period as described in Table 3.5.5-1, <i>Hydrology Monitoring and Reporting Schedule</i>. The reports shall include a summary of monitoring results and any corrective actions proposed or undertaken for any observed violations of water quality limitations or impacts to off-site groundwater levels. The water quality limitations are defined as a substantial (statistically significant based on a statistical analysis of current and baseline data) variation from the long-term baseline water data collected by the Great Basin Unified Air Pollution Control District for surface and groundwater quality and groundwater levels. The Great Basin Unified Air Pollution Control District shall continue to collect this baseline water data during project construction and operation. Periodic reductions in monitoring and reporting requirements, when justified by a documented review and evaluation of monitoring results, shall be implemented as authorized by the Regional Water Quality Control Board. Until monitoring results justify a reduction in monitoring requirements, monitoring shall be completed as follows:</p> <ul style="list-style-type: none"> • Flow rates and total volumes of flow to all dust control measure areas shall be monitored for each day and month for the first five years of work specified in the 2008 State Implementation Plan and thereafter as specified in Table 3.5.5-1. • Surface water monitoring of Shallow Flood, Moat & Row, and Managed Vegetation areas and groundwater monitoring of perimeter project observation wells shall be completed as described in Table 3.5.5-1 for total dissolved solids (TDS), chloride, chlorine, dissolved oxygen (DO), pH, electrical conductivity (EC), ammonia, aluminum, arsenic, barium, boron, cadmium, calcium, iron, lead, magnesium, manganese, nitrate, nitrite, potassium, selenium, sodium, carbonate, bicarbonate, phosphate, sulfate, vanadium, total alkalinity, total organic carbon (TOC), copper, chromium, zinc, bromide, Treflan (or Trifluralin), and sulfur. 	

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation																																																															
	<p align="center">TABLE 3.5.5-1 HYDROLOGY MONITORING AND REPORTING SCHEDULE</p> <table border="1"> <thead> <tr> <th data-bbox="761 413 1050 473">Description</th> <th colspan="8" data-bbox="1050 413 2132 443">Monitoring Schedule</th> </tr> <tr> <th data-bbox="761 443 1050 473"></th> <th data-bbox="1050 443 1184 473">2010</th> <th data-bbox="1184 443 1317 473">2011</th> <th data-bbox="1317 443 1451 473">2012</th> <th data-bbox="1451 443 1585 473">2013</th> <th data-bbox="1585 443 1718 473">2014</th> <th data-bbox="1718 443 1852 473">2016</th> <th data-bbox="1852 443 1986 473">2018</th> <th data-bbox="1986 443 2132 473">2023</th> </tr> </thead> <tbody> <tr> <td data-bbox="761 473 1050 566">Flow rates and total volumes of flow to all DCM areas</td> <td data-bbox="1050 473 1184 566">Daily (report monthly)</td> <td data-bbox="1184 473 1317 566">Daily (report monthly)</td> <td data-bbox="1317 473 1451 566">Daily (report monthly)</td> <td data-bbox="1451 473 1585 566">Daily (report monthly)</td> <td data-bbox="1585 473 1718 566">Daily (report monthly)</td> <td data-bbox="1718 473 1852 566">Daily (report monthly)</td> <td data-bbox="1852 473 1986 566">Daily (report monthly)</td> <td data-bbox="1986 473 2132 566">Daily (report monthly)</td> </tr> <tr> <td data-bbox="761 566 1050 687">Surface water quality of Shallow Flood areas</td> <td data-bbox="1050 566 1184 687">Quarterly</td> <td data-bbox="1184 566 1317 687">Quarterly</td> <td data-bbox="1317 566 1451 687">Quarterly</td> <td data-bbox="1451 566 1585 687">Quarterly</td> <td data-bbox="1585 566 1718 687">Quarterly</td> <td data-bbox="1718 566 1852 687">Annually (during DCM operation)</td> <td data-bbox="1852 566 1986 687">Annually (during DCM operation)</td> <td data-bbox="1986 566 2132 687">Annually (during DCM operation)</td> </tr> <tr> <td data-bbox="761 687 1050 808">Surface water quality of Managed Vegetation areas, if any</td> <td data-bbox="1050 687 1184 808">Quarterly</td> <td data-bbox="1184 687 1317 808">Quarterly</td> <td data-bbox="1317 687 1451 808">Quarterly</td> <td data-bbox="1451 687 1585 808">Quarterly</td> <td data-bbox="1585 687 1718 808">Quarterly</td> <td data-bbox="1718 687 1852 808">Annually (during DCM operation)</td> <td data-bbox="1852 687 1986 808">Annually (during DCM operation)</td> <td data-bbox="1986 687 2132 808">Annually (during DCM operation)</td> </tr> <tr> <td data-bbox="761 808 1050 929">Quality of groundwater that becomes exposed in Moat and Row areas</td> <td data-bbox="1050 808 1184 929">Quarterly</td> <td data-bbox="1184 808 1317 929">Quarterly</td> <td data-bbox="1317 808 1451 929">Quarterly</td> <td data-bbox="1451 808 1585 929">Quarterly</td> <td data-bbox="1585 808 1718 929">Quarterly</td> <td data-bbox="1718 808 1852 929">Annually (during DCM operation)</td> <td data-bbox="1852 808 1986 929">Annually (during DCM operation)</td> <td data-bbox="1986 808 2132 929">Annually (during DCM operation)</td> </tr> <tr> <td data-bbox="761 929 1050 1050">Groundwater monitoring of perimeter project observation wells</td> <td data-bbox="1050 929 1184 1050">Quarterly</td> <td data-bbox="1184 929 1317 1050">Quarterly</td> <td data-bbox="1317 929 1451 1050">Quarterly</td> <td data-bbox="1451 929 1585 1050">Quarterly</td> <td data-bbox="1585 929 1718 1050">Quarterly</td> <td data-bbox="1718 929 1852 1050">Annually (during DCM operation)</td> <td data-bbox="1852 929 1986 1050">Annually (during DCM operation)</td> <td data-bbox="1986 929 2132 1050">Annually (during DCM operation)</td> </tr> </tbody> </table> <p>NOTE: DCM = dust control measure</p> <p>Measure Hydrology-3, Shallow Flood Water Retention Berms</p> <p>The City of Los Angeles Department of Power and Water shall construct water-retention berms along the down-gradient and side boundaries of each Shallow Flooding block to minimize leakage and increases in the rate, quantity, or quality of dust control waters and storm water flows to the brine pool area or mineral lease area. These berms shall be designed to collect excess surface water along the sideslope and downslope borders of each flooding-area block. The final design of flood protection berms shall be submitted to the California State Lands Commission, the Great Basin Unified Air Pollution Control District, and the Lahontan Regional Water Quality Control Board. The requirement to provide the above-described berms does not apply to Shallow Flood Area T36-4, due to its adjacency to the Owens River Delta and the need to minimize surface disturbances in this area. However, operation of Shallow Flood Area T36-4 would be subject to the quality limitations specified by the waste discharge requirements (Board Order No. R6V-2006-0036, WDID No. 6B14000903) adopted by the Regional Water Quality Control Board for Revised Waste Discharge Requirements for the Southern Zones Dust Control Project at Owens Lake such that there is no substantial change in the salinity and chemistry of the surface water and shallow groundwater in the adjacent portion of the Owens River Delta. The design of flood protection berms is subject to California State Lands Commission staff approval and would be undertaken in conjunction with the review of the City of Los Angeles Department of Power and Water's application for the lease amendment to construct, implement, and maintain additional dust control measures on the bed of Owens Lake.</p> <p>Measure Hydrology-4, Reduction of Flash Flood and Alluvial Sediment Damage Potential</p> <p>The City of Los Angeles Department of Power and Water shall provide for flood damage and alluvial sediment protection in the design of all dust control measures. These mitigation measures shall protect the dust control measures themselves, as well as the brine pool mineral lease, from increased flash flood damage potential due to the channelization of waters and transport of sediments. All dust control measure designs shall ensure that there is no increase in the rate and quantity, or decrease in the quality, of storm water</p>	Description	Monitoring Schedule									2010	2011	2012	2013	2014	2016	2018	2023	Flow rates and total volumes of flow to all DCM areas	Daily (report monthly)	Daily (report monthly)	Daily (report monthly)	Daily (report monthly)	Daily (report monthly)	Daily (report monthly)	Daily (report monthly)	Daily (report monthly)	Surface water quality of Shallow Flood areas	Quarterly	Quarterly	Quarterly	Quarterly	Quarterly	Annually (during DCM operation)	Annually (during DCM operation)	Annually (during DCM operation)	Surface water quality of Managed Vegetation areas, if any	Quarterly	Quarterly	Quarterly	Quarterly	Quarterly	Annually (during DCM operation)	Annually (during DCM operation)	Annually (during DCM operation)	Quality of groundwater that becomes exposed in Moat and Row areas	Quarterly	Quarterly	Quarterly	Quarterly	Quarterly	Annually (during DCM operation)	Annually (during DCM operation)	Annually (during DCM operation)	Groundwater monitoring of perimeter project observation wells	Quarterly	Quarterly	Quarterly	Quarterly	Quarterly	Annually (during DCM operation)	Annually (during DCM operation)	Annually (during DCM operation)	
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**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>flows to the brine pool mineral lease areas. The final design elements that avoid potential increases in flash flood and alluvial sediment damage impacts to the dust control measures and the mineral lease shall be submitted to the California State Lands Commission, the Great Basin Unified Air Pollution Control District, and the Lahontan Regional Water Quality Control Board.</p> <p>Measure Hydrology-5, Berm Failure Emergency Management Plan</p> <p>The City of Los Angeles Department of Water and Power shall develop an emergency management plan for potential berm failures. This plan shall include the immediate notification of the down-gradient trona mineral extraction operation on the lake and all other lake bed personnel to ensure the safety to personnel and equipment on the lake bed. The plan shall also include a commitment by the City of Los Angeles Department of Water and Power to take prompt action to repair failed berms and shall set forth the actions to be taken by the City of Los Angeles Department of Water and Power to do so. The plan shall include provisions for notification to the California State Lands Commission and the Great Basin Unified Air Pollution Control District. The emergency management plan shall be reviewed and approved by the California State Lands Commission prior to operation of the proposed project dust control measures.</p>	
Land Use and Planning		
<p>Implementation of the proposed project would not result in significant impacts to land use and planning. However, in order to continue to lessen and/or alleviate the potential impacts related to land use and planning, as found in the 2003 SIP, that would occur if the proposed project were implemented, the following measure would be required.</p>	<p>Implementation of the proposed project would not result in significant impacts to land use and planning. However, in order to continue to lessen and/or alleviate the potential impacts related to land use and planning, as found in the 2003 SIP, that would occur if the proposed project were implemented, the following measure would be required.</p> <p>Measure Land Use and Planning-1, Resident Insect Control Program</p> <p>Due to increased areas of potential standing water, to minimize potential impacts to local residents from a potential increase in mosquitoes and other biting insects as a result of dust control measure construction and operation from the proposed project, the City of Los Angeles Department of Water and Power shall institute a program for nearby residents whereby windows of existing residences in the potentially impacted communities of Swansea, Keeler, Cartago, and Olancho within three (3) miles of a water-based dust control measure will be screened or other insect control devices will be provided to residents to reduce nuisance insect populations in the vicinity of their residence. Residents shall provide proof of residence in identified, potentially affected areas prior to the issuance of screening or insect control devices. In addition, the City of Los Angeles Department of Water and Power shall continue to pay for Inyo County vector control treatments on the dust control measure areas and within impacted communities as required to control mosquitoes and other biting insects. A study shall be required to evaluate the cause of insects in the adjacent communities and to require continued support of treatment methods if the dust control measures have been found to cause insect pest problems. This study shall be conducted by the City of Los Angeles Department of Water and Power, approved by Inyo County, and implemented before April 1, 2010.</p>	<p>As indicated by the Center for Disease Control, the provision of screened windows and air conditioning are an effective means of eliminating malaria when complete eradication of mosquitoes is not possible. Therefore, implementation of Land Use and Planning-1 would be expected to reduce impacts to land use and planning resulting from nuisance insects to below the level of significance.</p>
Mineral Resources		
<p>Implementation of the proposed project has the potential to result in impacts to mineral resources.</p>	<p>The mineral resources impacts identified in this section may be reduced to below the level of significance through the adoption of mitigation measure Minerals-1 and mitigation measures Hydrology-3 and Hydrology-4 from Section 3.9.6, <i>Hydrology, Mitigation Measures</i>. The measures listed below may mitigate impacts to mineral resources by protecting the mineral lease areas.</p> <p>Measure Minerals-1, U.S. Borax Lease Area Approval and Compensation</p> <p>The City of Los Angeles Department of Water and Power shall be required to obtain approval from the California State Lands Commission prior to working in the areas that overlap with the areas leased to U.S. Borax. In addition, the City of Los Angeles Department of Water and Power shall be required to compensate the California State Lands Commission for associated staff time to prepare the legal description for any transfers of mineral lease areas to dust control areas. This includes areas requiring rerouting of access roads under mineral leases PRC 5464.1 and PRC 3511.1.</p> <p>Measure Hydrology-3, Shallow Flood Water Retention Berms</p> <p>The City of Los Angeles Department of Power and Water shall construct water-retention berms along the down-gradient and side boundaries of each Shallow Flooding block to minimize leakage and increases in the rate, quantity, or quality of dust control waters</p>	<p>The ability to control the quality and quantity of water delivered to the brine pool to pre-1998 SIP conditions would ensure that construction, operation, and maintenance of dust control measures pursuant to the 2008 SIP would not adversely affect the water chemistry of existing mineral lease operation. Therefore, the berm failure prevention measures specified in mitigation measure Hydrology-3, the measure to control the exacerbation of the erosive potential of flood flows though dust control measure design as specified in Hydrology-4, and the requirement to include all work areas within the City's lease area would be expected to reduce the potential for impacts to the mineral extraction operation to below the level of significance.</p>

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>and storm water flows to the brine pool area or mineral lease area. These berms shall be designed to collect excess surface water along the sideslope and downslope borders of each flooding-area block. The final design of flood protection berms shall be submitted to the California State Lands Commission, the Great Basin Unified Air Pollution Control District, and the Lahontan Regional Water Quality Control Board. The requirement to provide the above-described berms does not apply to Shallow Flood Area T36-4, due to its adjacency to the Owens River Delta and the need to minimize surface disturbances in this area. However, operation of Shallow Flood Area T36-4 would be subject to the quality limitations specified by the waste discharge requirements (Board Order No. R6V-2006-0036, WDID No. 6B14000903) adopted by the Regional Water Quality Control Board for Revised Waste Discharge Requirements for the Southern Zones Dust Control Project at Owens Lake such that there is no substantial change in the salinity and chemistry of the surface water and shallow groundwater in the adjacent portion of the Owens River Delta. The design of flood protection berms is subject to California State Lands Commission staff approval and would be undertaken in conjunction with the review of the City of Los Angeles Department of Power and Water's application for the lease amendment to construct, implement, and maintain additional dust control measures on the bed of Owens Lake.</p> <p>Measure Hydrology-4, Reduction of Flash Flood and Alluvial Sediment Damage Potential</p> <p>The City of Los Angeles Department of Power and Water shall provide for flood damage and alluvial sediment protection in the design of all dust control measures. These mitigation measures shall protect the dust control measures themselves, as well as the brine pool mineral lease, from increased flash flood damage potential due to the channelization of waters and transport of sediments. All dust control measure designs shall ensure that there is no increase in the rate and quantity, or decrease in the quality, of storm water flows to the brine pool mineral lease areas. The final design elements that avoid potential increases in flash flood and alluvial sediment damage impacts to the dust control measures and the mineral lease shall be submitted to the California State Lands Commission, the Great Basin Unified Air Pollution Control District, and the Lahontan Regional Water Quality Control Board.</p>	
Transportation and Traffic		
<p>Implementation of the proposed project has the potential to result in impacts to transportation and traffic.</p>	<p>Measure Traffic-1, Traffic Work Safety Plan</p> <p>The City of Los Angeles Department of Water and Power shall work with the State of California Department of Transportation to determine the necessity for traffic safety equipment to be installed and maintained on U.S. Highway 395, State Route 136, and State Route 190 in order to ensure traffic safety during construction of the proposed project by developing a Traffic Work Safety Plan. The Traffic Work Safety Plan shall specify the measures to be implemented and maintained by the City of Los Angeles Department of Water and Power for each location on U.S. Highway 395, State Route 136, and State Route 190 that would be affected by the construction phase of the project to ensure traffic safety. The plan should include measures such as signage to warn oncoming motorists of large slow-moving trucks ahead and flag persons to warn motorists of large slow-moving trucks ahead during peak periods and times of large load deliveries. The City of Los Angeles Department of Water and Power shall document to the Great Basin Unified Air Pollution Control District and California State Lands Commission that State of California Department of Transportation has approved the Traffic Work Safety Plan prior to the initiation of construction work specified by the 2008 Revised State Implementation Plan, or related transportation and staging of equipment and materials. Operation and maintenance of the approach known as Willow Dip from U.S. Highway 395 to the lake bed is subject to a permit issued by the California Department of Transportation to U.S. Borax. Should the City of Los Angeles Department of Water and Power wish to share the Willow Dip access with U.S. Borax, the California Department of Transportation would require that a new permit be issued for the road connection/maintenance in both names. Use of the paved access at U.S. Highway 395, Post Miles 50.52 and 53.27 and any required improvements by the City of Los Angeles Department of Water and Power would be subject to an encroachment permit from the California Department of Transportation. Use of the paved access at State Route 190, Post Mile 14.58, Dirty Socks Springs Road requires the assignment of a county road number if it is not a county road, and use of the road and any required improvements by the City of Los Angeles Department of Water and Power would be subject to an encroachment permit from the California Department of Transportation.</p> <p>Measure Traffic-2, Traffic Work Safety Plan Conformance</p> <p>The City of Los Angeles Department of Water and Power shall be responsible for funding, installing, and conforming to the measures specified in the approved Traffic Work Safety Plan prior to the use of U.S. Highway 395, State Route 136, and State Route 190 for gravel hauling or other heavy truck trips such as the delivery of materials, heavy equipment, and construction vehicles to the</p>	<p>Caltrans provided a letter of comment on the Draft EIR and concurs with the ability of mitigation measure Traffic-1, Traffic-2, and Traffic-3 to reduce significant impacts to traffic and circulation to below the level of significance.</p>

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>proposed project site to ensure traffic safety during the construction operations. The City of Los Angeles Department of Water and Power shall demonstrate conformance with the measures specified in the approved Traffic Work Safety Plan by submitting quarterly compliance reports to the Great Basin Unified Air Pollution Control District, California State Lands Commission, and State of California Department of Transportation throughout the duration of the construction work specified by the 2008 Revised State Implementation Plan, and related transportation and staging.</p> <p>Measure Traffic-3, Regional Transportation Network Damage Repair</p> <p>The City of Los Angeles Department of Water and Power shall be required to repair damage to the regional transportation network (U.S. Highway 395, State Route 136, and State Route 190) from construction activities required for the 2008 Revised State Implementation Plan to pre-project conditions. Prior to initiating construction of work specified by the 2008 Revised State Implementation Plan, or related transportation and staging of equipment and materials, the City of Los Angeles Department of Water and Power shall retain a qualified pavement consultant engineer to document the existing condition of all regional transportation network roadways used for access, egress, and haul routes by the construction activities required for the 2008 Revised State Implementation Plan. A California Department of Transportation representative shall participate with the qualified pavement consultant engineer. The City of Los Angeles Department of Water and Power or its contractor must be on-call to revisit the documented roadway sections and delineate physical damages that are directly attributed to construction activities required for the 2008 Revised State Implementation Plan and repair any damage immediately or in short term, or as specified by California Department of Transportation. The City of Los Angeles Department of Water and Power shall provide in-lieu fees for remediation of construction-generated impacts on the regional transportation network, or a comparable measure to the mutual satisfaction of the City of Los Angeles Department of Water and Power, Inyo County, and the California Department of Transportation, demonstrating that damage to the regional transportation network that resulted from the construction activities has been repaired. Within 12 months after construction activities for the 2008 Revised State Implementation Plan is completed, the City of Los Angeles Department of Water and Power shall provide written documentation to the Great Basin Unified Air Pollution Control District, California State Lands Commission and State of California Department of Transportation demonstrating that damage to the regional transportation network that resulted from the construction activities has been repaired.</p> <p>The California Department of Transportation has specified the requirement that construction monitoring be undertaken at six intersections within the regional roadway system:</p> <ul style="list-style-type: none"> • U.S. Highway 395, Post Mile 39.7, Willow Dip • U.S. Highway 395, Post Mile 48.94, Bartlett Road • U.S. Highway 395, Post Mile 50.52 • U.S. Highway 395, Post Mile 53.27, Boulder Creek RV Park • State Route 136, Post Mile 14.44 • State Route 190, Post Mile 14.58, Dirty Socks Springs Road 	
Utilities and Service Systems		
<p>Implementation of the proposed project has the potential to result in impacts to utilities and service systems.</p>	<p>The utility impacts as identified in this section (specifically, impacts to the flood control system on the lake) may be reduced to below the level of significance through the adoption of mitigation measures Hydrology-3 and Hydrology-4.</p> <p>Measure Hydrology-3, Shallow Flood Water Retention Berms</p> <p>The City of Los Angeles Department of Power and Water shall construct water-retention berms along the down-gradient and side boundaries of each Shallow Flooding block to minimize leakage and increases in the rate, quantity, or quality of dust control waters and storm water flows to the brine pool area or mineral lease area. These berms shall be designed to collect excess surface water along the sideslope and downslope borders of each flooding-area block. The final design of flood protection berms shall be submitted to the California State Lands Commission, the Great Basin Unified Air Pollution Control District, and the Lahontan Regional Water Quality Control Board. The requirement to provide the above-described berms does not apply to Shallow Flood Area T36-4, due to its adjacency to the Owens River Delta and the need to minimize surface disturbances in this area. However, operation of Shallow Flood Area T36-4 would be subject to the quality limitations specified by the waste discharge requirements (Board Order No. R6V-2006-</p>	<p>Implementation of mitigation measure Hydrology-3 and Hydrology-4 would reduce significant impacts related to utilities and service systems to below the level of significance.</p>

**TABLE ES.6-1
SUMMARY OF SIGNIFICANT IMPACTS, Continued**

Impact	Mitigation Measure	Level of Significance After Mitigation
	<p>0036, WDID No. 6B14000903) adopted by the Regional Water Quality Control Board for Revised Waste Discharge Requirements for the Southern Zones Dust Control Project at Owens Lake such that there is no substantial change in the salinity and chemistry of the surface water and shallow groundwater in the adjacent portion of the Owens River Delta. The design of flood protection berms is subject to California State Lands Commission staff approval and would be undertaken in conjunction with the review of the City of Los Angeles Department of Power and Water's application for the lease amendment to construct, implement, and maintain additional dust control measures on the bed of Owens Lake.</p> <p>Measure Hydrology-4, Reduction of Flash Flood and Alluvial Sediment Damage Potential</p> <p>The City of Los Angeles Department of Power and Water shall provide for flood damage and alluvial sediment protection in the design of all dust control measures. These mitigation measures shall protect the dust control measures themselves, as well as the brine pool mineral lease, from increased flash flood damage potential due to the channelization of waters and transport of sediments. All dust control measure designs shall ensure that there is no increase in the rate and quantity, or decrease in the quality, of storm water flows to the brine pool mineral lease areas. The final design elements that avoid potential increases in flash flood and alluvial sediment damage impacts to the dust control measures and the mineral lease shall be submitted to the California State Lands Commission, the Great Basin Unified Air Pollution Control District, and the Lahontan Regional Water Quality Control Board.</p>	

ES.7 PROJECT ALTERNATIVES

As a result of the project formulation process, the District explored alternatives to the proposed project to assess their ability to meet most of the objectives of the project and to reduce significant effects of the proposed project. Alternative projects recommended by the scoping process were evaluated in relation to the project objectives and their ability to reduce significant impacts as described in Section 4.0, *Alternatives to the Proposed Project*, of this Subsequent EIR. Four project alternatives required under CEQA have been carried forward for detailed analysis in this Subsequent EIR:

- No Project Alternative
- Alternative 1, All Shallow Flooding Alternative
- Alternative 2, All Managed Vegetation Alternative
- Alternative 3, All Gravel Cover Alternative

These alternatives are described and analyzed in Section 4.0 of this Subsequent EIR.

ES.8 UNAVOIDABLE IMPACTS

Analysis for potentially significant unavoidable environmental impacts resulting from implementation of the proposed project were performed considering the anticipated direct, indirect, and cumulative impact, and are presented in Section 5.0, *Unavoidable Impacts*, of this EIR. The conclusion of this analysis is that the proposed project would not result in any significant unavoidable impacts except regarding air quality and the release of green house gas emissions.

ES.9 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Analyses for significant irreversible environmental change resulting from implementation of the proposed project are presented in Section 6.0, *Significant Irreversible Environmental Changes Related to Implementation of the Proposed Project*, of this EIR. While there would be some permanent loss of vegetation community in and around the perimeter of the project area, the loss would be small and not significant considering the amount of habitat that would remain and be newly created. The implementation of the proposed project would be expected to result in less than significant irreversible environmental changes.

ES.10 GROWTH-INDUCING IMPACTS

The proposed project would not result in a significant growth inducing impact as analyzed in Section 7.0, *Growth-Inducing Impacts*, of this EIR. The proposed project would provide as many as 200 new short-term jobs, and all ongoing dust control activities at Owens Lake are expected to create approximately 75 permanent jobs. No infrastructure is proposed to support future growth. Air quality in all communities in the Owens Valley would improve dramatically, removing an existing barrier to growth. However, this growth is expected to be minor and would not constitute a significant impact.

SECTION 1.0 INTRODUCTION

1.1.2 Environmental Review Process

Page 1-2 Please replace the name "U.S. Borax, Inc." with "U.S. Borax" in the second paragraph.

SECTION 2.0 PROJECT DESCRIPTION

The Project Description has been revised and clarified based on the comments received during the public comment period from September 16, 2007, to October 30, 2007. Please replace the Draft EIR Section 2.0 Project Description with the revised Project Description included in the following pages. All information contained in the revised Project Description supersedes the information contained in the Project Description circulated for public comment with the Draft EIR.

SECTION 2.0

PROJECT DESCRIPTION

Consistent with the requirements of Section 15124 of the State of California Environmental Quality Act Guidelines (State CEQA Guidelines), the project description of the 2008 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan (2008 SIP)¹⁶ (proposed project) includes the precise location and boundaries of the proposed project; a brief characterization of the existing conditions at the proposed project site; a statement of objectives for the proposed project; a general delineation of the proposed project's technical, economic, and environmental characteristics; and a statement describing the intended uses of the Subsequent Environmental Impact Report (EIR).

2.1 PROPOSED PROJECT LOCATION

The proposed project includes up to 15.1 square miles (9,664 acres) within the 110-square-mile (70,000-acre) dry Owens Lake bed, located within the Owens Valley, Inyo County, California (Figure 2.1-1, *Regional Vicinity Map*). The proposed project is located approximately 5 miles south of the community of Lone Pine and approximately 61 miles south of the City of Bishop. The proposed project is located approximately 10 miles to the west of Death Valley National Park, approximately 11 miles to the east of Sequoia National Park, and approximately 48 miles north of the City of Ridgecrest (Figure 2.1-1). The location of the proposed project is depicted on seven U.S. Geological Survey (USGS) 7.5-minute series topographic quadrangles: Bartlett,¹⁷ Vermillion Canyon,¹⁸ Owens Lake,¹⁹ Keeler,²⁰ Dolomite,²¹ Lone Pine,²² and Olancho²³ (Figure 2.1-2, *USGS 7.5-Minute Map Index*). The topography of the site is exceptionally flat with an approximate elevation ranging from 3,600 feet above mean sea level (MSL) as defined by the historic shoreline to approximately 3,554 feet above MSL as defined by the remnant existing brine pool. There is only a 46-foot difference between the highest and the lowest area of the 110-square-mile lake bed. The proposed project site lies southwest of the Inyo Mountains, northwest of the Coso Range, and east of Mount Whitney in the Sierra Nevada mountain range (Figure 2.1-1). The proposed project is bounded on the north-northeast by State Highway 136, on the east by State Highway 136 and State Highway 190, on the south by the intersection of State Highway 190 and U.S. Highway 395, and on the west by U.S. Highway 395. There are three communities in the vicinity of the proposed project located in the unincorporated area of Inyo County (the community of Lone Pine to the north, the community of Keeler to the east, and the community of Olancho/Cartago to the southwest) and one designated Indian reservation (Lone Pine Indian Reservation to the north) (Figure 2.1-3, *Project Vicinity Map*).²⁴

¹⁶ PM₁₀ refers to particulate matter up to 10 micrometers in size, a regulated air emission pursuant to the federal Clean Air Act Amendments of 1990.

¹⁷ U.S. Geological Survey. 1987. 7.5-minute series Bartlett, CA topographic quadrangle. Denver, CO.

¹⁸ U.S. Geological Survey. 1987. 7.5-minute series Vermillion Canyon, CA topographic quadrangle. Denver, CO.

¹⁹ U.S. Geological Survey. 1987. 7.5-minute series Owens Lake, CA topographic quadrangle. Denver, CO.

²⁰ U.S. Geological Survey. 1987. 7.5-minute series Keeler, CA topographic quadrangle. Denver, CO.

²¹ U.S. Geological Survey. 1987. 7.5-minute series Dolomite, CA topographic quadrangle. Denver, CO.

²² U.S. Geological Survey. 1994. 7.5-minute series Lone Pine, CA topographic quadrangle. Denver, CO.

²³ U.S. Geological Survey. 1994. 7.5-minute series Olancho, CA topographic quadrangle. Denver, CO.

²⁴ Inyo County Planning Department. 5 October 2002. Map of Inyo County. Available at: <http://www.sdsu.edu/Inyo/genplan.html>

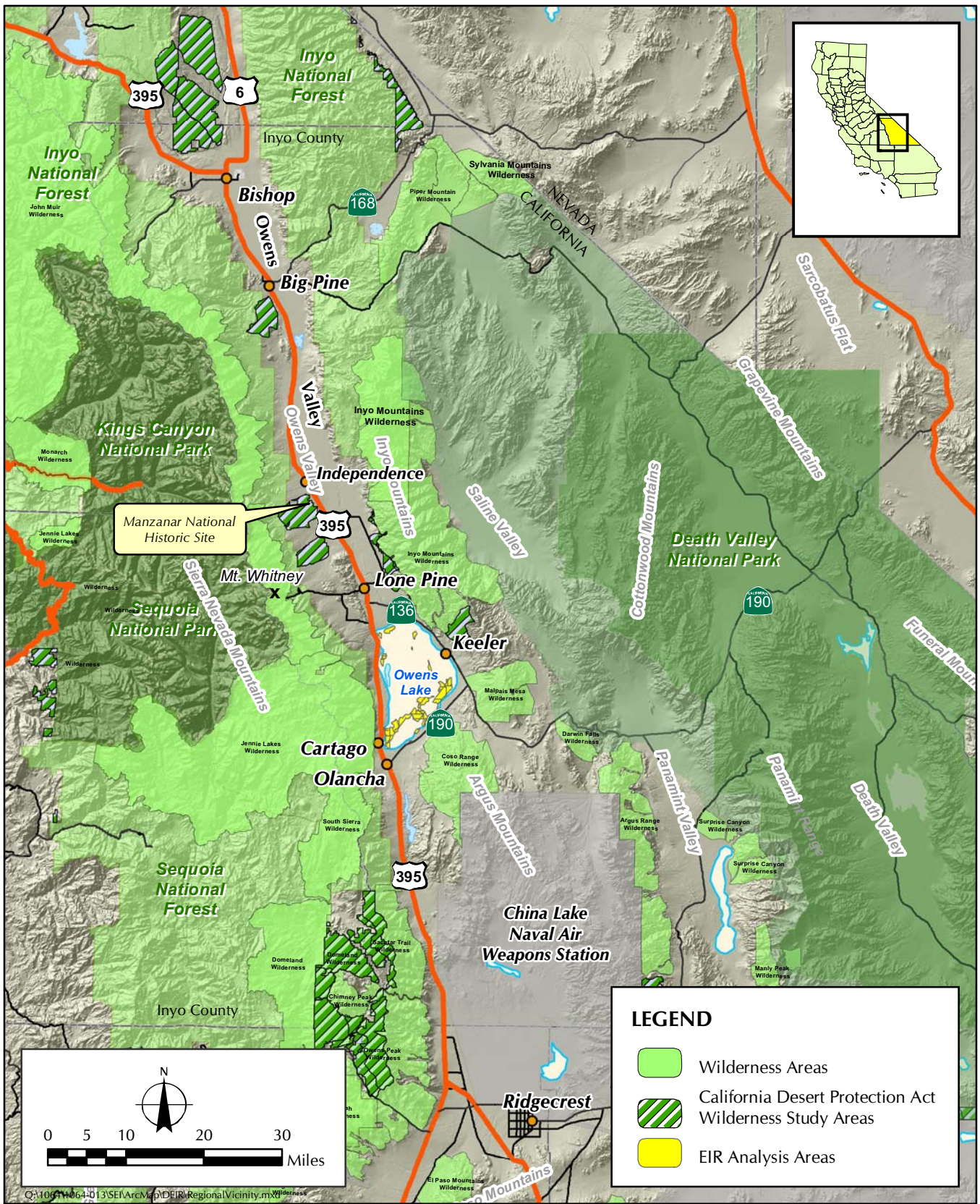


FIGURE 2.1-1
Regional Vicinity Map

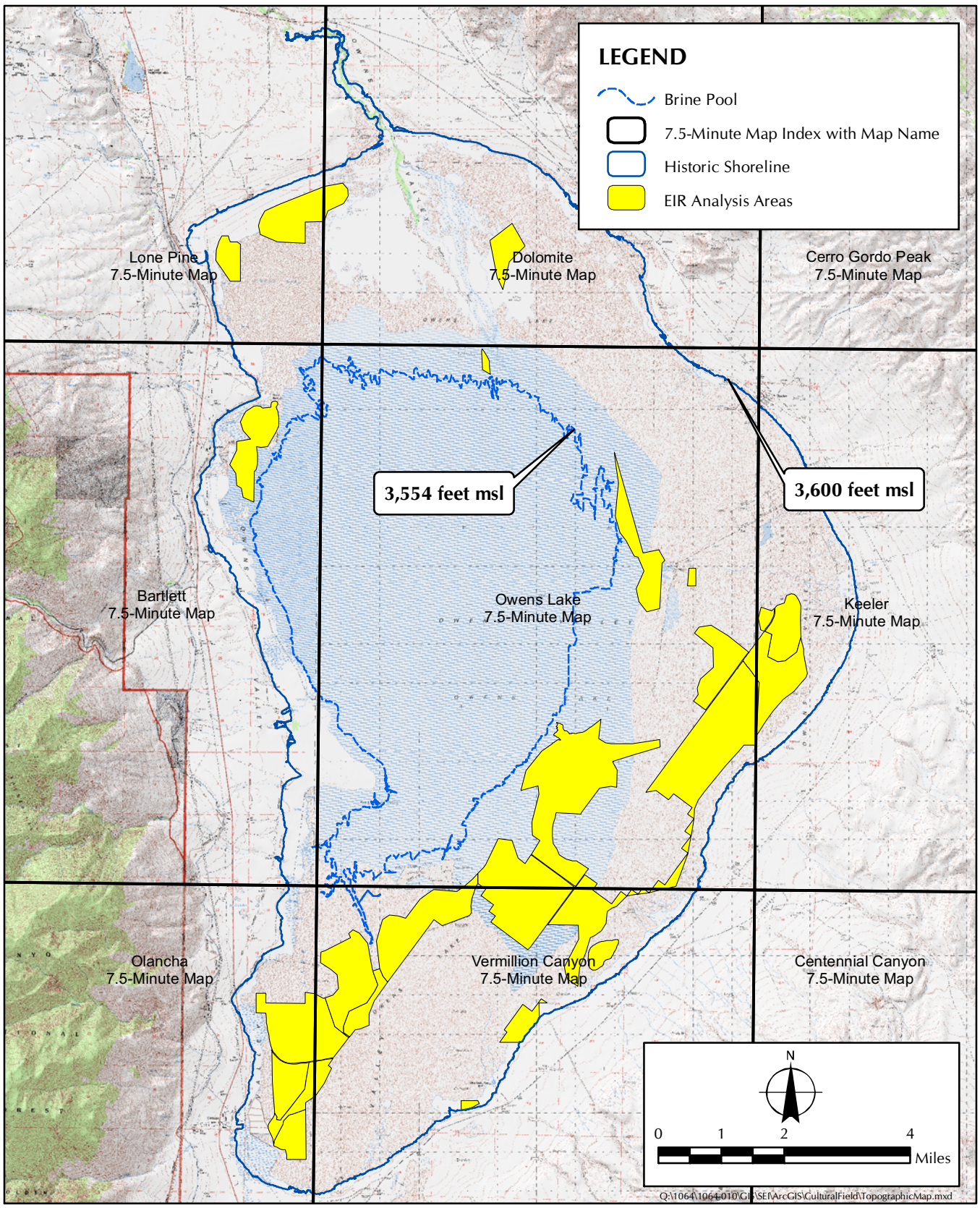


FIGURE 2.1-2
USGS 7.5-Minute Map Index

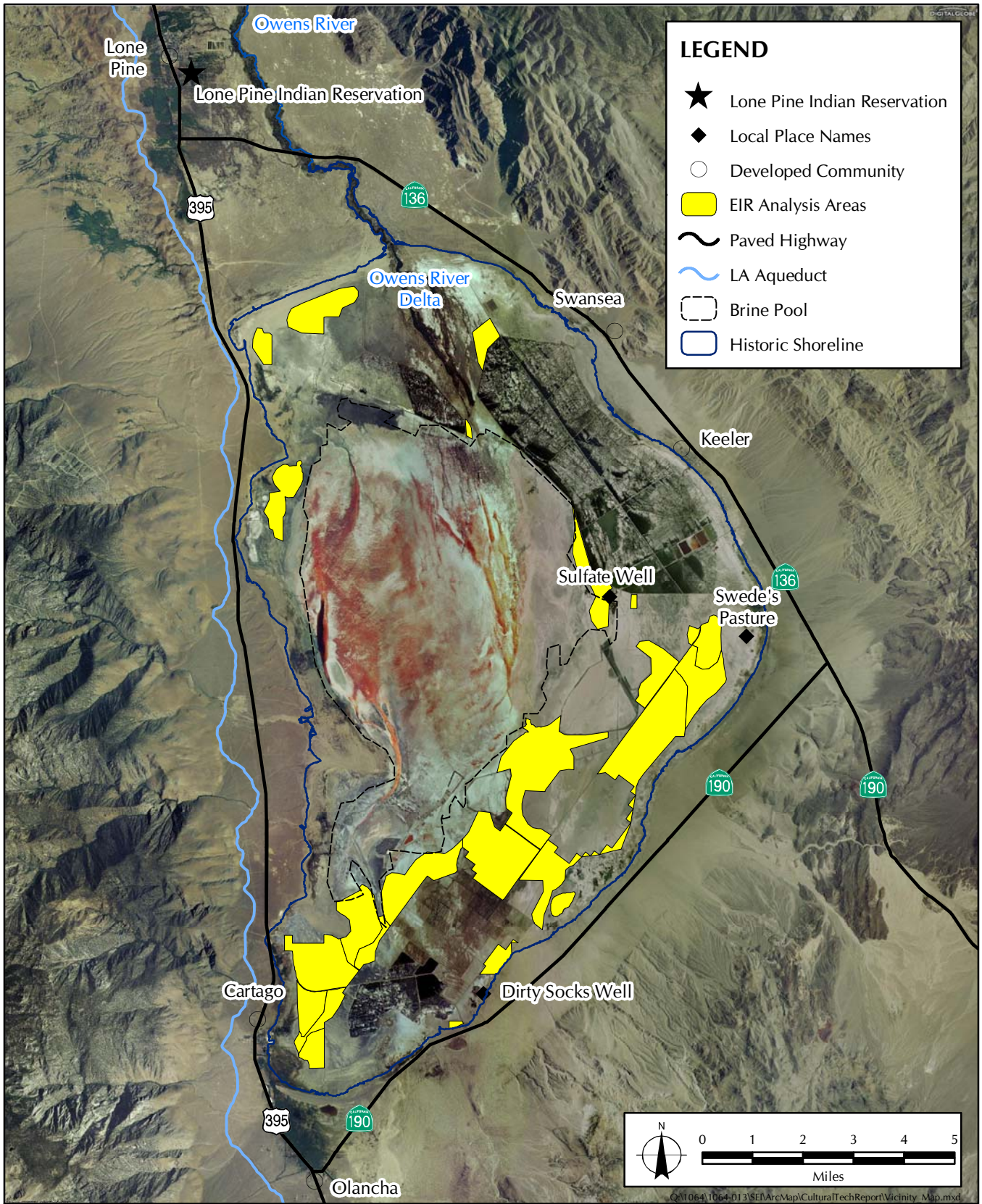


FIGURE 2.1-3
Project Vicinity Map

2.2 PROJECT PURPOSE AND NEED

The Great Basin Unified Air Pollution Control District (District) regulates fugitive dust (PM₁₀) emissions in the Owens Valley Planning Area consistent with the requirements of the National Ambient Air Quality Standards (NAAQS) (Figure 2.2-1, *Owens Valley Planning Area*). The dried Owens Lake bed has been the largest single source of PM₁₀ emissions in the United States for many years, with annual PM₁₀ emissions of more than 80,000 tons and 24-hour concentrations as high as 130 times the federal air quality standard (Figure 2.2-2, *Owens Valley Dust Storms*). In the five years from 2000 through 2004, of the 100 highest 24-hour PM₁₀ value days measured in the entire United States, 78 days occurred at Owens Lake, 21 days occurred at Mono Lake, and 1 day occurred elsewhere (El Paso, Texas). The air pollution at Owens Lake and Mono Lake is caused by the City of Los Angeles's diversion of water from the Eastern Sierra. Water has historically been diverted from the lakes to the City of Los Angeles via the Los Angeles Aqueduct.

Exposed dry lake bed sediments are dispersed into the air by prevailing winds. These dust storms, with the highest episodes in the spring and fall months, have the potential to cause significant ecological and human health effects. The airborne particulate matter that exists in these dust storms is small enough to travel great distances and can be inhaled deeply by humans, which may result in serious respiratory ailments. The District estimates that approximately 40,000 permanent residents that live in or visit the area are affected by Owens Lake particulate emissions. In 1987, the U.S. Environmental Protection Agency (EPA) designated the Owens Valley Planning Area as non-attainment for the NAAQS for PM₁₀. The result of this designation was that a plan, known as a state implementation plan (SIP), was required to be prepared to demonstrate how the NAAQS would be attained. The proposed project is designed to improve air quality through the reduction of PM₁₀ emissions in all of the communities in the Owens Valley, including the City of Ridgecrest in Kern County; Sequoia National Park; Death Valley National Park; the Manzanar National Historic Site; and the John Muir, Golden Trout, Dome Land, and South Sierra Wilderness areas (Figure 2.1-1). The proposed project may also improve air quality in more distant locations because, under certain circumstances, PM₁₀ emissions from Owens Lake have been tracked to more densely populated sections of Southern California.

As a result of a SIP prepared by the District and approved by the U.S. EPA in 1998, the City of Los Angeles Department of Water and Power (City) began constructing dust control measures (DCMs) on the lake bed with a goal of implementing the controls necessary to meet the federal PM₁₀ standards by the end of 2006. In the same 1998 SIP, the District committed to continue to study the lake bed and to revise the SIP in 2003 to refine the actual areas necessary for control. Based on those additional studies, in November 2003 the District Governing Board adopted a revised SIP and ordered the City to implement DCMs on 29.8 square miles of the Owens Lake bed by December 31, 2006.

In addition to requiring the City to construct and begin operating 29.8 square miles of DCMs on the lake bed by the end of 2006, the 2003 SIP also contained provisions requiring the District to continue monitoring air pollution emissions from the lake bed and to identify any additional areas beyond the 29.8 square miles that may require PM₁₀ controls in order to meet the standards. The federal Clean Air Act requires all SIPs to contain "contingency measures" that would be implemented in case the initial control strategy (29.8 square miles of controls) fails to bring the facility (lake bed) into compliance. One such contingency measure was for the Air Pollution Control Officer (APCO) to complete a Supplemental Control Requirements (SCR) analysis and determination as to whether additional dust controls are required on the lake based on continuous air quality data collected.

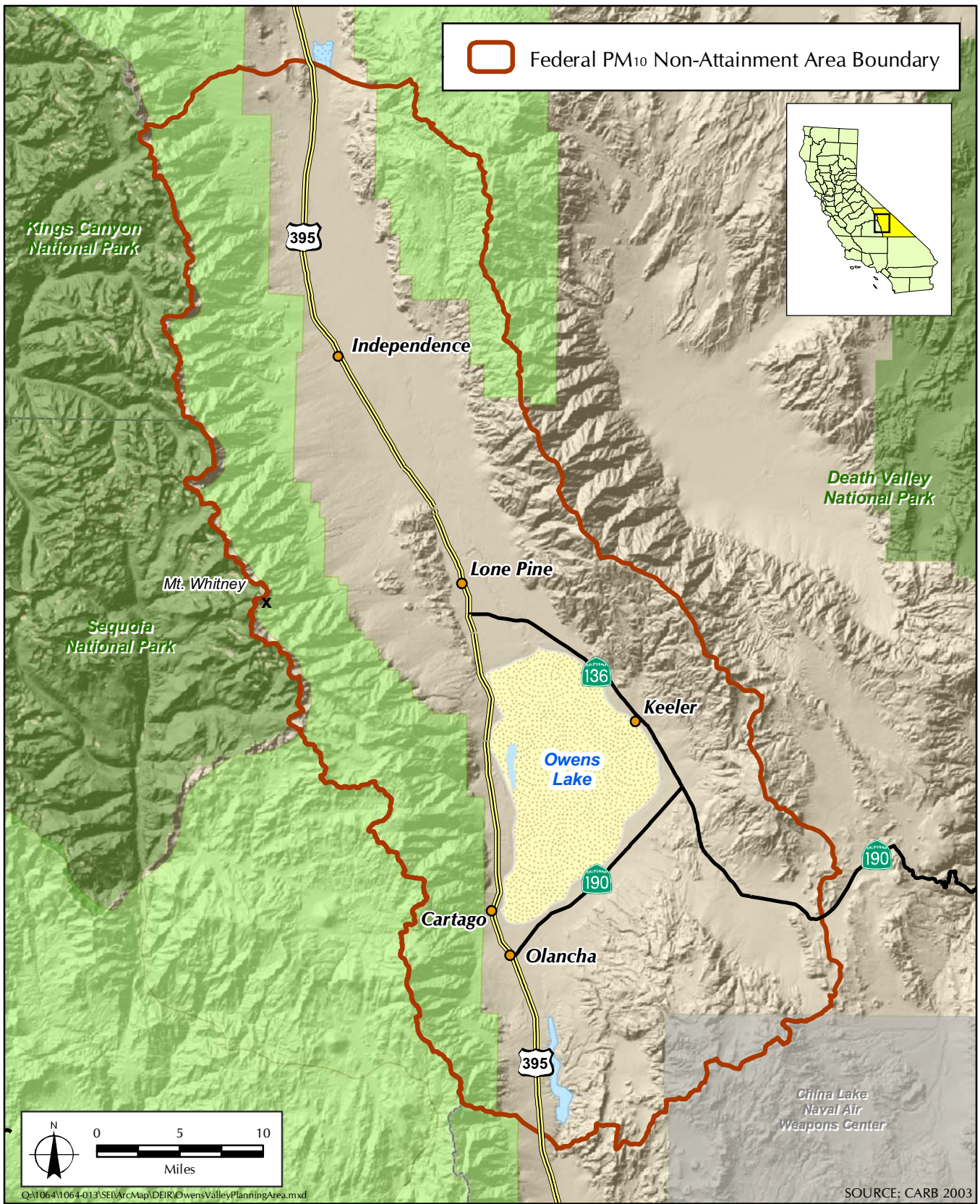


FIGURE 2.2-1
Owens Valley Planning Area



Owens Valley Dust Storm



Owens Valley Dust at Crest of Sierra Nevada



Owens Valley Dust at Ridgecrest



FIGURE 2.2-2
Owens Valley Dust Storms

Based on July 2002 through June 2004 data, on December 21, 2005, the APCO completed the 2003 SIP-required supplemental SCR analysis and issued an SCR determination that additional areas of the lake bed would require DCMs in order to meet the PM₁₀ standards. Based on that SCR analysis, and subsequent discussions with the City, an agreement with the City has been reached to construct the additional DCMs necessary to bring the lake bed into compliance with the NAAQS for PM₁₀. These additional DCMs beyond the 29.8 square miles completed at the end of 2006 are the subject of the proposed project.

2.3 PROJECT BACKGROUND

Owens Lake is part of an ancient chain of lakes that was active during the Pleistocene, about 1.8 million years ago. The lake system extended from Mono Lake (previously a much larger lake known as Lake Russell) and continued south to Lake Manley. During much of this time, water from the Owens Valley basin flowed out of Owens Lake southward through Rose Valley and into China Lake. The high stand of the lake that produced the shorelines at an elevation of 3,880 feet above MSL is estimated to have occurred 15,000 to 16,000 years ago. Since that time, the surface extent of the water of Owens Lake has diminished but is not thought to have completely dried as two deep cores on the lake bed failed to identify evidence of complete desiccation. Uplift processes in the Coso Range, combined with a postglacial drying trend, eliminated overland outflow from the basin about 3,000 years ago. As a result, the lake basin became closed, losing water only through surface evaporation and transpiration. This internal drainage, combined with the arid environment, created the highly saline condition of remaining surface waters and lake bed soils at the bottom of the Owens Valley basin. In the late 1800s, Owens Lake, at about 110 square miles, was one of the largest natural lakes in California. It was a saline terminal lake with a salinity of about 1.5 times that of seawater (Figure 2.3-1, *Owens Lake Historic Shoreline*; and Figure 2.3-2, *Photograph of Owens Lake Circa 1891*).

Although historic lake levels were as high as 3,597 feet in 1878, surface water diversions over the past 125 years have reduced the lake to less than one third of its original area and about five percent of its original volume. From the 1860s to the early 1900s, withdrawals from the Owens River for agricultural purposes substantially reduced surface water inflow to the lake. Extensive irrigation projects compounded by drought caused the lake level to drop as low as 3,565 feet in 1906. However, by 1912, as the drought ended, the level had risen to 3,579 feet (Figure 2.3-1). In 1913, the City completed a freshwater aqueduct system and began diverting waters of the Owens River 223 miles south to the City of Los Angeles (Figure 2.3-3, *Los Angeles Aqueduct*). By the 1920s, Owens Lake had shrunk to a small hyper-saline remnant brine pool of about 26 square miles and a few feet deep (Figure 2.3-1). Demand for exported water increased as Los Angeles grew and as diversions for irrigation continued in the Owens Valley (mainly on City-owned property). These factors resulted in Owens Lake becoming virtually dry by 1930; its level having dropped to an elevation of 3,554 feet.

The former or stranded shoreline (termed the "historic shoreline") was left behind at an approximate elevation of 3,600 feet (Figure 2.3-1). The former shoreline bounds the playa in aerial photographs and on most maps. Today, the permanent brine pool is present in the lowest portion of the basin, surrounded by dry playa soils and crusts. The ordinary high water mark of this remnant brine pool has been defined by the U.S. Army Corps of Engineers to be that portion of the lake basin below 3,553.55 feet. Evaporite deposits and brines cover much of the brine pool area; the concentration of dissolved solids (salts) can be as high as 77 percent by weight.

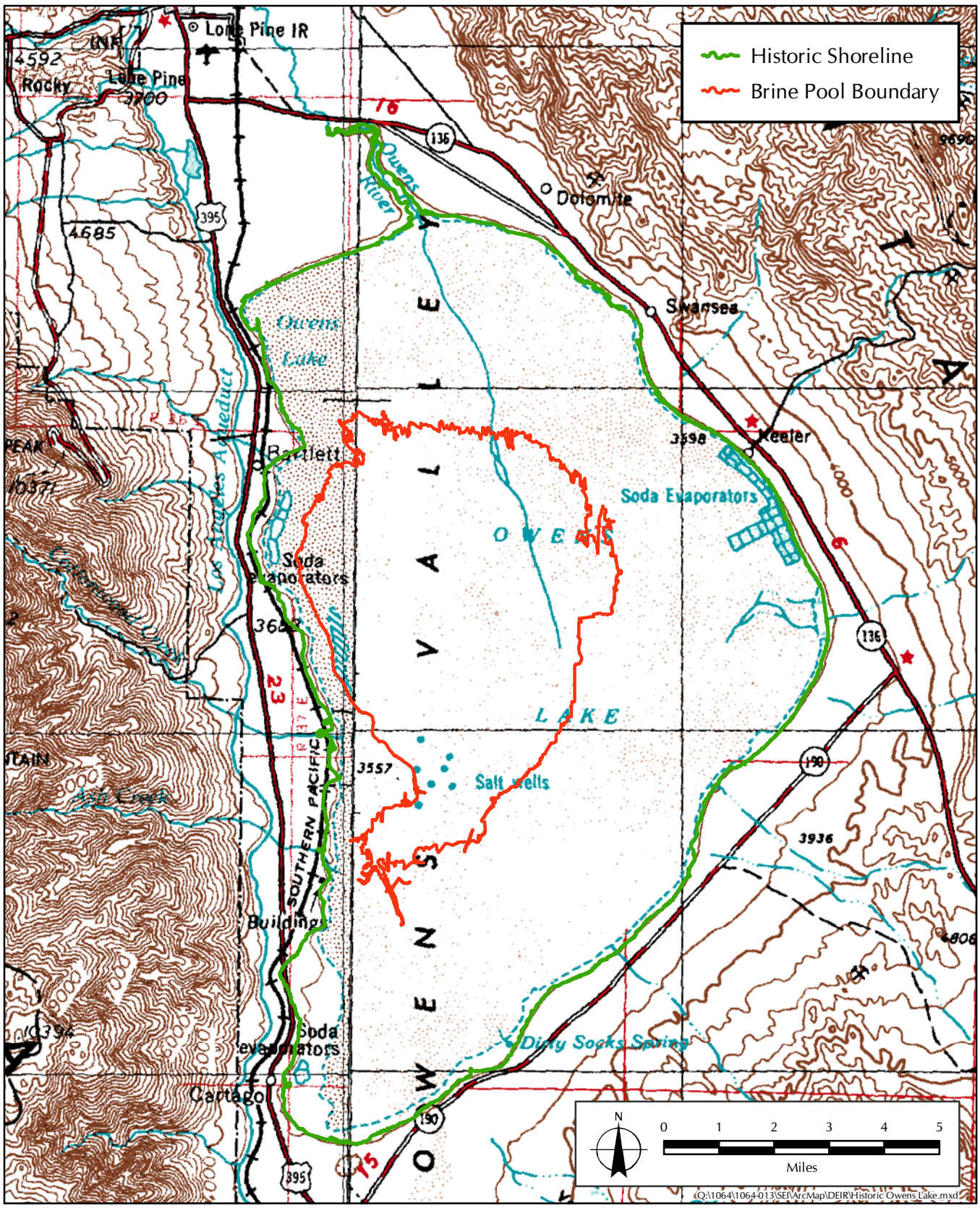


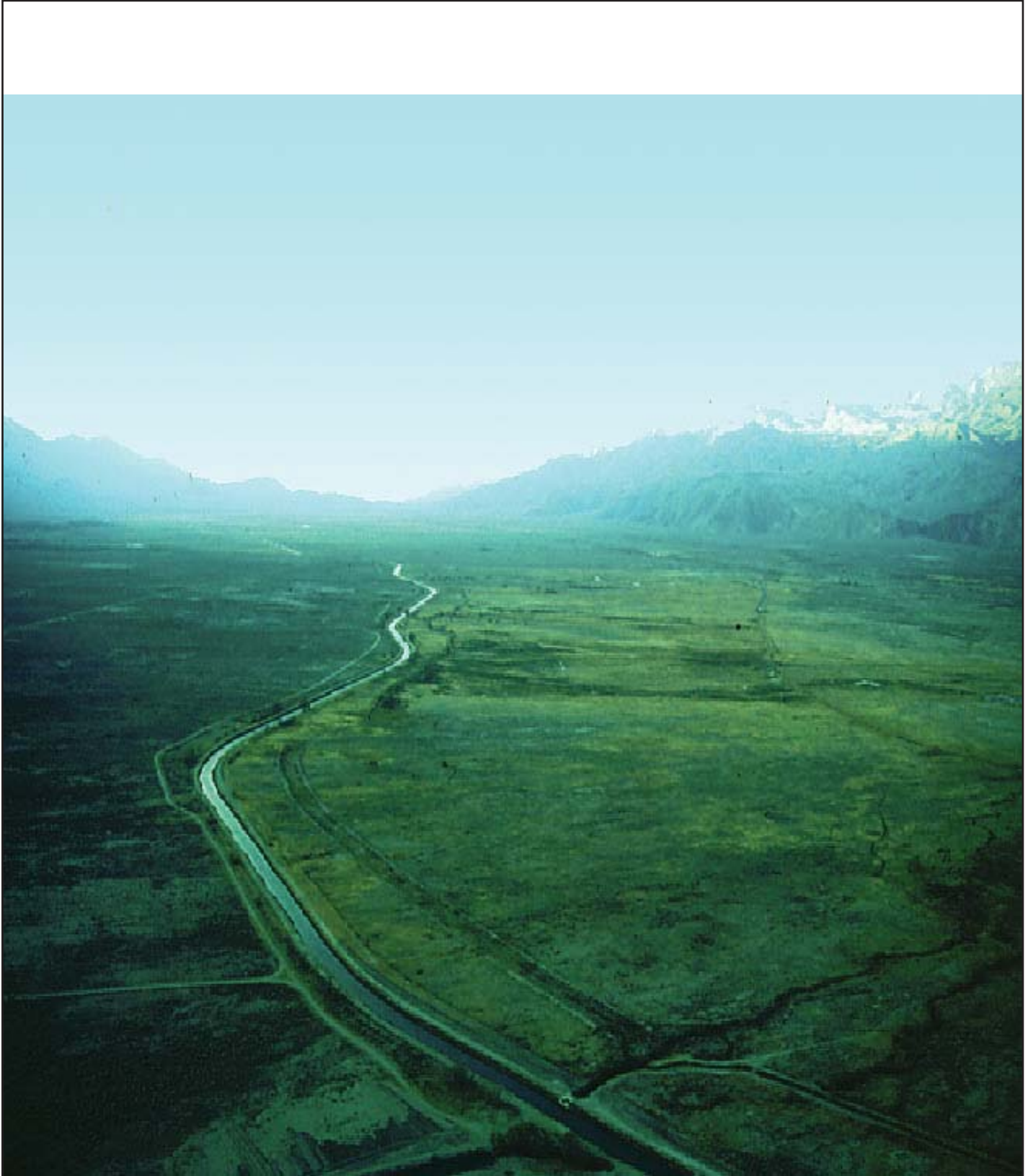
FIGURE 2.3-1
Owens Lake Historic Shoreline



SOURCE: Huntington Library

FIGURE 2.3-2
Photograph of Owens Lake Circa 1891





SOURCE: City of Los Angeles Department of Water and Power



FIGURE 2.3-3
Los Angeles Aqueduct

The exposed lake bed between the stranded shoreline and the brine pool consists largely of unstable saline soils that are highly emissive (Figure 2.3-4, *Sources of PM₁₀ Emissions*). Exposed lake bed sediments are dispersed into the air by prevailing winds. The exposed Owens Lake bed has been identified as the largest single source of fugitive dust emissions in the United States (Figure 2.2-1). The airborne PM₁₀ in these dust storms is small enough to travel great distances. These dust storms, with the highest episodes in the fall through spring months, have serious negative ecological and human health effects. In 1987, the U.S. EPA identified the Owens Valley Planning Area (OVPA) as one of the areas in the nation that violated the PM₁₀ NAAQS. The U.S. EPA required the State of California to prepare a SIP for the OVPA demonstrating how PM₁₀ emissions would be decreased to comply with the NAAQS. The District is the agency designated by the State to fulfill this requirement. An initial SIP was prepared by the District in 1988, approved by California Air Resources Board (CARB), and forwarded to the U.S. EPA. No action was taken by U.S. EPA to approve or deny the 1998 SIP. In 1997, the District identified three DCMs for controlling PM₁₀ emissions from these wind-eroded salt crusts. These DCMs, Shallow Flooding, Managed Vegetation, and Gravel Cover, formed the basis of the 1998 SIP.

In the same 1998 SIP, the District committed to continue to study the lake bed and to revise the SIP in 2003 to refine the actual areas necessary for control. Based on those additional studies, in November 2003, the District Governing Board adopted a revised SIP and ordered the City to implement DCMs on 29.8 square miles of the Owens Lake bed by December 31, 2006.

By January 2000, the District implemented a sand motion monitoring network on approximately a 1-square-kilometer grid (Sensit Grid) (Figure 2.3-5, *Sensit Grid*). This grid has been modified since 2000 in response to both dust controls constructed and new areas of interest. The purpose of the Sensit Grid and Dust ID Program is to refine further the source and location of PM₁₀ emissions that must be controlled to meet the PM₁₀ NAAQS. Air quality monitoring and modeling efforts undertaken by the District have determined that a total of 43 square miles of DCMs need to be completed to meet the NAAQS for PM₁₀ by 2010 (Figure 2.3-6, *2003 SIP Project Area*).

2.3.1 Areas of Previous Environmental Documentation

The implementation of the 29.8 square miles of dust control areas (DCAs) has been subject to previous environmental documentation. This analysis is based on the analysis from the 2003 SIP EIR, which anticipated 29.8 square miles of DCMs.

The 1997 EIR was adopted by the District Board on July 2, 1997, along with a 1997 SIP (Figure 2.3.1-1, *Previous SIP Analysis Areas*).²⁵ Addendum No. 1 to the 1997 Final EIR, prepared to account for changes to the 1997 SIP project description approved in a Memorandum of Agreement between the District and the City of Los Angeles (approved July 28, 1998), was adopted by the District Board in 1998 along with a revised 1998 SIP.²⁶ Based on additional information gathered after the adoption of the 1998 SIP and EIR, it was determined that additional DCMs up to 29.8 square miles would need to be implemented. Of these total 29.8 square miles, approximately 5.5 square miles (3,520 acres) of the 10.3 square miles (6,592 acres) of new area covered in the 2003

²⁵ Great Basin Unified Air Pollution Control District. 2 July 1997. *Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan Final Environmental Impact Report*. State Clearinghouse Number 96122077. Bishop, CA.

²⁶ Great Basin Unified Air Pollution Control District. 1998. *Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan Addendum No.1 to the Final Environmental Impact Report*. State Clearinghouse Number No. 96122077. Bishop, CA.



Wind Eroded Salt Crusts



Emissive Soils at Dry Owens Lake Bed



Close-up of Heaved Salt Crust Exposing Emissive Material



FIGURE 2.3-4
Sources of PM₁₀ Emissions

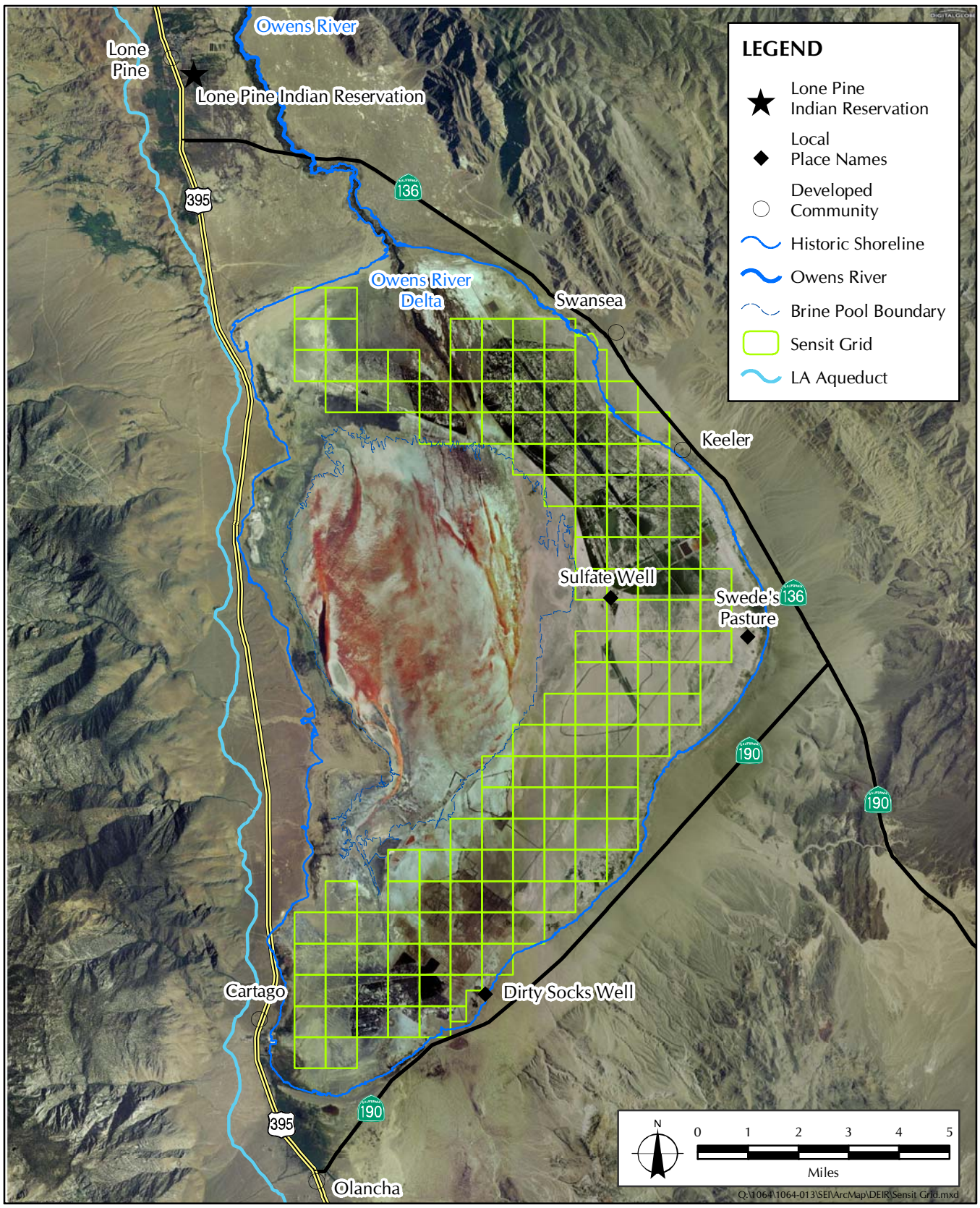


FIGURE 2.3-5
Sensit Grid

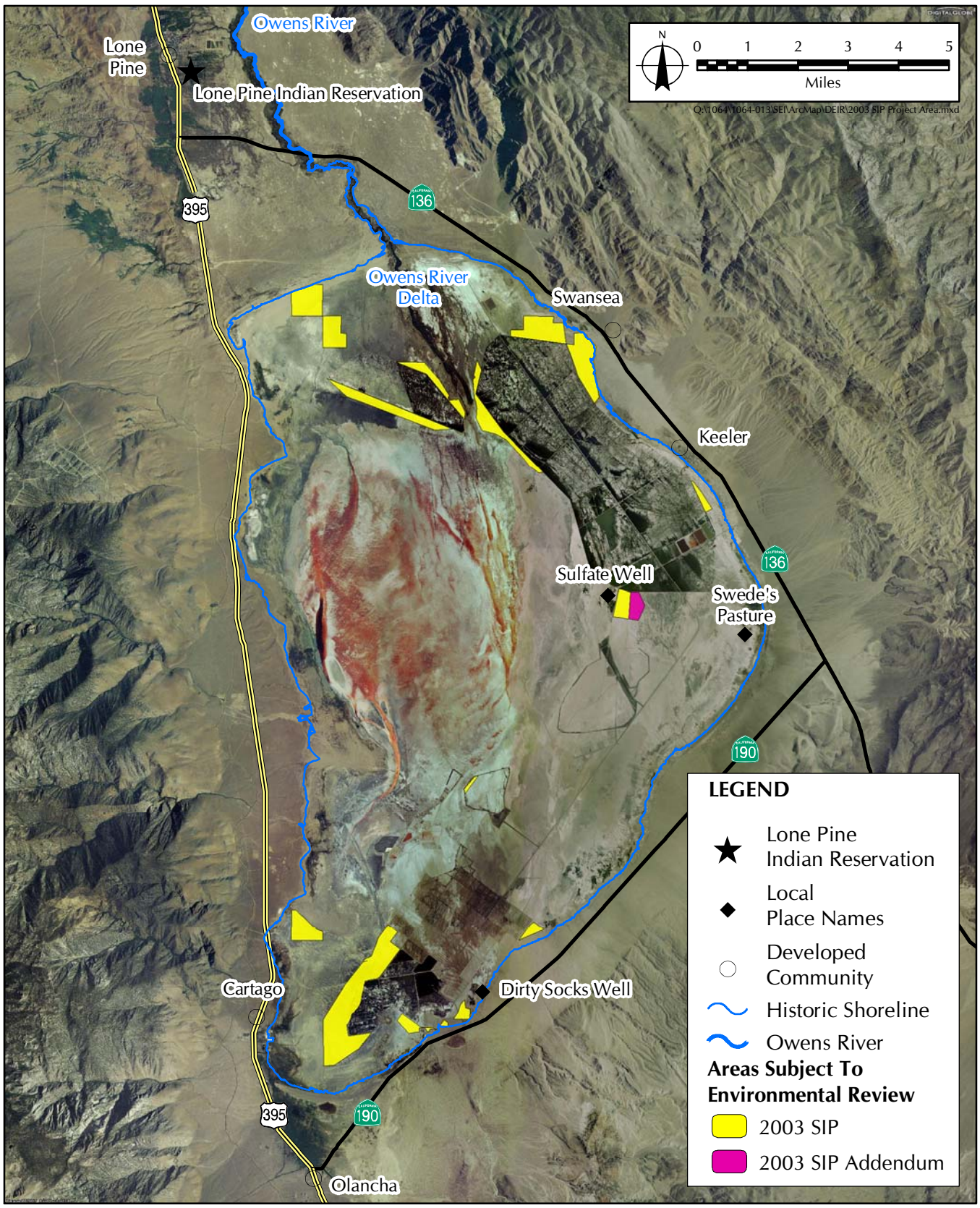


FIGURE 2.3-6
2003 SIP Project Area

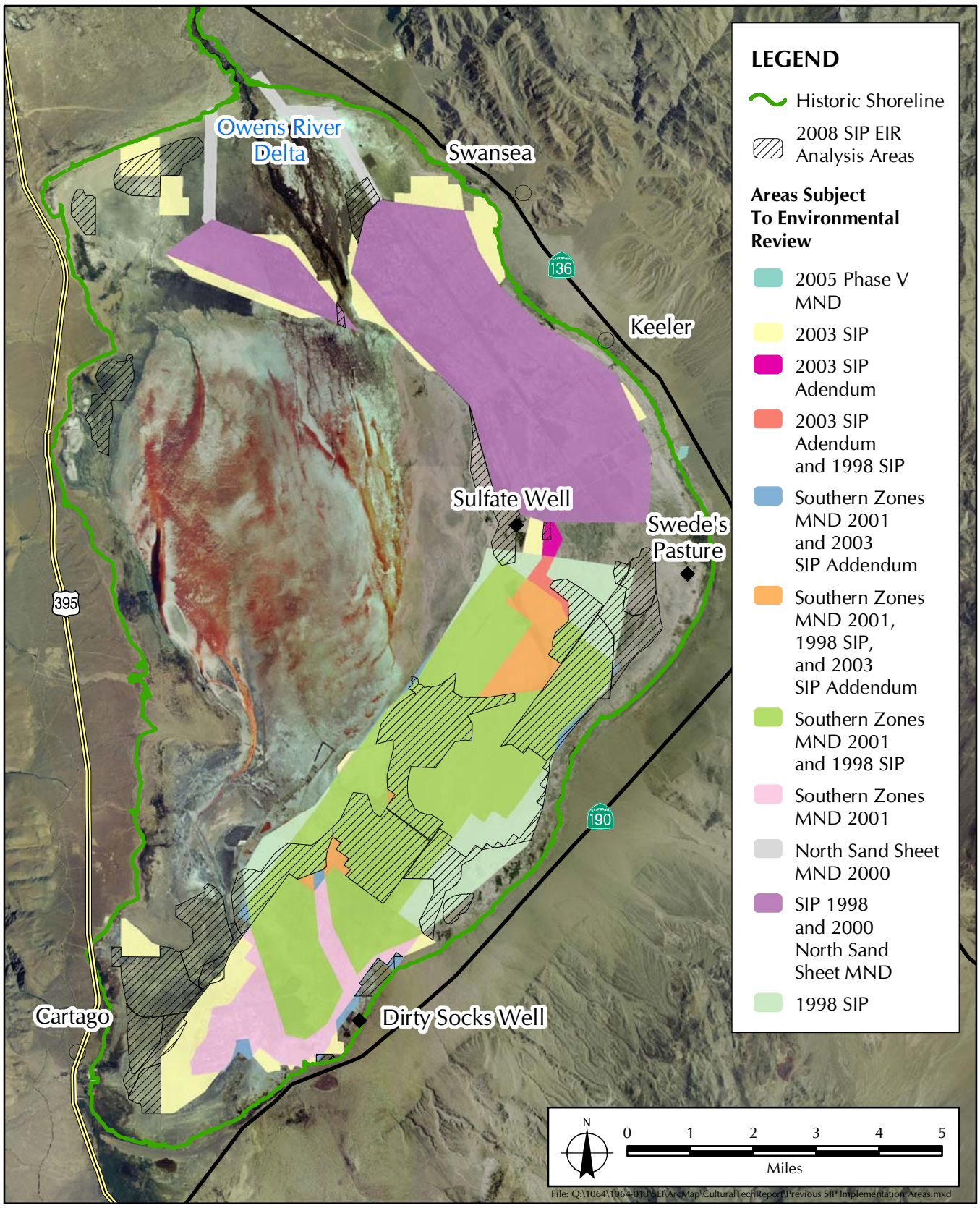


FIGURE 2.3.1-1
Previous SIP Analysis Areas

SIP EIR were analyzed on a project level for environmental impacts (Figure 2.3.1-1).²⁷ An addendum to the 2003 SIP EIR was prepared in 2005 to exchange 1.3 square miles originally designated for Managed Vegetation to Shallow Flooding and an addition of 223 acres of Shallow Flooding outside the 2003 SIP EIR footprint.²⁸ As of January 1, 2007, the 29.8 square miles of DCMs designated in the 2003 SIP and 2003 EIR were operational (Figure 2.3-6).²⁹

2.4 EXISTING CONDITIONS

The existing conditions section provides a description of the physical environmental conditions in the vicinity of the proposed project site as they existed at the time of the Notice of Preparation of the Subsequent EIR from both a local and regional perspective (State CEQA Guidelines, Section 15125). This section constitutes the baseline physical conditions by which the District will determine if an impact is significant or not.

2.4.1 Regional Environmental Setting

The Owens Valley has been described as having a very rich variety of plants, with more than 2,000 species represented in the region, although they are limited in distribution at Owens Lake, to the stranded shoreline and nearby alluvial fans. Riparian, alkaline meadow, and alkali seep plant communities, which circumscribe Owens Lake, provide important habitat for resident and migratory wildlife species. Many of the diverse wildlife resources that are characteristic of the Sierra Nevada, Inyo, and Coso mountain ranges surrounding Owens Lake will occasionally be found on the valley floor, particularly during winter. As many as 320 bird species have been reported for the Owens Valley floor, including permanent residents, summer residents, winter residents, and migrants (Figure 2.4.1-1, *Bird Habitat*). Ephemeral flooded areas in the vicinity of Owens Lake provide excellent resting and foraging habitat for winter migrants and prime opportunities for bird watching. Among these, western snowy plover was known at Owens Lake and currently is a state-designated species of special concern. Historically, Owens Lake is believed to have provided approximately 523 acres of snowy plover habitat. The specified acreage was determined using geographic information system technology by taking the area between the 3,605-foot and the 3,595-foot elevation contour and dividing this value by 5 ($2,614 \div 5 = 523$). This represents an interpolated value of 12 inches above and 12 inches below the historic shoreline elevation (3,600 feet). Several wildlife resources are found in the vicinity of Owens Lake.

The Owens Valley has attracted the interest of archaeologists since at least the 1930s. The Riddells conducted the major work in the region in the 1940s and 1950s, recording several sites on the perimeter of Owens Lake, including important sites at Cottonwood Creek and Rose Spring. Two California State Historic Landmarks and two California Points of Historic Interest are located in the vicinity of Owens Lake. Ethnographic data indicate that the east shore of Owens Lake was used by Native American groups. Historic resources related to mining and transportation have been identified along the stranded shoreline.

²⁷ Great Basin Unified Air Pollution Control District. February 2004. *2003 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan Integrated Environmental Impact Report*. State Clearinghouse House Number 2002111020. Prepared by: Sapphos Environmental, Inc., Pasadena, CA.

²⁸ City of Los Angeles Department of Water and Power. 2004. *Environmental Impact Report Addendum No. 1 to the 2003 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan*. Los Angeles, CA.

²⁹ Great Basin Unified Air Pollution Control District. February 2004. *2003 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan Integrated Environmental Impact Report*. State Clearinghouse House Number 2002111020. Prepared by: Sapphos Environmental, Inc., Pasadena, CA.



SOURCE: Sapphos Environmental, Inc.

Great Egret in Freshwater Marsh on Lower Owens River



SOURCE: CH2MHILL

American Avocets Foraging on Shallow Flood Dust Control Area



FIGURE 2.4.1-1
Bird Habitat

There are three communities in the vicinity of the project located in the unincorporated area of Inyo County (community of Lone Pine to the north, Lone Pine Indian Reservation to the north, community of Keeler to the east, and the community of Olancho/Cartago to the southwest) (Figure 2.1-3 and Figure 2.4.1-2, *Existing Human Settlements: Keeler*).

Other existing regional activities include agricultural cattle grazing (Figure 2.4.1-3, *Cattle Grazing in Project Vicinity*); mining (Figure 2.4.1-4, *Existing Mining Operations*); recreation, including hiking and golf (Figure 2.4.1-5, *Mt. Whitney Golf Club Near Lone Pine*); water supply transfers (Figure 2.4.1-6, *Los Angeles Aqueduct West of Owens Lake*); and air quality monitoring (Figure 2.4.1-7, *Dirty Socks Air Monitoring Station*).

2.4.2 Local Environmental Setting

The proposed project area includes the exposed playa of Owens Lake. The exposed playa is composed of highly emissive saline soils (Figure 2.3-5). This area of the lake bed continues to produce large quantities of fugitive dust (PM₁₀ particulate matter emissions) (Figure 2.2-2). Also contained within the local setting are existing leases for mineral resources, notably the trona extraction occurring on the southwestern side of the dry Owens Lake bed, within the designated brine pool area.

2.4.3 Existing Dust Control Areas

All phases pursuant to the 1998 and 2003 SIPs have been constructed for a total of 29.8 square miles. The project is divided into increments and phases. Increment No. 1 (Phases 1–3) includes those DCMs that were constructed at the end of 2003. Increment No. 2 (Phase 5) includes those DCMs that have been in place since December 31, 2006. Increment No. 3 (Phase 7) includes the proposed project, which is necessary to achieve attainment of the NAAQS.

Pursuant to the 2003 SIP, Shallow Flooding, Managed Vegetation, and Gravel Cover have been previously approved and constructed on 29.8 square miles (19,072 acres) of the emissive dry lake bed (Figure 2.2-2). Two connections to the Los Angeles Aqueduct have been made, and a looped 30- to 60-inch water supply pipeline provides water for the project. Existing DCMs include 15.4 square miles of Shallow Flooding areas and 3.75 square miles of Managed Vegetation. The existing conditions were documented in a series of photographs (Figure 2.4.3-1, *Existing Dust Control Measures: Shallow Flooding*; and Figure 2.4.3-2, *Existing Dust Control Measures: Managed Vegetation*). Gravel Cover DCMs [0.14 square mile (90 acres)] have been approved and are utilized in only a small portion of the proposed project area (Figure 2.4.3-3, *Approved Dust Control Measure: Gravel Cover*).

DCMs have been implemented on the dry Owens Lake bed in multiple phases providing reduced PM₁₀ emissions as described in the 2008 SIP.³⁰ Annual uncontrolled lake bed emissions in 2000 were estimated at 76,191 tons per year. This represents an uncontrolled emissions baseline that can be used to track emission reductions from the proposed project.

³⁰ Great Basin Unified Air Pollution Control District. September 2007. *2008 Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan*. Bishop, CA.



Community of Keeler



Looking West to Community of Keeler with Owens Lake in Background

SOURCE: Sapphos Environmental, Inc.



FIGURE 2.4.1-2
Existing Human Settlements: Keeler



SOURCE: Sapphos Environmental, Inc.



FIGURE 2.4.1-3
Cattle Grazing in Project Vicinity



Mining in Project Vicinity



Mining Truck in Project Vicinity

SOURCE: Sapphos Environmental, Inc.



FIGURE 2.4.1-4
Existing Mining Operations



SOURCE: Sapphos Environmental, Inc.



FIGURE 2.4.1-5
Mt. Whitney Golf Club Near Lone Pine



SOURCE: Sapphos Environmental, Inc.



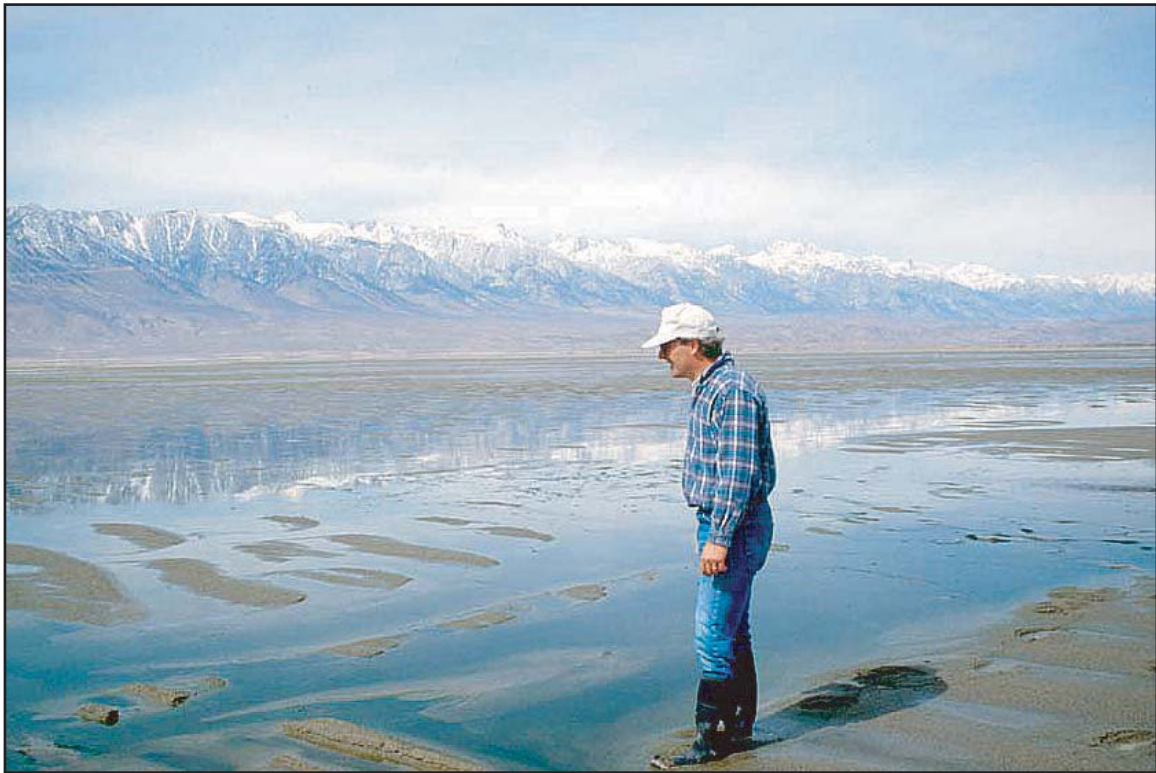
FIGURE 2.4.1-6
Los Angeles Aqueduct West of Owens Lake



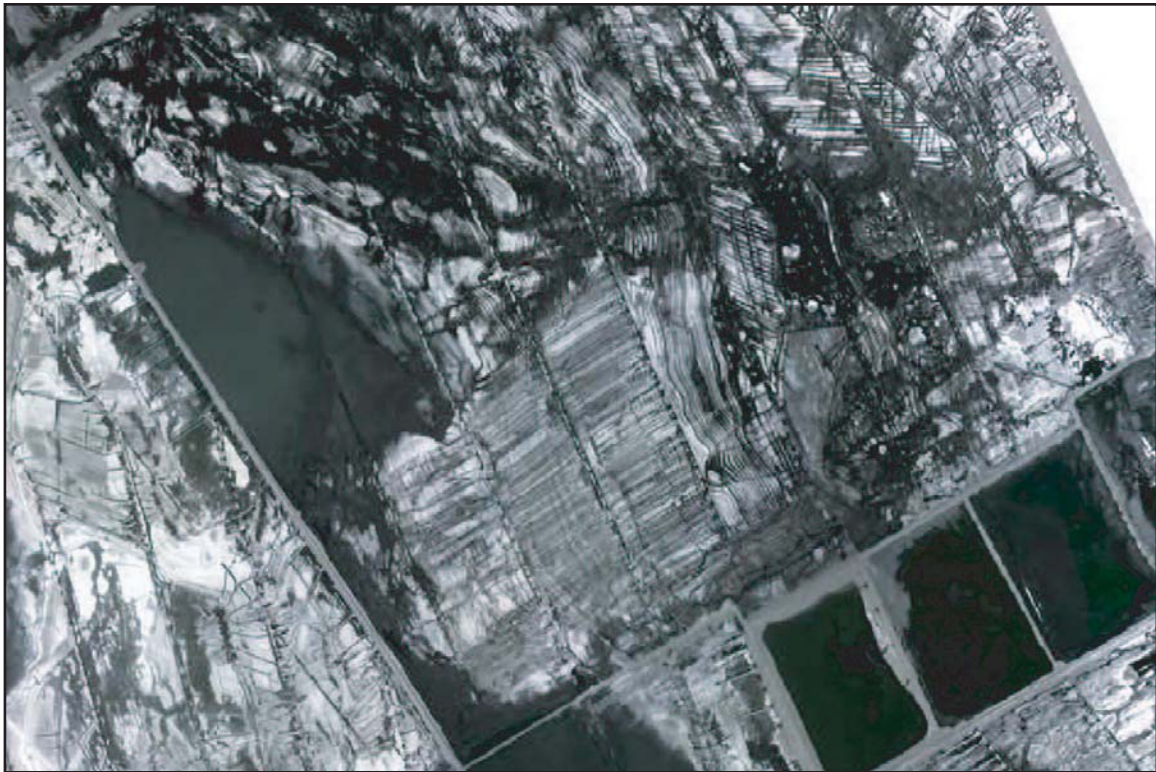
SOURCE: Great Basin Unified Air Pollution Control District



FIGURE 2.4.1-7
Dirty Socks Air Monitoring Station



Ground View of Shallow Flood Test Site



Aerial View of Shallow Flooding Dust Control Project on North East Part of Lake Bed near Keeler

SOURCE: Great Basin Unified Air Pollution Control District



FIGURE 2.4.3-1
Existing Dust Control Measures: Shallow Flooding



SOURCE: Great Basin Unified Air Pollution Control District



FIGURE 2.4.3-2
Existing Dust Control Measures: Managed Vegetation



SOURCE: Great Basin Unified Air Pollution Control District



FIGURE 2.4.3-3
Approved Dust Control Measure: Gravel Cover

2.4.4 Previous Mitigation Areas

Mitigation for impacts that incurred during the implementation of the DCMs constructed by January 2007 has been completed in various locations for the various impacts. The mitigation areas cover impacts to Dry Alkaline Meadow (DAM), Moist Alkaline Meadow (MAM), Saturated Alkaline Meadow (SAM), and shorebird habitat. In total 320 acres of DAM, 40 acres of SAM and MAM, and 152 acres of habitat shallow flooding have been created (Table 2.4.4-1, *Existing Mitigation Areas*; and Figure 2.4.4-1, *Existing Mitigation Areas*).

**TABLE 2.4.4-1
EXISTING MITIGATION AREAS**

CEQA/Regulatory Document	Type of Wetland/Habitat Impacted	Total Impact Area (Acres)	Impact to Mitigation Ratio	Mitigation Requirement (Acres)	Mitigation Acreage (Location)	Remaining Mitigation Bank Area (Acres)
1997 EIR	DAM	91.6	1:1	91.6		
Southern Zones MND	DAM	5.6	1:1	5.6		
2003 SIP FEIR	DAM	87.2	2:1	174.4		
Phase V MND	DAM	0.1	2:1	0.2		
Total DAM	DAM	184.5		271.8	320 acres (T-8 Managed Vegetation Area)	87.3
2003 SIP FEIR	MAM	27.7	1:1	27.7		
2003 SIP FEIR	SAM	6.6	1:1	6.6		
Total MAM and SAM	SAM and MAM	34.3		34.3	40 acres (T-30 Wetland Area)	5.7
CDFG 1601 Agreement R6-2001-060	Shorebird Habitat	63	2:1	145		
Total Habitat Shallow Flooding	Shorebird Habitat	152		145	152 acres (T4-3)	7

2.5 GENERAL PLAN LAND USE AND ZONING

The dry Owens lake bed is primarily owned and operated in trust for the people of the State of California by the California State Lands Commission (CSLC), and while not subject to local regulatory authority by the Inyo County, the County's General Plan recognizes the location of state and federally owned lands at Owens Lake. The Land Use element of the Inyo County General Plan designates the proposed project area as Natural Resources and State and Federal Lands.³¹ This land use designation "is applied to land or water areas that are essentially unimproved and planned to remain open in character, [and] provides for the preservation of natural resources, the managed

³¹ Inyo County Planning Department. 11 December 2001. *Inyo County General Plan, Land Use Element*. Independence, CA.

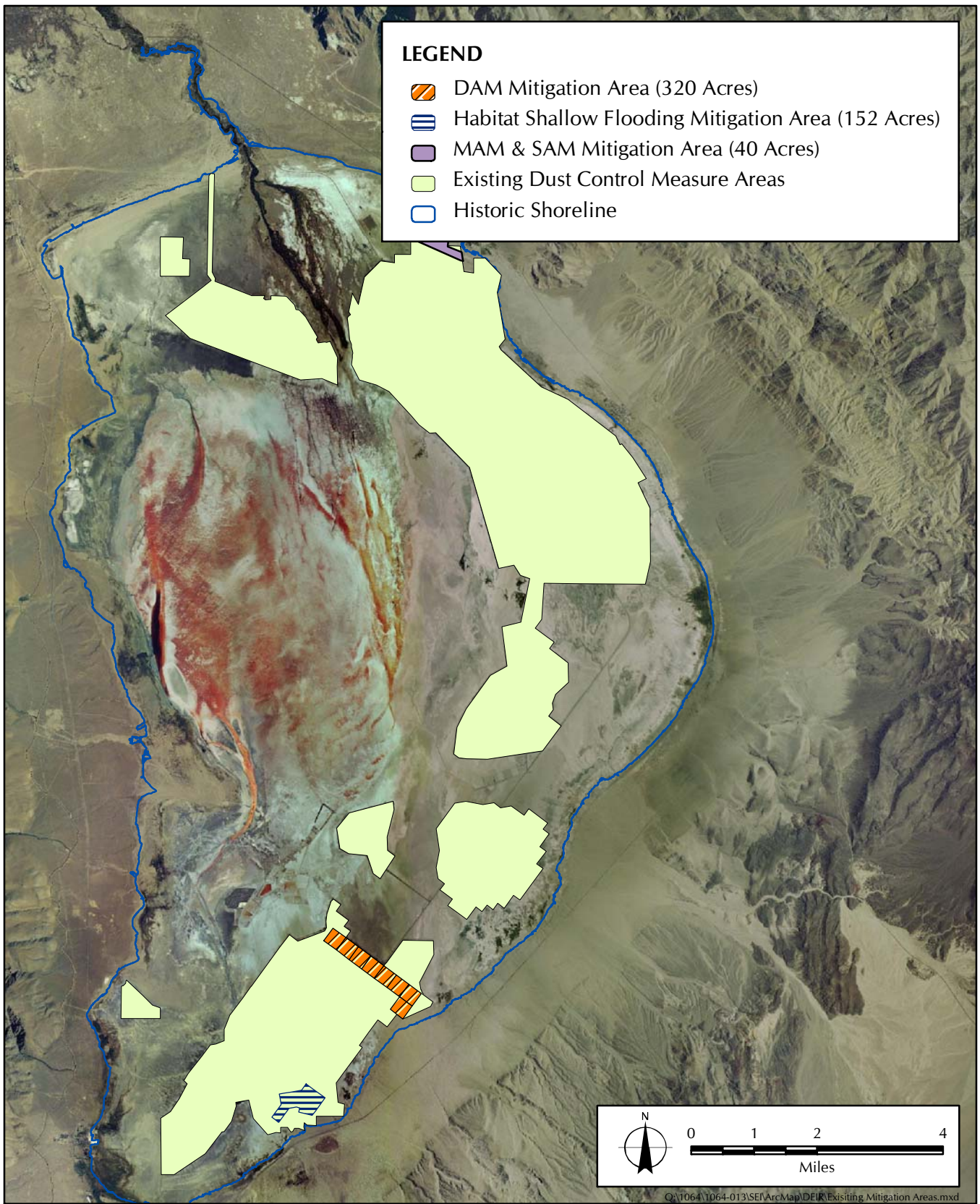


FIGURE 2.4.4-1
Existing Mitigation Areas

production of resources, and recreational uses.”³² The Inyo County Zoning Ordinance designates the proposed project area as predominantly OS-40: Open Space Zone, 40-acre minimum lot size.³³

2.6 STATEMENT OF PROJECT GOAL AND OBJECTIVES

2.6.1 Project Goal

The primary goal of the proposed project is to implement DCMs on the bed of Owens Lake by 2010 sufficient to prevent emissions from the lake bed that cause or contribute to violations of the PM₁₀ NAAQS. In addition, the proposed project must be consistent with the State of California’s obligation of land and resource stewardship.

2.6.2 Project Objectives

- Implement all Owens Lake bed PM₁₀ control measures by April 1, 2010, pursuant to the revised 2008 SIP to achieve the NAAQS
- Revise the approved 2003 SIP by July 1, 2008
- Minimize (or compensate for) long-term, significant, adverse changes to sensitive resources within the natural and human environment
- Provide a high technical likelihood of success without substantial delay
- Conform substantially to adopted plans and policies and existing legal requirements
- Minimize the long-term consumption of natural resources
- Minimize the cost per ton of particulate pollution controlled
- Be consistent with the State of California’s obligation to preserve and enhance the public trust values associated with Owens Lake

2.7 PROPOSED PROJECT

The proposed project includes numerous elements to ensure that adequate DCMs are implemented on the dry Owens Lake bed to ensure attainment of the PM₁₀ standard as mandated in the 2008 SIP.

2.7.1 Project Elements

The proposed project addresses 15.1 square miles (9,664 acres) for the placement of potential DCMs to ensure that the District will meet the NAAQS after 2010. Pursuant to the 2003 SIP, the APCO determined on December 21, 2005, that supplemental control requirements were required to meet the NAAQS. Based on discussions between the District and the City, DCMs would be required on at least 12.7 more square miles of dry lake bed and they may be required on up to 15.1 square miles (Figure 2.7.1-1, *Proposed Project Elements*). The 15.1 square miles consists of 12.7 square miles of supplemental DCAs (consisting of 9.2 square miles of Shallow Flooding and 3.5 square miles of Moat & Row DCMs), 0.5 square mile of Channel Area that would require DCMs and/or an alternative form of DCMs, and 1.9 square miles of Study Area of which some or all may require controls after 2010. The Moat & Row DCM areas for this proposed project include 0.5 square mile of test sites that were approved by the CSLC and evaluated in previous

³² Inyo County Planning Department. 11 December 2001. *Inyo County General Plan, Land Use Element*. Independence, CA.

³³ County of Inyo. *County Code*, Title 18: “Zoning.” Available at: <http://www.countyofinyo.org/planning/zonord.html>

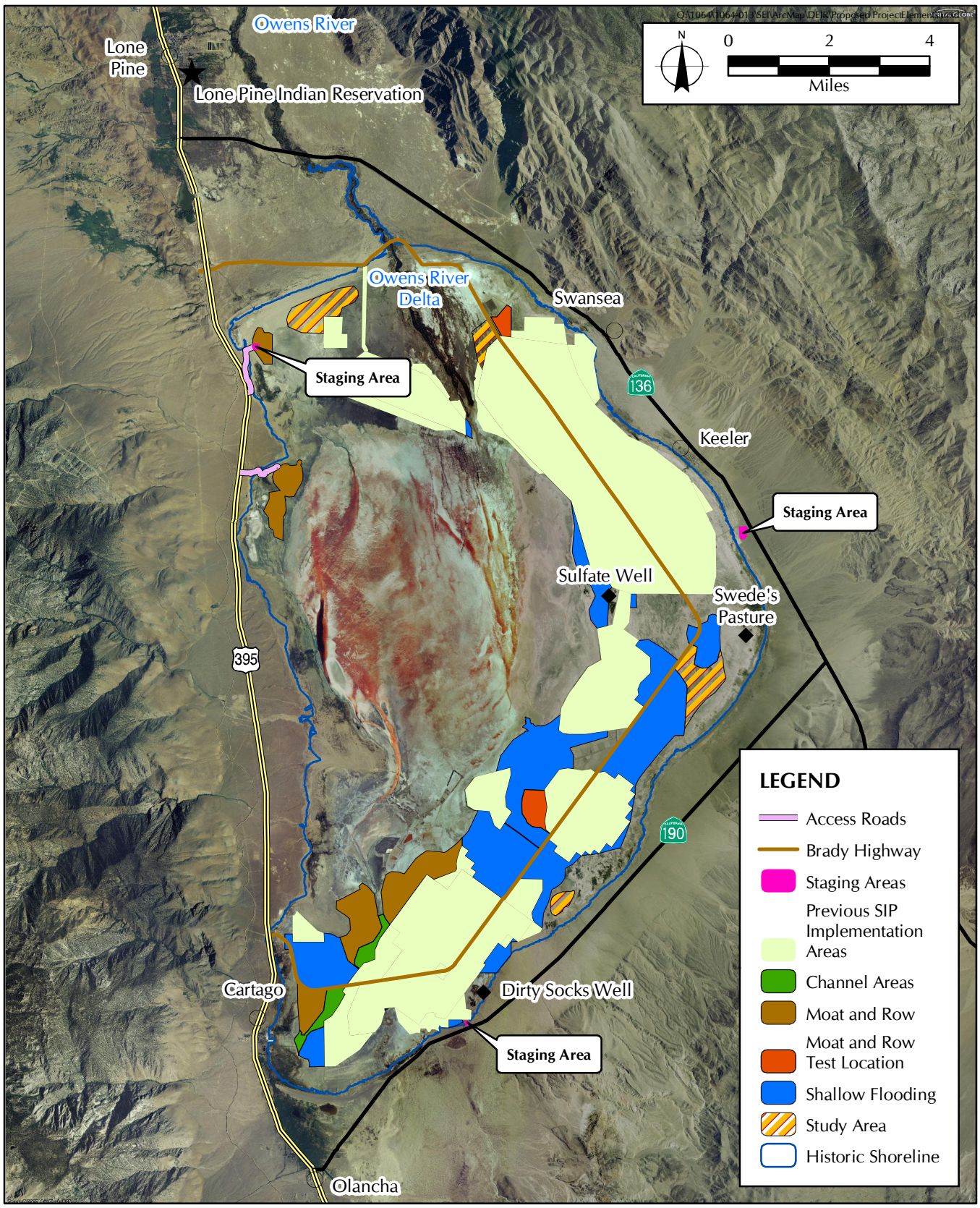


FIGURE 2.7.1-1
Proposed Project Elements

environmental documentation.^{34,35} By 2010, a total of at least 42.57 square miles of DCMs are to be operational. As much as a total of 44.92 square miles of lake bed may require controls at some point. The purpose of this document is to subsequently analyze, based on the 2003 SIP EIR, the impacts from the construction, operation, and maintenance of supplemental DCMs on an additional 15.1 square miles of lake bed, which includes 12.7 square miles of mandatory DCM area, 0.5 square mile of Channel Area, and 1.9 square miles of Study Area (Table 2.7.1-1, *Comparison of Proposed Project Elements*).

**TABLE 2.7.1-1
COMPARISON OF PROPOSED PROJECT ELEMENTS**

Supplemental Dust Control Area/Measure	Square Miles	Acres	Percentage
Shallow Flood	9.2	5,888	61%
Moat & Row	3.5	2,240	23%
Study Area	1.9	1,216	13%
Channel Area	0.5	320	3%
Total Proposed Project Area	15.1	9,664	100%

Of the additional 15.1 square miles that may need DCMs, approximately 8.5 square miles (5,440 acres) have been analyzed in previous environmental documents on at least a programmatic level (Figure 2.3.1-1). Environmental documents may either analyze impacts at the programmatic or project level. Programmatic-level documentation analyzes impacts at a broad level, whereas project-level documentation requires more in-depth impact analysis based on a detailed project description. However, of the additional 15.1 square miles that may need DCMs, less than 2 percent of the area was covered in terms of project-level documentation. Therefore, the purpose of this document is to subsequently analyze, based on the 2003 EIR, on a project level, the impacts of constructing supplemental DCMs on these 15.1 square miles of potentially emissive lake bed (Figure 2.7.1-1). The proposed project consists of applying DCMs specified in the approved 2003 SIP³⁶ and 1998 SIP,³⁷ as well as the application of a new DCM, Moat & Row, beyond the 29.8 square miles of DCMs applied by the City through 2006, as shown in an satellite image in January 2007 (Figure 2.7.1-2, *Existing Dust Control Areas*).

The District has committed to considering modifications to the 2003 SIP to incorporate new knowledge, provide for additional DCMs (including the new Moat & Row DCM), and provide for attainment of the PM₁₀ NAAQS after April 1, 2010. The consideration of the application of DCMs to an expanded area of the bed of Owens Lake is consistent with the adopted 2003 SIP and 1998 SIP. However, the area requiring DCMs has been refined in light of data collected after approval of the 2003 SIP. The 1998 SIP and District Board Order required the City to continue to implement

³⁴ California State Lands Commission. May 2007. CSLC Lease to LADWP for Construction, Operation, Maintenance, and Monitoring of a Moat & Row Demonstration Project from May, 2007 to May, 2010. Lease PRC 8745.9. California State Lands Commission, Title Unit, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825-8202.

³⁵ CSLC environmental document for lease, either Negative Declaration or Exemption

³⁶ Great Basin Unified Air Pollution Control District. February 2004. *2003 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan Integrated Environmental Impact Report*. State Clearinghouse House Number 2002111020. Prepared by: Sapphos Environmental, Inc., Pasadena, CA.

³⁷ Great Basin Unified Air Pollution Control District. 1998. *Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan Addendum No.1 to the Final Environmental Impact Report*. State Clearinghouse Number No. 96122077. Bishop, CA.

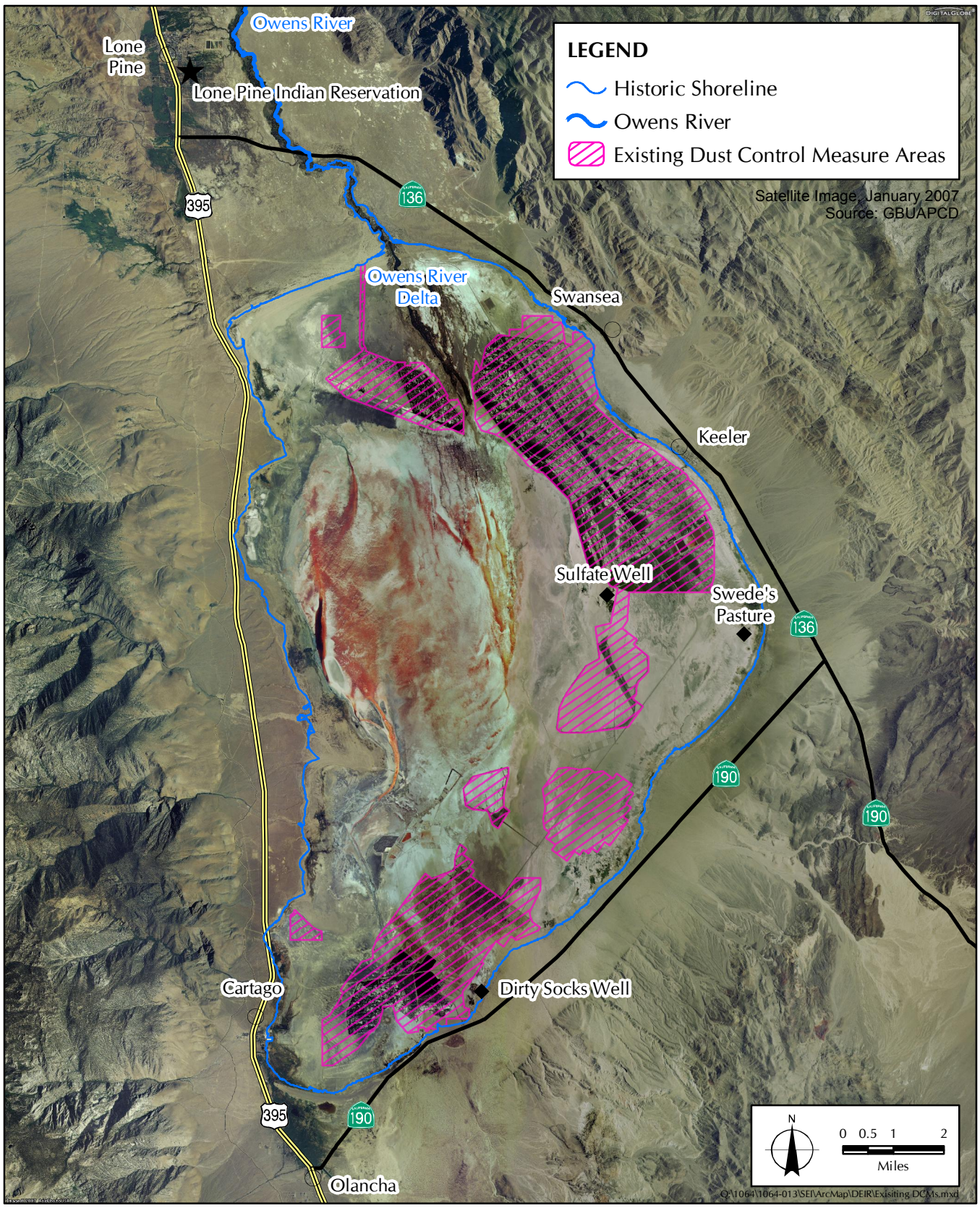


FIGURE 2.7.1-2
Existing Dust Control Areas

control measures on an additional 2 square miles of lake bed in 2004 and every year thereafter until the NAAQS is attained. The 2003 SIP and Board Order required the City to implement and have in operation DCMs on all additional areas of the lake bed that may require controls in order to meet the NAAQS. Based on recent data, the District estimates that, in addition to the areas controlled by the end of 2006, up to 15.1 additional square miles (9,664 acres) of emissive lake bed may require DCMs to meet the NAAQS after 2010 (Figure 2.7.1-1).

2.7.1.1 Dust Control Measures

Shallow Flooding

The performance standard for the Shallow Flooding DCM consists of achieving PM₁₀ control efficiency by wetting emissive lake bed surfaces sufficiently to control PM₁₀ emissions, between October 1 and June 30 of each year. The amount of water required on each lake bed area varies by the amount of PM₁₀ control required in that area. Most Shallow Flood areas require 99 percent PM₁₀ reduction and will therefore have 75 percent of the control area wetted to produce standing water or surface-saturated soil. The City proposes to achieve the performance standard by releasing water onto the bed of Owens Lake and allowing it to spread and flow across the surface (Figure 2.7.1.1-1a, *Typical Irrigation Layout for Two Blocks of Shallow Flooding*; Figure 2.7.1.1-1b, *Typical Layout for Two Blocks of Poned Flooding*; Figure 2.7.1.1-1c, *Typical Poned Flood Details*; and Figure 2.7.1.1-1d, *Typical Layout for Two Blocks of Shallow Flooding with Whiplines*).

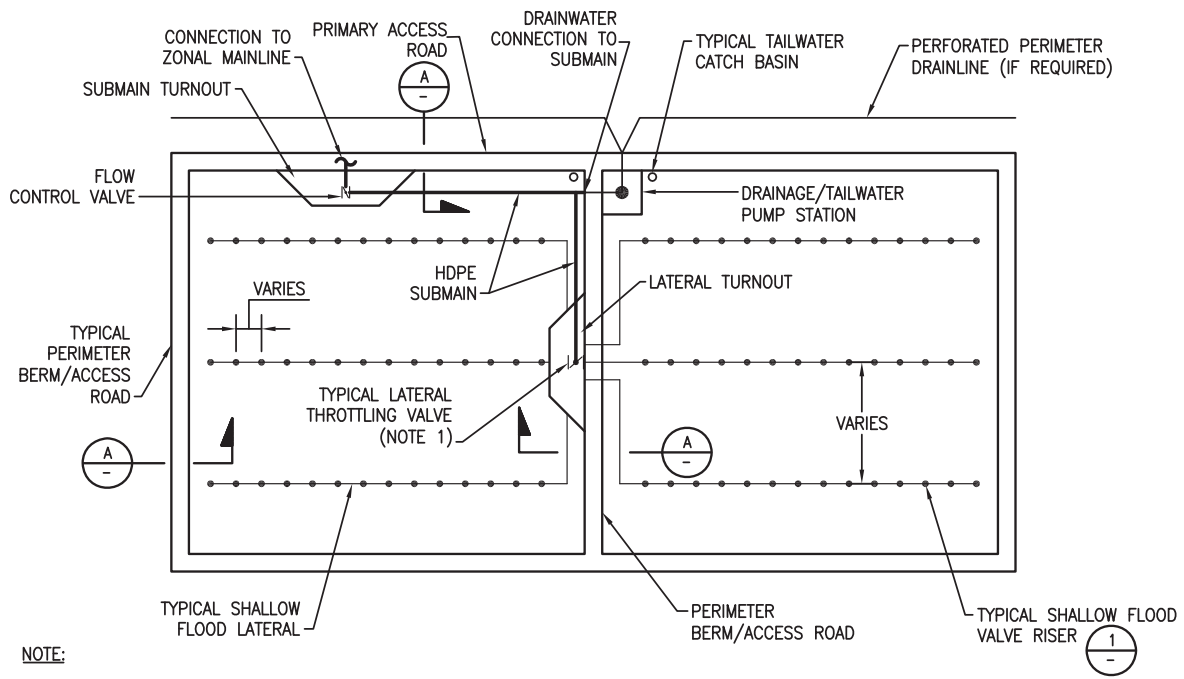
The evaluation of this alternative is based on the assumption that for 99 percent control, between 3 and 4 acre-feet of water would be required annually to control PM₁₀ emissions from an acre of lake bed. The primary management objective for Shallow Flooding would be dust control. Surface water salinity in these areas would vary over a wide range [10,000 to 450,000 milligrams/liter (mg/l) total dissolved solids (TDS)] and would at times exceed levels suitable for biological production. The Shallow Flooding would include pumps for distribution of water. These pumps produce very little noise and have not been found to adversely affect wildlife. Except for limited habitat maintenance flows, water would be turned off between July 1 and September 30 to allow for facility maintenance activities. This is typically a period when dust storms do not occur.

Moat & Row

The performance standard for the Moat & Row DCM consists of achieving PM₁₀ control efficiency through the construction of moats and rows, aligned generally perpendicular to the predominant wind direction such that the majority of the saltating particles are retained within the moat and that the downwind surface is sheltered by the row (Figure 2.7.1.1-2, *Moat & Row DCM*). At the time of preparation of the EIR, the City was in the process of field testing the Moat & Row DCM at two test locations on the lake bed (Figure 2.7.1.1-3, *Moat & Row Test Sites*). The test locations were subject to environmental review and permitted for study purposes by the CSLC in May 2007.^{38,39} In addition, the final maintenance regime and needs would be specified in conjunction with the results of the test program.

³⁸ California State Lands Commission. May, 2007. CSLC Lease to LADWP for Construction, Operation, Maintenance, and Monitoring of a Moat & Row Demonstration Project from May, 2007 to May, 2010. Lease PRC 8745.9. California State Lands Commission, Title Unit, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825-8202.

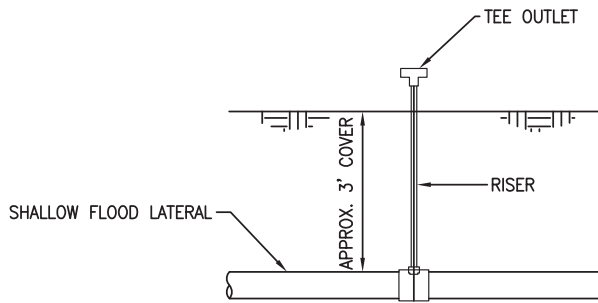
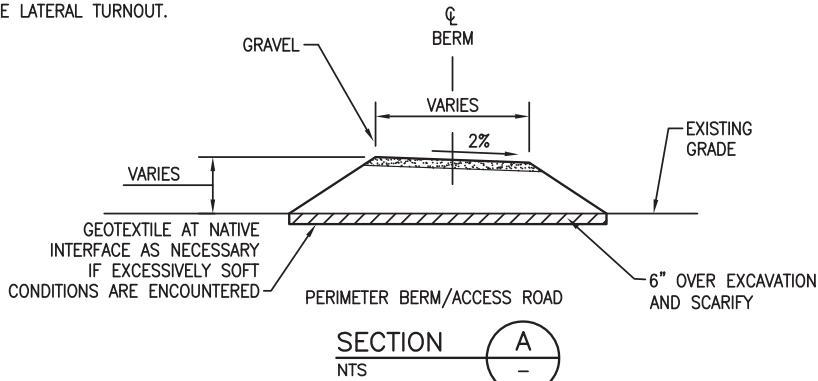
³⁹ CSLC environmental document for lease, either Negative Declaration or Exemption



NOTE:

1. ONE LATERAL THROTTLING VALVE FOR EACH SHALLOW FLOOD LATERAL IS LOCATED AT THE LATERAL TURNOUT.

TYPICAL SHALLOW FLOOD BLOCKS



SOURCE: CDM



FIGURE 2.7.1.1-1a
Typical Irrigation Layout for Two Blocks of Shallow Flooding

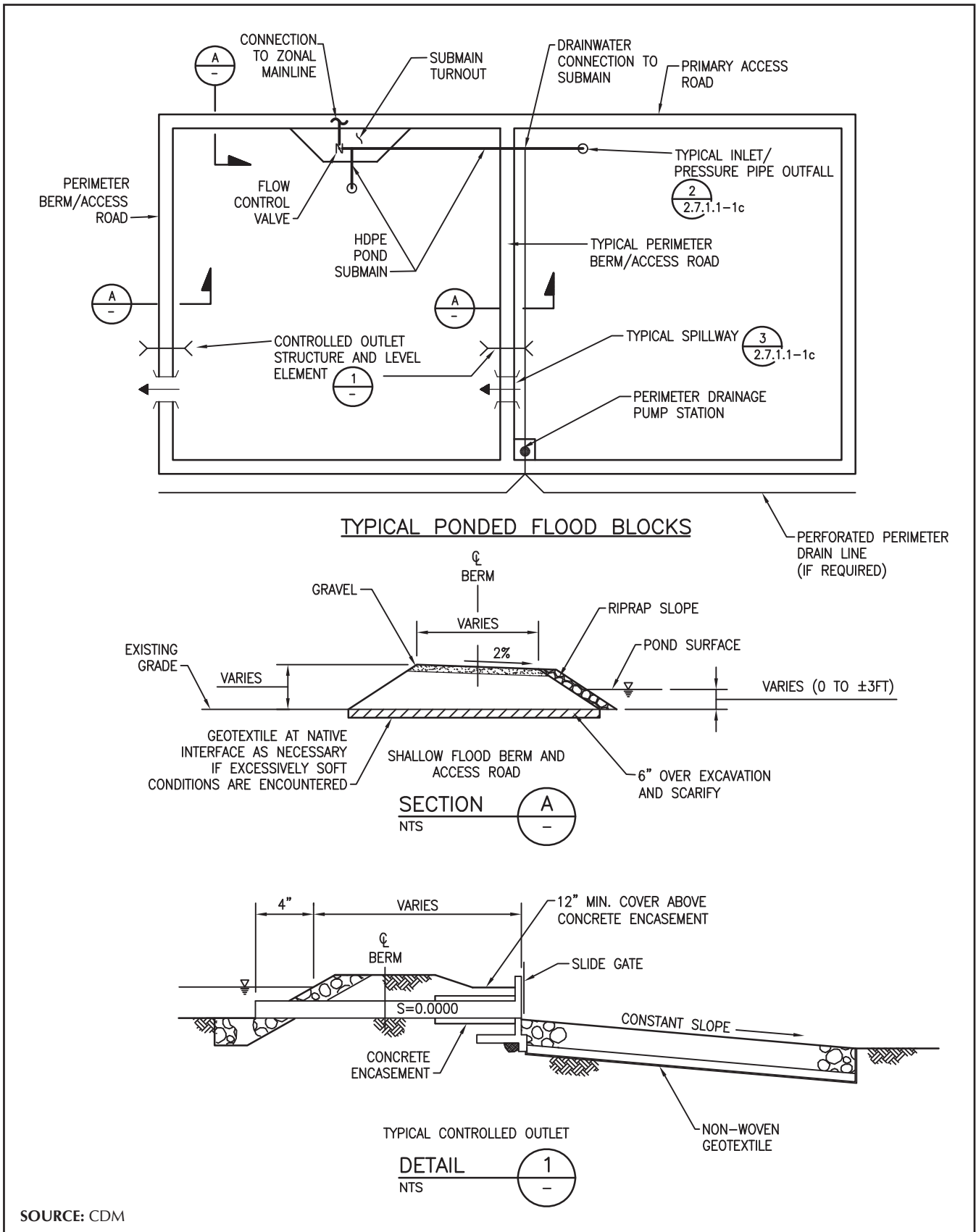
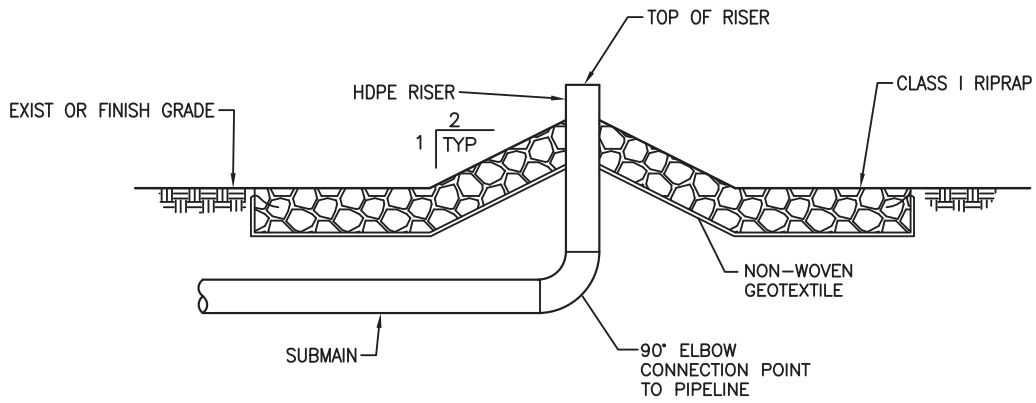
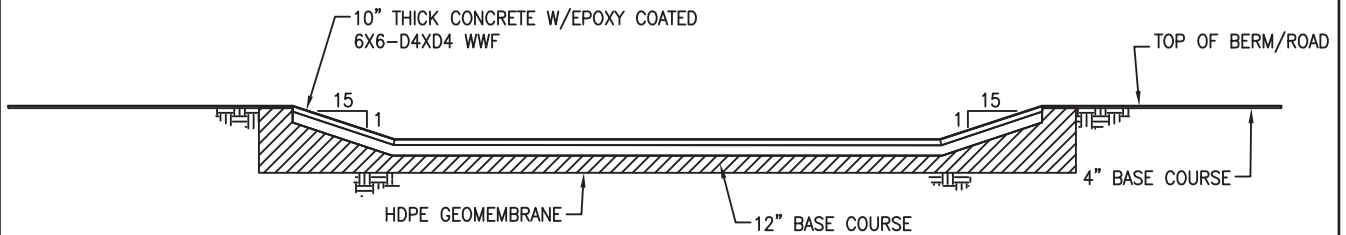


FIGURE 2.7.1.1-1b
Typical Layout for Two Blocks of Ponded Flooding



TYPICAL INLET/PRESSURE PIPE OUTFALL

DETAIL 2
 NTS 2.7.1.1-1b



TYPICAL SPILLWAY

DETAIL 3
 NTS 2.7.1.1-1b

SOURCE: CDM



FIGURE 2.7.1.1-1c
 Typical Pondered Flood Details

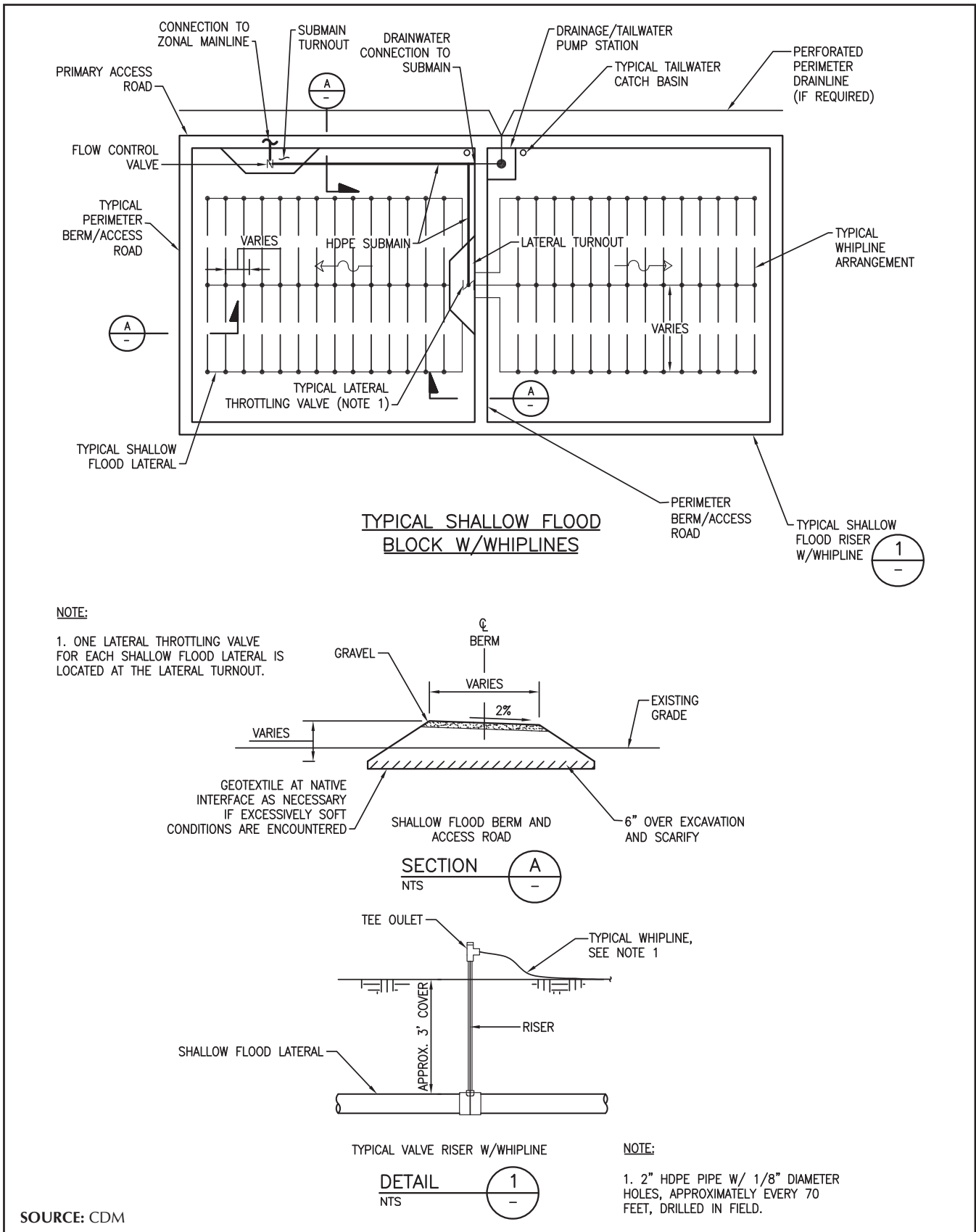


FIGURE 2.7.1.1-1d
 Typical Layout for Two Blocks of Shallow Flooding with Whiplines

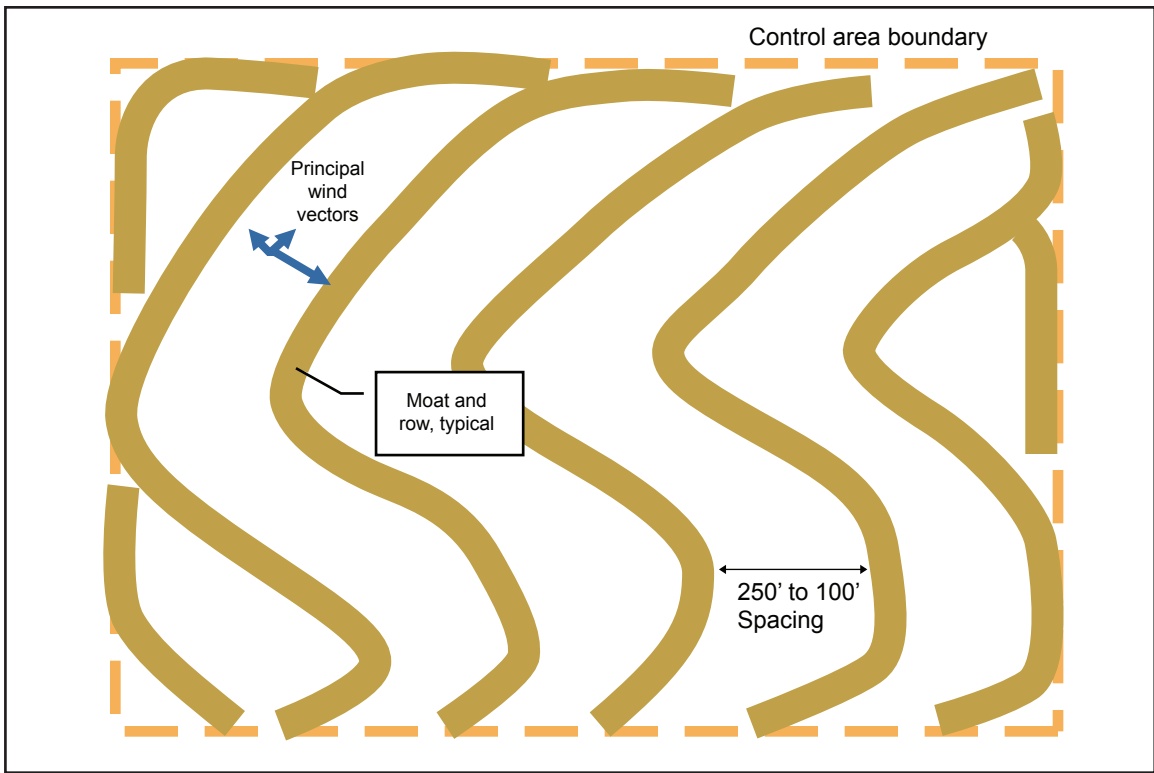


EXHIBIT 1
Moat & Row Array Plan View (Schematic)

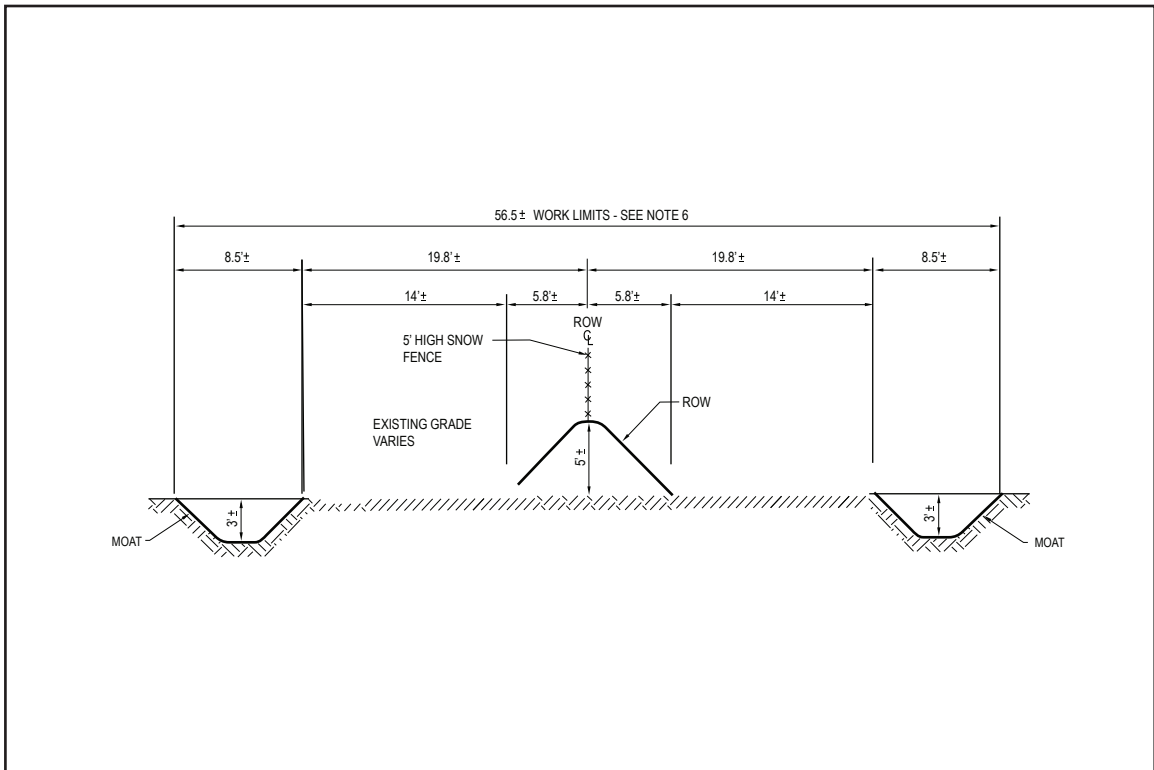


EXHIBIT 2
Profile of Moat & Row with Approximate Dimensions (Schematic)



FIGURE 2.7.1.1-2
Moat & Row DCM

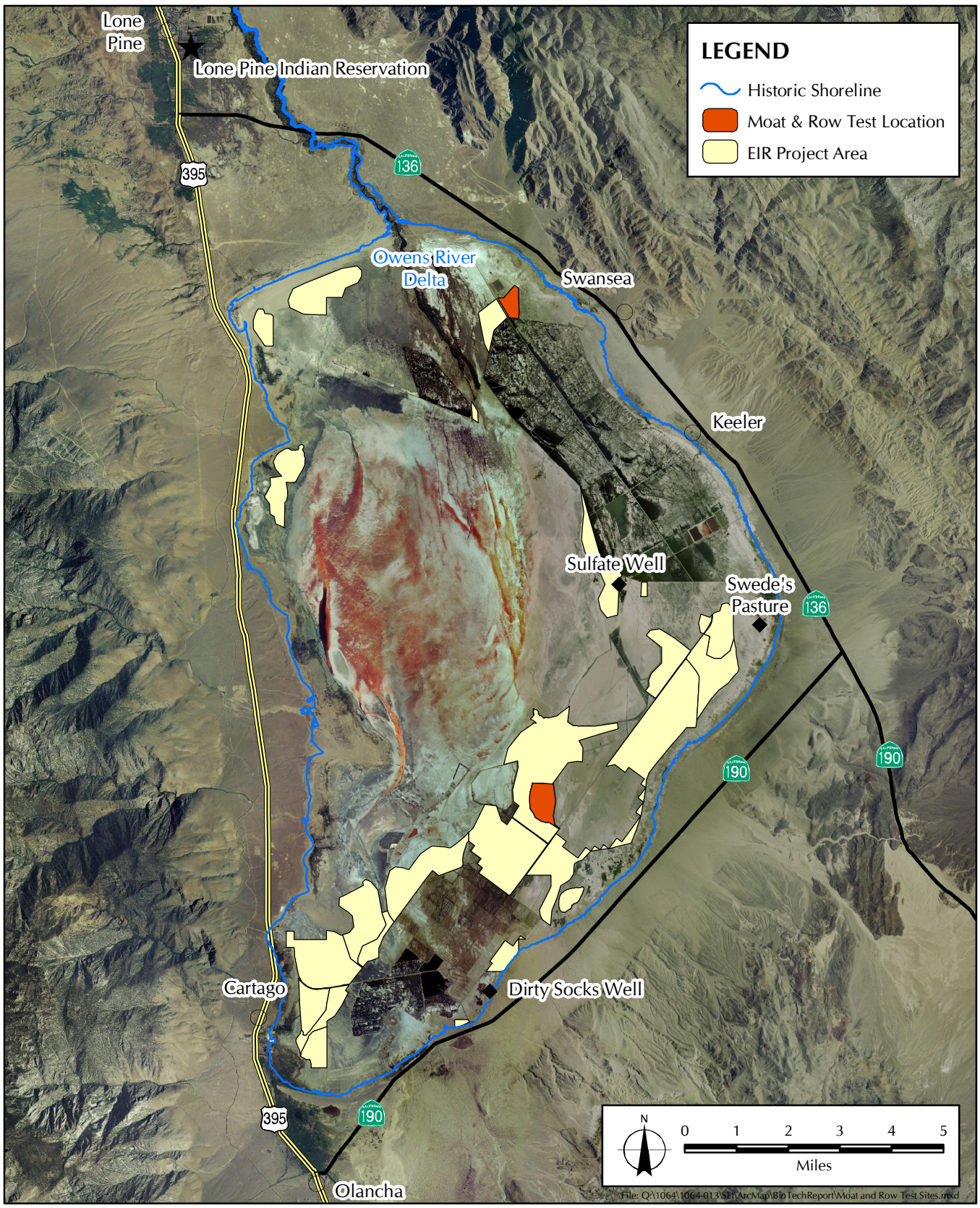


FIGURE 2.7.1.1-3
Moat & Row Test Sites

The City proposes to achieve the performance standard through the construction of individual Moat & Row elements that would generally be aligned parallel to one another, and spaced at variable intervals, to minimize the fetch between rows along the predominant wind directions. The predominant winds are from the north-northwest and the south, with the north-northwest-blowing wind the strongest but less frequent. It is anticipated that the Moat & Row elements would primarily be oriented perpendicular to the primary wind vector, and may be serpentine where necessary to control emissions under the full range of principal wind directions (Figure 2.7.1.1-2). Moats serve to capture moving soil particles, and rows physically shelter the downwind lake bed from the wind. These requirements would be anticipated to result in an array of earthen berms (rows) about 5 feet high with sloping sides (not to exceed 2:1 slopes) and a base of about 21 feet, an access road on both sides of the row of approximately 14 feet, flanked on the other side by ditches (moats) about 4 feet deep and about 17 feet at the widest point, and 2 feet of additional temporary construction footprint beyond the limits of the Moat & Row Arrays (Figure 2.7.1.1-2). For the purposes of this analysis, each Moat & Row Array element was estimated to have a total impact area of 85 feet wide.

Initial pre-test modeling indicates that Moat & Row element spacing would generally vary from 250 to 1,000 feet, depending on the surface soil type and the PM₁₀ control effectiveness required on the Moat & Row area. For the purpose of the analyses in this EIR, it was assumed that the Moat & Row elements would be spaced a minimum of 250 feet apart and would not be separated by more than 1,000 feet, thus allowing up to 21 Moat & Row elements per square mile treated with this DCM (5,280 feet per mile divided by 250 feet between Moat & Row elements). Thus, for the purpose of this environmental analysis, it was assumed that the Moat & Row DCM would affect up to 33 percent of the ground surface in the Moat & Row areas (85 feet per Moat & Row element times 21 elements per mile divided by 5,280 feet per mile). For purposes of the analysis in this EIR, both the moats and rows in Moat & Row elements were assumed to have 2 to 1 sloped sides and not pose a barrier to wildlife movements. If moats or rows are recommended to be formed with vertical sides, additional environmental analysis would be required.

As analyzed, each Moat & Row element would include placement of up to a 5-foot-high sand fence on the top of the row. As discussed above, for the purpose of this environmental analysis, it was anticipated that with a 250-foot minimum distance between elements, a maximum density of 21 horizontal Moat & Row elements would be installed per square mile treated with the Moat & Row DCM. The sand fences would be constructed using studded galvanized T-posts (for intermediate posts), 4"x4" or 6"x6" treated wood posts (for the end posts), No. 8 wire, and 2.5"-diameter polyvinyl chloride (PVC) pipes. The PVC pipes would be used to increase the stability of the intermediate posts by extending their embedment length into the playa below the existing lake bed surface. The sand fence posts may be installed up to 20 feet on center. The diameters of the post may range from 2 to 10 inches, as structurally required. Spacing of the fencing shall incorporate sufficient gaps for passage of western snowy plover or other resident wildlife species. These gaps or openings shall occur at a minimum of 0.25-mile intervals. The sand fence fabrics shall be composed of U.S. Fence snow fence materials (or equivalent materials) as utilized on the Moat & Row Demonstration Project. The sand fence fabric shall be sufficiently flexible, and the post caps shall be designed to prevent perching by corvids within 0.25 mile of occupied nesting shorebird habitat. If guy wires are used to stabilize sand fences, sand fence fabric would be installed to fill in the gap between the guy wire and the sand fence posts. In an effort to avoid impacts to the public trust visual quality values at Owens Lake bed, all fence components shall be colored in neutral earth tones to blend in with the visual character of the surrounding area.

For the purpose of this environmental analysis, maintenance activities for Moat & Row were assumed to be comparable to that required for the Shallow Flooding DCM.

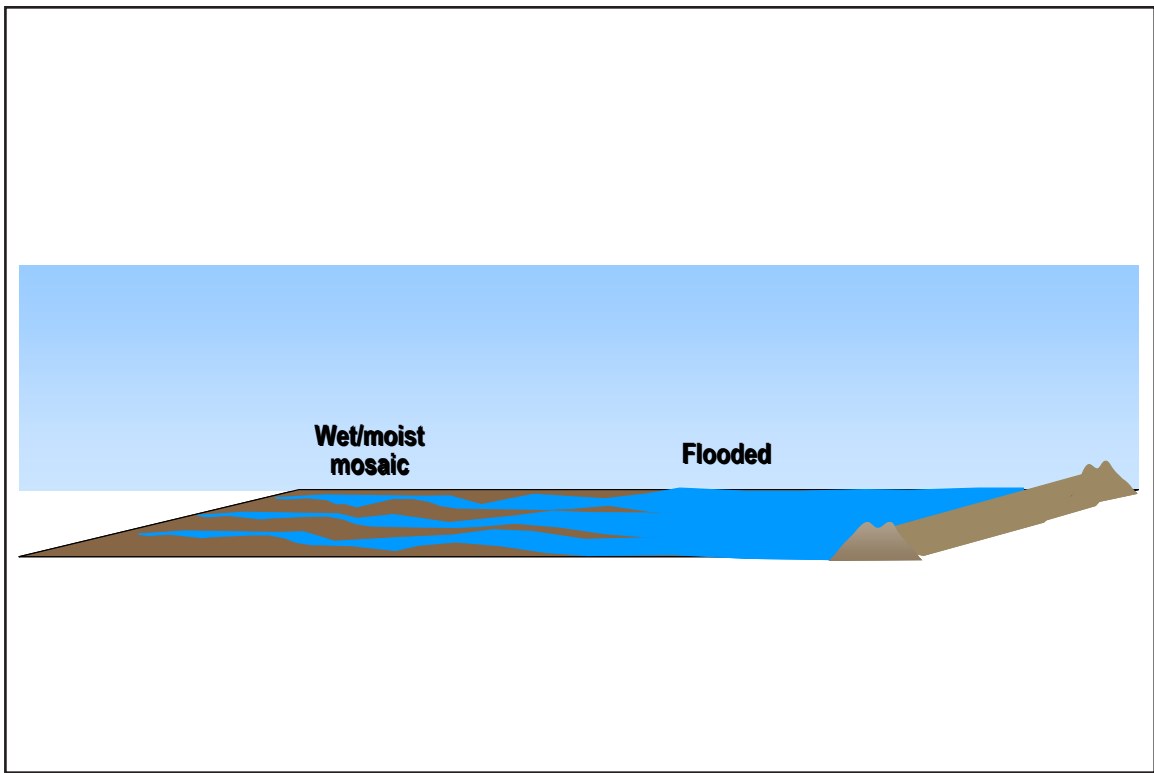
As a result of the Moat & Row study program, the District anticipates that the City may wish to consider other enhancements in conjunction with the Moat & Row DCM. Such enhancements would need to be constructed in substantial conformance with the Moat & Row DCM description in this EIR and the District's 2008 SIP; in particular, the total area of disturbance is to not exceed 33 percent, with an overall density of no more than 21 horizontal arrays per square mile, and with demonstrated ability to accommodate wildlife movement, particularly western snowy plover within 0.25 mile of surface water.

Enhancements

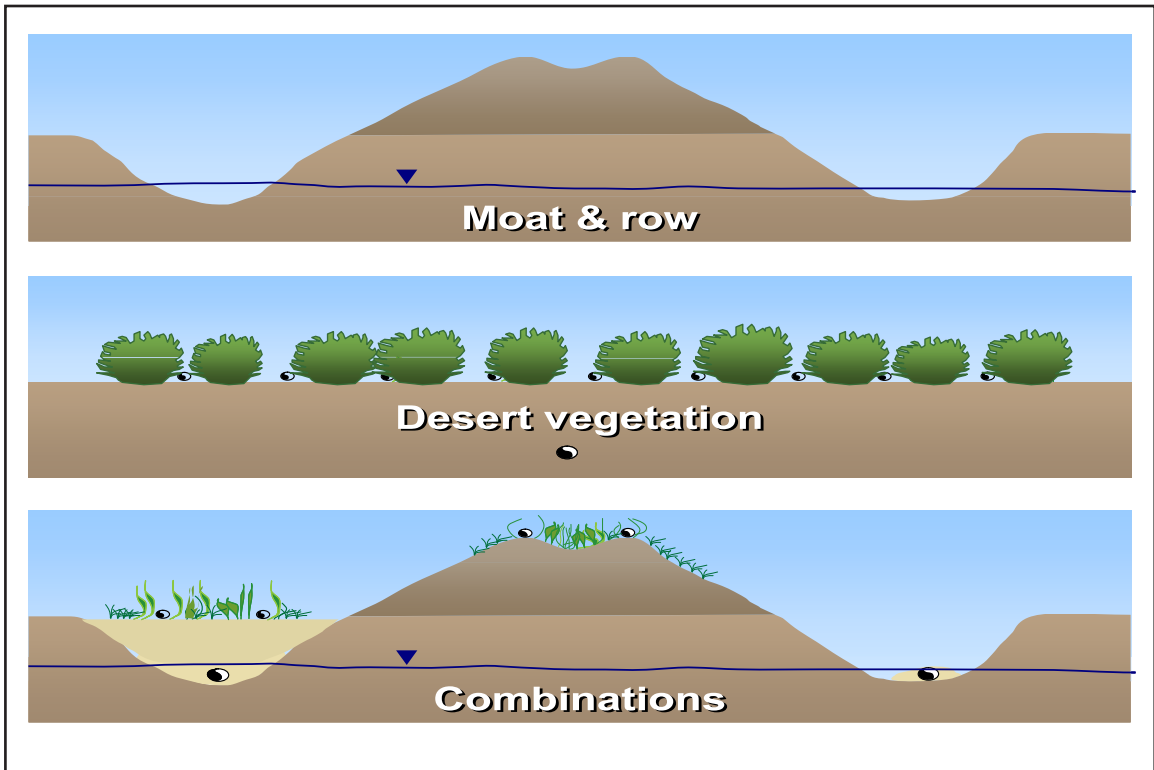
It is anticipated that the PM₁₀ control effectiveness of Moat & Row could be enhanced by combining it with various approved DCMs and appurtenant measures, including Augmentation, Shallow Flooding, Application of Brine, Armoring, and Managed Vegetation (Figure 2.7.1.1-4, *Moat & Row Enhancements*). These enhancements would ensure that if significant dust sources (hot spots) develop within the Moat & Row areas, they would be promptly addressed. Any single method or combination of the enhancements could be implemented for both primary and secondary wind vector mitigation, where demonstrated to be in substantial conformance with the performance standards for the Moat & Row DCM and within or below the impact analysis parameters. The primary Moat & Row DCM elements include earthen Moat & Row topped with a sand fence. Enhancements to the primary Moat & Row include Managed Vegetation and irrigation and fertilization as required, Shallow Flooding facilities, and enhancing existing vegetation and natural topographic and surface drainage features at Owens Lake. Moat & Row earthwork and sand fences may also be enhanced through a number of additional methods. These measures include placing sand fences on the open playa between Moat & Row elements (as long as the total number of sand fence elements and Moat & Row elements combined did not exceed a ground disturbance of 33 percent and/or a density of 21 per mile), adding bands of Managed Vegetation, adding water from surrounding Shallow Flooding DCAs, and enhancing or protecting existing vegetation and natural topographic and surface drainage features at Owens Lake. If utilized, these enhancements would be added during Phase 7 construction or during a later phase.

Augmentation with Additional Moat & Row Elements. This method of improving the PM₁₀ control efficiency of the Moat & Row DCM involves addition of Moat & Row elements in between those originally constructed, either in a parallel or different direction. This would have the effect of shortening wind fetch in between existing Moat & Row elements, enhancing capture of mobile sand, and reducing the rate of dust emission. For the purpose of the analyses in this EIR, Moat & Row augmentation would be limited to a maximum density of 21 elements (Moat & Row topped by sand fence, Moat & Row without sand fence and/or sand fence only) per mile of this DCM, such that there is a maximum of 33 percent total ground disturbance in any DCM area. Should the City seek to exceed the 21 Moat & Row elements per mile assessed in this EIR or the 33 percent total ground disturbance, supplemental environmental analysis would be required to determine if such enhancements could be determined to be in substantial conformance with the analysis contained in this EIR.

Enhancement with Shallow Flooding. Application of water to the land surface during the dust emissions season has been found to stabilize emissive areas. This Moat & Row enhancement would involve facilities similar to the laterals in Shallow Flooding DCAs, but would require less water per unit area in all but the most emissive areas. This measure would include the extension of



Shallow Flooding/Wetting Enhancement



Managed Vegetation Enhancement



FIGURE 2.7.1.1-4
Moat & Row Enhancements

a lateral from a Shallow Flooding DCA or the mainline to Moat & Row DCAs or the opening of a Shallow Flooding DCA controlled outlet that is adjacent to Moat & Row areas. This approach is best suited for areas that currently have patches of vegetation that would be encouraged by the addition of water. Seeding these areas with native populations of species already found in the Moat & Row DCAs would also encourage vegetative growth. The use of shallow flooding as an enhancement to Moat & Row would serve to stabilize the playa areas between the Moat & Row elements. This enhancement is mutually exclusive with the application of brine discussed below.

Enhancement with Application of Brine. This enhancement includes surface stabilization techniques, such as localized application of brine on the Moat & Row elements to enhance or preserve soil crusting. Brine would not be applied in between the Moat & Row elements. This method of dust control is currently utilized successfully on access roads throughout the proposed project site and ensures that a salt crust develops on potential emissive soils. The brine is expected to be obtained by the existing sources that the City drains from the existing Managed Vegetation and Shallow Flooding areas. It is anticipated that the brine would be applied by water trucks to the Moat & Row excavation/embankment and access road elements only.

Enhancement with Rock Armoring. An additional enhancement may include armoring row elements or intervening areas with rock or gravel layers. The armoring would be limited to an application similar to the armoring that is currently implemented for the berms of the Shallow Flooding areas. This method would be limited to a maximum of 33 percent of the surface area of each square mile of the DCM. The production and transport of gravel to facilitate armoring in conjunction with the Moat & Row DCM would require additional environmental review. Similarly, the consideration of armoring in excess of the maximum 33 percent area of ground disturbance would require additional environmental review.

Enhancement with Vegetation. Vegetation has been shown to be effective at controlling dust and is an approved DCM. Vegetation as a Moat & Row enhancement would take place on the Moat & Row disturbed area itself and/or in between the elements to stabilize emissive or eroding areas. This would involve facilities similar to the drip irrigation system in Managed Vegetation, but with rows and plants more widely spaced, and likely planted with native drought and salt-tolerant vegetation, including, but not limited to, saltgrass (*Distichlis spicata*). Alternatively, surface irrigation (similar to the laterals in Shallow Flooding) may be employed, particularly in the areas between Moat & Row elements. Wherever possible, subsurface drainage facilities would be avoided. As with the other Moat & Row enhancements and augmentations, the total area analyzed for impacts in this EIR is limited to 33 percent of any Moat & Row DCM area.

Vegetation reduces sand motion by acting as a natural wind break and reduces erosion problems through the holding power of root systems. The enhancement works well for sandy and loose soils, allowing the roots to take easily and nutrients to reach the roots. A broad bed vegetation concept would be considered as an enhancement to Phase 7 Moat & Row DCAs. If determined to be appropriate, the vegetation would be placed on the undisturbed playa between or around the earthen Moat & Row. Broad beds would be spaced wider and have higher beds when compared to the traditional Managed Vegetation constructed during previous phases. Irrigation, fertilization, and subsurface drainage would be provided as required.

According to the information provided to the District by the City, if determined appropriate, vegetation would be planted in between the moats and rows to assist with the reduction of dust. The exact size and shape of the blocks would be adjusted to fit site-specific conditions, including avoidance of sensitive resources. Each block would be planted with locally adapted native plant

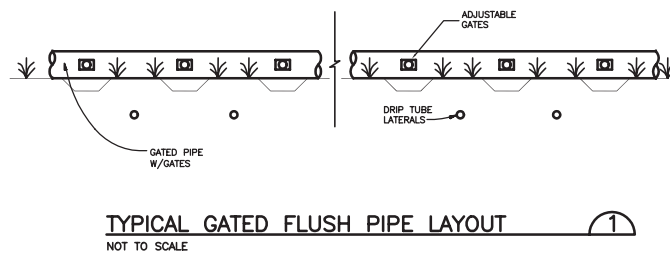
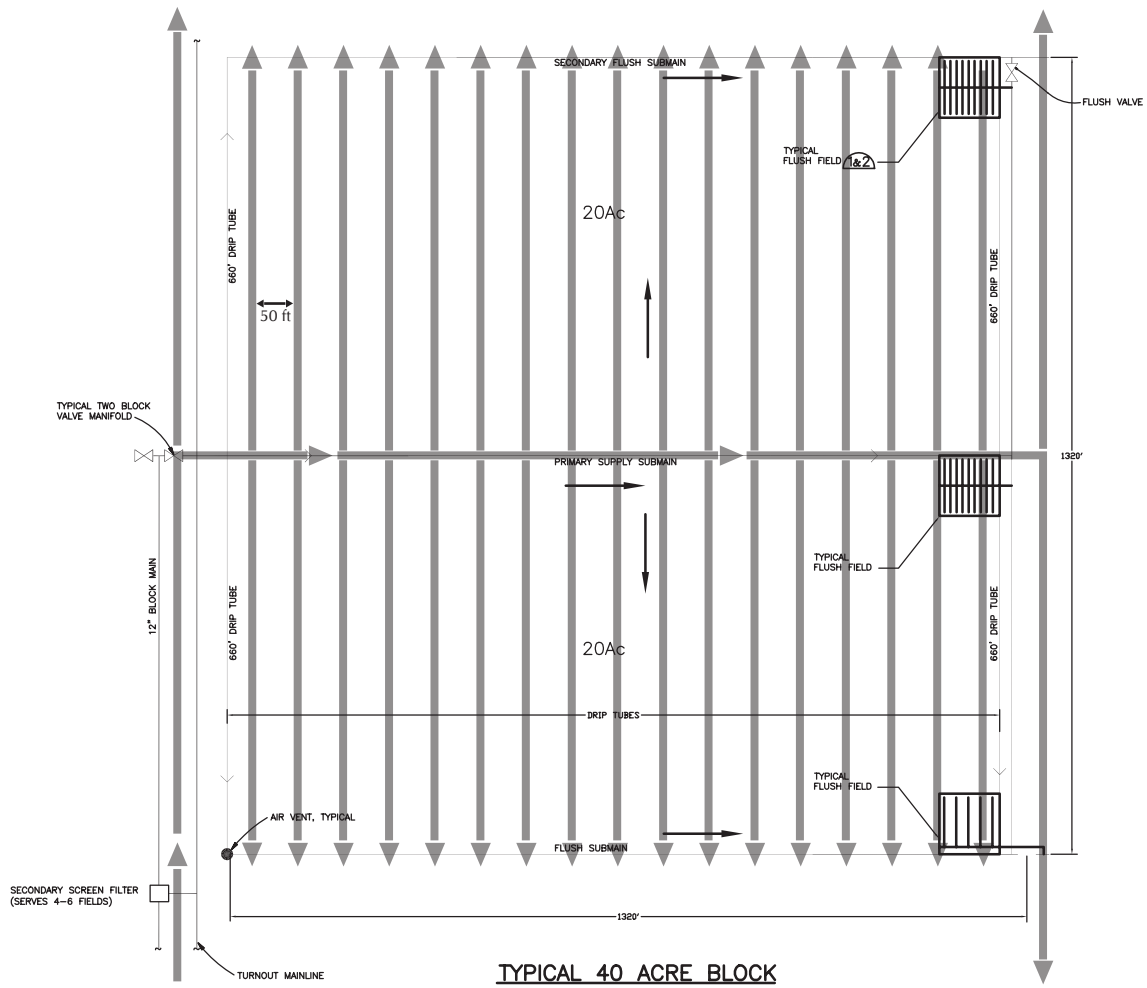
species approved by the District, or other species approved by the District. The vegetation planted by the City in the previous areas of Managed Vegetation is saltgrass. Additional species, notably salt-tolerant Owens Valley native shrubs, have performed well in some conditions and could be effectively utilized in conjunction with vegetation, upon consultation with and approval by the District and the CSLC. The typical layout of vegetation, which may be modified for enhancement with the Moat & Row for a 40-acre block includes a typical irrigation pipe layout, drip tube laterals, furrows, and flush fields (Figure 2.7.1.1-5, *Typical Irrigation Layout for a 40-Acre Block of Vegetation*). The vegetation areas may include a 16-foot-wide perimeter service road. The service roads would typically be compacted native material, but would likely be surfaced with gravel or brine if necessary to reduce dust emissions or to improve accessibility.

Turnout mainlines would convey water flow from the turnout connections to distribution manifolds and then to the vegetation areas (Figure 2.7.1.1-6, *Irrigation Distribution System*). Turnout mainlines would be constructed of plastic pipe with sizes up to approximately 18 inches in diameter. Water would flow from the manifold to the field submains and then into a network of subsurface drip tubes, sprinklers, or gated pipe, according to the irrigation plan used.

Where drip irrigation is used, flexible risers would convey water from the buried primary submains and secondary submains to the drip tubes. The drip system would consist of plastic submain lines and lateral tubing with in-line drip emitters. Drip tubing would likely range from 0.5 to 1.5 inches in diameter. A typical drip system arrangement would likely consist of one emitter per 10 square feet, with a 2-foot emitter spacing along tubing laid at 5-foot lateral spacing intervals, although drip tube alignments and emitter spacing would be expected to vary with site conditions and local needs.

Sprinkler irrigation would potentially be used in the vegetation fields as an alternative to drip systems. Sprinklers are able to wet the entire ground surface, providing greater flexibility in leaching and reclaiming difficult soils. Where sprinkler irrigation is used, water would be distributed from the turnout mainlines through 2- to 8-inch plastic piping. Field piping would be spaced 10 to 50 feet apart, typically with risers and spray nozzles at 20- to 50-foot intervals (Figure 2.7.1.1-6). To minimize ground disturbance impact to sensitive areas or to implement vegetation in areas where below ground construction is difficult, above ground piping would be used to deliver water to the sprinklers. Temporary above ground piping would potentially be used in addition to permanent drip irrigation to reclaim difficult soils or to provide additional water for short-term plant establishment.

Surface irrigation would potentially be used as another alternative to drip systems in vegetation fields. In this option, water would be distributed to the blocks through 2- to 12-inch plastic piping. Actual introduction of the water into the fields would likely be accomplished through gated plastic pipe, through a series of risers similar to those used in Shallow Flooding (Figure 2.7.1.1-6), or by direct spillage from a pipe outlet. Spacings between rows may range from 10 to 40 feet as well as within rows, depending on the plant species being used for vegetation. Where surface irrigation is used, the blocks would typically be surrounded by low berms to contain ponded water until it seeps into the soil. Low containment berms shall be used, when deemed necessary to avoid significant movement of water off-site. These berms would be constructed of local material and may be up to 2 feet in height. The temporarily ponded water in these surface irrigated areas would generally be less than 4 inches deep, but may be deeper in some limited areas due to variation in local topography.



SOURCE: Great Basin Unified Air Pollution Control District



FIGURE 2.7.1.1-5
Typical Irrigation Layout for a 40-Acre Block of Vegetation



Water Supply Mainline



Field Irrigation Lines



FIGURE 2.7.1.1-6
Irrigation Distribution System

Fertilizer Injection and Water Treatment Systems

Existing Managed Vegetation DCM areas on Owens Lake that were previously constructed by the City contain fertilizer injection (fertigation) and water treatment systems. These facilities filter raw irrigation water and add fertilizer and water treatment chemicals prior to use of the water in the small-diameter drip irrigation systems. Based on comments received by the CSLC during the Draft EIR review period, the CSLC has taken the position that the use of such hazardous materials is a significant impact for which alternative site locations should be evaluated and that such use is not compatible with the public trust resources and values within Owens Lake. Such evaluations were not conducted as part of the analyses for this EIR. Therefore, for the purposes of this EIR and the possible use of vegetation to enhance and/or augment the PM₁₀ control effectiveness in Moat & Row DCM areas, the filtering of vegetation irrigation waters is an included project component, but the fertigation and/or treatment of irrigation waters with hazardous chemicals is specifically not a component of the proposed project. The use of any such chemicals would require additional impact analyses and site alternative evaluations.

Moat & Row Enhancement Alternatives Not Included

The use of other enhancements not described above would require additional and separate environmental analysis. Other alternatives include the use of additional sand fences, beyond the maximum analyzed density of 21 per mile or 33 percent ground disturbance, and tillage. The addition of sand fencing in between Moat & Row elements originally constructed, beyond the maximum of 21 fence elements per mile, would be carried out either in a parallel or different direction. This would have the effect of shortening fetch in these areas, enhancing capture of mobile sand, and reducing the rate of dust emission. Tillage between the Moat & Row elements may also serve to reduce emissivity. The suggested techniques for enhancement (additional sand fences and tillage) shall require further environmental analysis to assess the potential for significant impacts.

Study Areas

Included in the total 15.1 square miles of the total project area are 1.9 square miles of Study Areas (Figure 2.7.1-1). These are areas where the exact location and magnitude of dust emissions is uncertain. In order to provide as extensive an impact analysis as possible, these areas would be treated as other areas requiring dust control. The District would continue to collect data in these four areas to determine their emissivity through the course of the project. If dust controls are required on the Study Areas, the District will order them to be implemented after May 1, 2010.

Channel Areas

In addition to the listed DCMs, this EIR addresses potential impacts to 0.5 square mile of Channel Areas (Figure 2.7.1-1). These areas contain natural drainage channels that have been observed to be emissive and require some level of dust control. These areas may have potentially significant resource issues and regulatory constraints that could affect the type and location of DCMs within these areas.

The Channel Areas have significant topographic and biological resources that make it undesirable to construct traditional DCMs. However, only a portion of these areas has been observed in the past to contribute to shoreline violations, and some of the Channel Areas that do emit dust would

require relatively lower levels of control efficiency overall to avoid violations, as opposed to the 99 percent targeted by traditional dust control. Therefore, because existing vegetation is present within and alongside numerous and extensive Channel Areas, vegetation would be used to control dust in the Channel Areas. Similarly, Surface Flooding could be used as an effective means of enhancing the coverage of existing vegetation. The effect of increasing vegetated cover would be expected to provide a level of dust control while enhancing habitat values. The required infrastructure would be designed and installed to avoid adverse impacts to existing native vegetation.

Existing vegetation in the Channel Area would be enhanced by augmenting flow in the channels seasonally when these flows have the greatest potential to promote seed dispersal and plant expansion and growth. Flows would be supplied from adjacent dedicated conveyance facilities or flooded areas containing relatively fresh to brackish water (EC < 15 dS/m).⁴⁰ Flow would generally be supplied in brief, intense surges, as this has proven to be successful for riparian restoration throughout the upper and lower Owens Valley, Long Valley, Owens River Gorge, and in the Mono Basin as demonstrated by the City's restoration projects. The pulsed flow would be managed to maximize the wetted area as the flow overtops the channel banks and spreads on adjacent terraces, some of which are already vegetated.

Where plant stands are sparse, seed of native populations of species already found in the Channel Areas may be dispersed onto the wetted areas. These species would include, but are not limited to, saltgrass and alkali pink (*Nitrophila occidentalis*). Where determined to be an appropriate method, seeding would be implemented using manually operated seeders to avoid disturbance to the Channel Areas.

The water demand for pulse flows (flow rate or duration) would be determined considering the topography, infiltration rates, likely spreading of water, and water demands of the target vegetation. The criteria used to design the final outlet locations and flow rate performance during operation are as follows:

- Pulse flows would result in overbank flow from the channel and wetting of a broad area, while avoiding large amounts of concentrated infiltration to groundwater or impounded body of water.
- Pulse flows would result in wetting along portions of the full length of channel of interest.

The effectiveness of pulse flows would be maximized where necessary using diversions (i.e., sandbags or rock checks) to overbank surface flows toward existing vegetation stands or seeded areas. Use of intense pulsed flows and diversion techniques are in lieu of mass grading in the Channel Areas. The City has indicated that it is not guaranteed that pulse flows would result in wetting of broad areas, or wet the full length of the channel.

Infrastructure within the Channel Areas would be limited initially and augmented as needed to achieve maximum vegetative coverage. Overall, the infrastructure required for the enhancement of the Channel Areas would be designed and installed at proposed facilities adjacent to the Channel Areas to avoid negatively impacting existing vegetation within this area. The water for the pulsed flows would be supplied through a pipeline extended to the area either from new Turnout T1A or

⁴⁰ Electric conductivity (EC) is a measure of salinity in terms of total dissolved salts measured in decisiemens per meter (dS/m). As the value decreases, salinity decreases.

from a submain serving area T2-2. Controlled outlets and/or culverts from new or existing adjacent Shallow Flooding areas to the Channel Areas may also provide additional intermittent water with minimal intrusion of infrastructure.

If in the future vegetation coverage through flow pulses does not provide adequate dust control in the Channel Areas, additional efforts to increase vegetation through surface saturation would be implemented. The initial infrastructure would accommodate potential future additions (i.e., dripline, whipline, and/or risers).

2.7.1.2 Other Project Elements

Other project elements include water supply conservation activities and appurtenant infrastructure that consist of water supply and conveyance, access roads, power supply, water distribution facilities (mainline, submain and lateral piping, Shallow Flooding risers, drip and spray systems, drain tile, drain pump stations, and downslope berms), staging areas, and an Effectiveness Monitoring Program.

Water Supply Conservation

Another element of the proposed project to be analyzed is the refinement of the amount of water used to control dust in Shallow Flooding DCM areas. The District's Shallow Flooding research conducted in the 1990s indicated that 99-percent control was achieved when 75 percent of an area consisted of standing water or surface-saturated soil. This is considered a conservative requirement, and the actual amount of water required to provide 99-percent control may be less than 75 percent. The City would conduct limited field testing on no more than 1.5 square miles of existing Shallow Flooding areas to refine the amount of water required to achieve 99-percent control. Based on data collected from January 2000 through June 2006, the level of control required to reduce lake bed emissions to below the federal standard has been identified for new areas of the lake bed known as the minimum dust control efficiency (MDCE) (Figure 2.7.1.2-1, *Minimum Dust Control Efficiency Map*). The MDCEs for the new DCAs vary from 99 percent to 0 percent. The percentage of area that must be wetted in the new Shallow Flooding areas to meet the MDCE is specified in Figure 2.7.1.2-2, *Shallow Flood Control Efficiency Curve*. Although some of the new Shallow Flooding DCM areas would be constructed and operated to provide less than 99-percent dust control efficiency, existing Shallow Flooding DCMs would require 99-percent control efficiency and thus 75 percent of wetted area. In addition, the use of the Moat & Row DCM is expected to utilize less water when compared to Shallow Flooding.

Impacts of reducing the amount of water used to control dust in Shallow Flooding areas are analyzed in this Subsequent EIR. The 2006 Agreement between the District and the City provides that once DCMs are in place and operational on the entire 43-square-mile DCA for one full year and there have been no monitored violations of the federal standard, then the City may reduce the wetness cover on Shallow Flooding areas by an average of 10 percent over Shallow Flooding areas that require 99-percent control (Appendix B, *2006 Settlement Agreement*).⁴¹ Further reduction can only occur as long as the standard continues to be met and with the written approval of the APCO. If areas become too dry and causes or contributes to an exceedance of the federal standard at the historic shoreline, the amount of wetness must be increased. This provision of the Agreement may

⁴¹ Great Basin Unified Air Pollution Control District and City of Los Angeles Department of Water and Power. November 2006. Settlement Agreement Resolving City's Challenge to the District's Supplemental Control Requirement (SCR) Determination for the Owens Lake Bed. Los Angeles, CA.

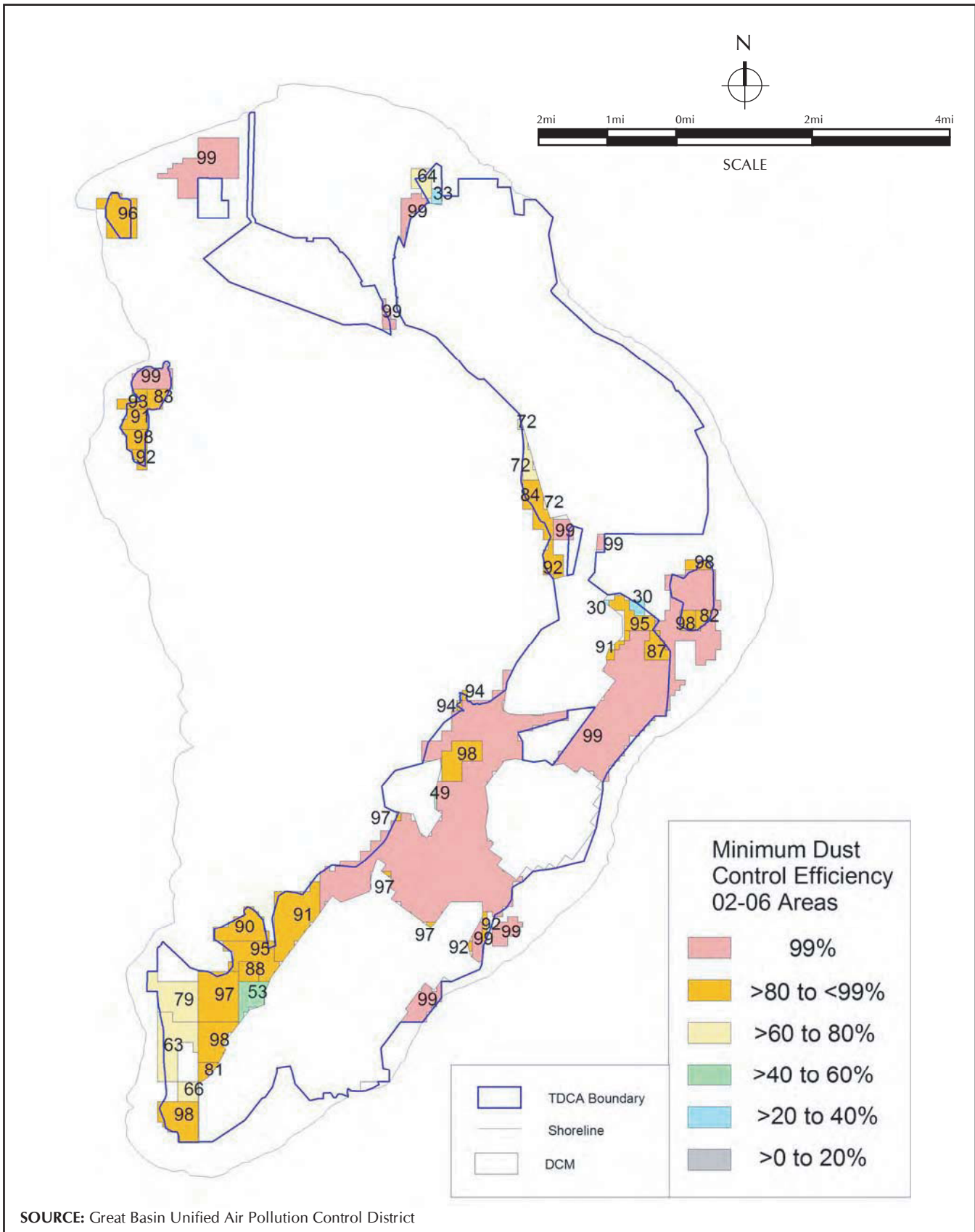
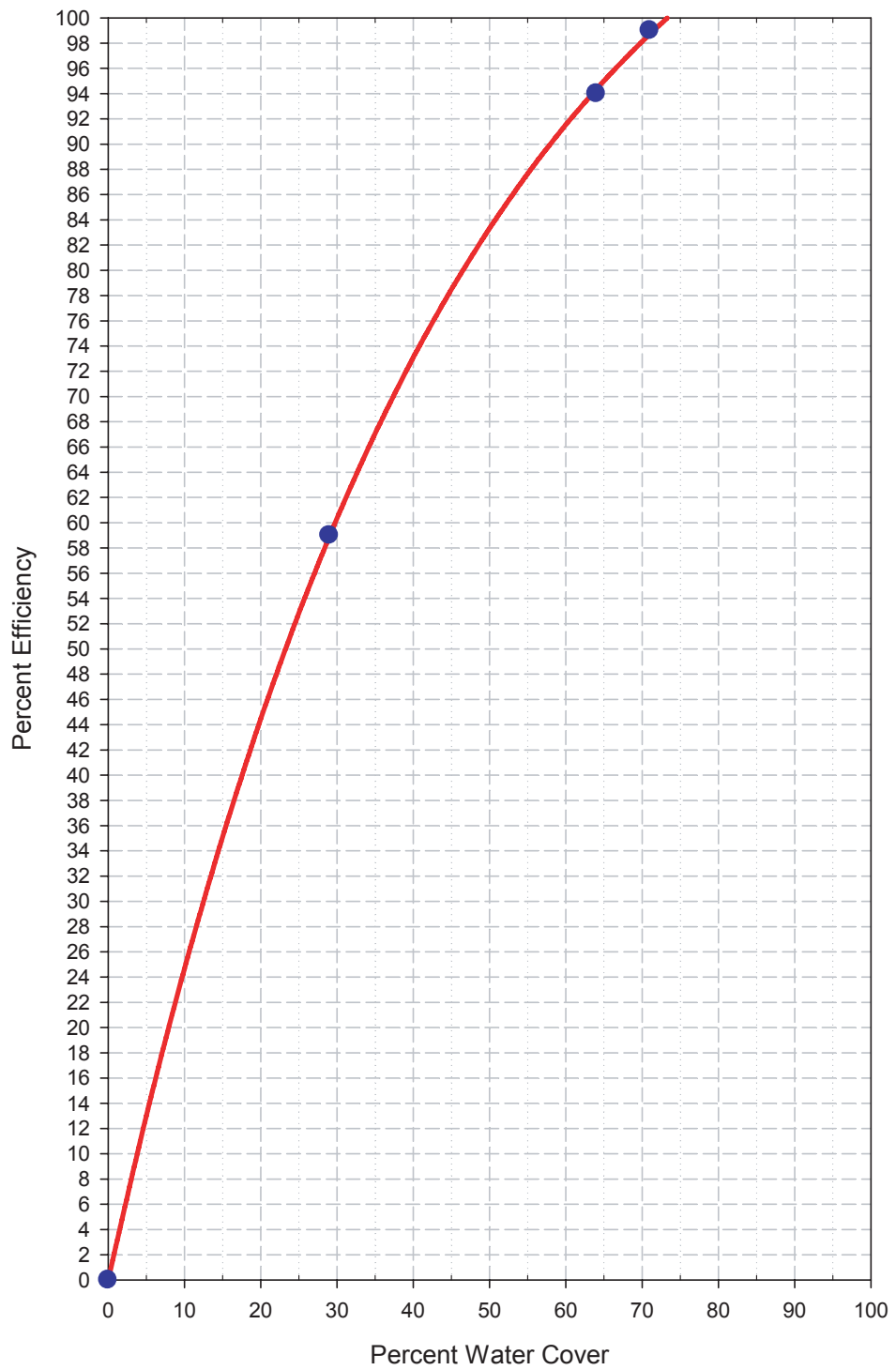


FIGURE 2.7.1.2-1
Minimum Dust Control Efficiency Map



SOURCE: Great Basin Unified Air Pollution Control District



FIGURE 2.7.1.2-2
Shallow Flood Control Efficiency Curve

eventually allow the City to save considerable amounts of water at Owens Lake. Additional details regarding these water conservation measures are provided in the District's 2008 SIP.

In addition, the District has determined, based on air quality data, that the federal standard will be attained if dust storms are eliminated from October 1 of every year through June 30 of the next year. Therefore, Shallow Flooding areas need to be wet for dust control only during that nine-month period. However, in general, dust emissions are significantly less during the beginning and end of the dust season than they are in the middle of it. In order to provide enough water for adequate dust control during the fall and late spring shoulder seasons, while at the same time acknowledging that lower levels of control efficiency are appropriate during these periods, starting in 2010 there may be a reduction in Shallow Flooding wetness from October 1 through October 15 and from May 16 through June 30. The wetness level would ramp up to maximum wetness on October 16 and then ramp down starting on May 16 through June 30. By the end of June, the wetness is allowed to be 15 percent less than the maximum. Additional details regarding the timing and quantity of shoulder season flows are provided in the District's 2008 SIP.

Water Supply and Conveyance

Expanded water conveyance pipeline systems would be tied into existing mainlines on the proposed project site. The mainline capacity shall be increased by tying the existing brine line into the mainline and using the brine line in parallel with the mainline for transmission of water. In addition, paralleling of the mainline in selected reaches is also being considered. Those mainline improvements would be in existing disturbed operational areas or in the areas already analyzed in this EIR. The estimated water demand for the proposed project ranges between 0 and 4 acre-feet per acre per year depending on the control measures selected and climatic and operational conditions. The source of water for this proposed project, analyzed in this EIR, is from the Los Angeles Aqueduct. The City may seek to utilize other sources of water for dust control in the future such as groundwater from Inyo County. However, utilization of water for dust control from sources other than the Los Angeles Aqueduct would require separate environmental review and is not covered in this analysis.

Access Roads

Unpaved and gravel-paved, permanent all-year access roads would be constructed and used for construction, operation, and maintenance of the DCAs. New secondary access roads would connect to existing primary access roads. Secondary access roads would be about 10 feet wide, with centerline elevation 2 feet above existing grade and shoulder slopes of 3:1. The elevation of the access roads may increase to about 4 feet above existing grade on portions of the lake bed. Access is currently provided from U.S. Highway 395 via the existing north and south mainline pipeline access roads, from State Route 136 via the existing Sulfate Road, and from State Route 190 via the existing Dirty Socks access road. Two new secondary access roads would be constructed directly off of U.S. Highway 395 for the northwestern areas of the DCAs, with the pathway being built on existing dirt roads rather than completely new construction for access. It is not anticipated that pipelines and buried power lines would be constructed along these access roads as part of Phase 7. If required, pipelines and buried power lines would be placed and constructed under, along, or close to these access roads. All lake bed roads are to be maintained in a substantially nonemissive condition through the use of water, brine, and/or gravel. Improvements to access roads may be nonpermanent and performed when necessary, as required. These may include, but are not limited to, mats, grading, fill, compaction, and base-course at any "soft spots" encountered.

Improvements to existing access road to DCA No T37-1 shall not be made, as it falls under the Bureau of Land Management's jurisdiction.

Power Supply

Up to 2,000 kilovolts of electrical power may be required to operate proposed project facilities, including the Shallow Flooding facilities. This power would be supplied from existing line power facilities to the site provided by the City. Underground power lines would be buried 18 to 30 inches below ground surface and would be located generally in the vicinity of access roads and pipelines. Up to several thousand feet of underground power line may be installed.

Existing overhead power lines run along the north end and down the east side of Owens Lake, generally paralleling the historic shoreline on the north and State Route 136 on the east. Power drops from nearby overhead lines are connected to the underground power lines that carry power to the lake bed control measure facilities.

In addition, small portable generators mounted on construction vehicles would provide some temporary construction and emergency power.

Water Distribution Facilities

Shallow Flooding areas would be subdivided into smaller flooding-area blocks to improve water use efficiency. It is anticipated that approximately half of the units would be operated simultaneously, with water being supplied nearly continuously during peak demand periods.

Water distribution facilities within the flooding-area blocks may include, submain pipelines, lateral pipelines, water delivery risers, drain pump stations, ponds, whiplines, tailwater pumping stations, and sideslope and downslope berms. The number and size of the individual flooding-area blocks may vary based on the final design and layout. However, the anticipated facilities would be similar to existing facilities.

Water would be distributed to each DCA through a submain inlet for ponds or through laterals that supply the bubblers and/or whiplines. Valves on the submains or laterals would be above ground and housed in enclosures extending approximately 4 to 5 feet above grade. Valves would not be installed in below-ground vaults. The water delivery risers would have a tee outlet or a 2-inch whipline connection for distribution of the water across the irrigation blocks. Submains and lateral piping would be buried up to 3 feet deep to the top of the pipeline. The water delivery risers would distribute and apply water to the lake bed surface in the Shallow Flooding areas and deliver water to the drip and/or spray system in the vegetation areas

The electrical equipment for the pumping stations and turnouts would be installed in walk-in electrical buildings similar to existing facilities on site.

Soil berms would be constructed along the down-gradient and side boundaries of each Shallow Flooding block. These berms would be keyed into the lake bed and would be used to collect excess surface water along the downslope borders of each Shallow Flooding block. Drain tiles would be provided along the down-gradient western boundary of the proposed project DCAs that would include Shallow Flooding and Managed Vegetation, if required, based on an evaluation of berm stability and potential subsurface water quality or quantity impacts. Drain tiles consist of perforated piping and capture any excess water resulting from surface application or subsurface

flows. This piping would slope to drain pump stations where the water would be collected. The pumps and motors would be located above grade. The pump may recirculate water into the laterals for Shallow Flooding reuse. The top of the pumps would be 5 to 6 feet above grade. The electrical equipment for the pumping stations and turnouts would be installed in walk-in electrical buildings similar to existing facilities on site. It is anticipated that the placement of individual submain pipelines, risers, sprinklers, drip systems, berms, and access roads internal to each zone would differ based on site requirements and that final design decisions would be made by the City. An alternative construction method, consisting of larger ponds with one main source of water as currently utilized for the existing Shallow Flooding DCM, may be utilized.

Staging Areas

Two existing staging areas have been established to provide contractor(s) currently working on ongoing implementation of approved DCMs with storage and placement of heavy equipment and construction materials and supplies (Figure 2.7.1-1). One contractor staging area is located south of Sulfate Road and west of State Route 136 near their junction, just above the eastern historic shoreline of Owens Lake. A second contractor staging area is located above the southeast shoreline of the lake bed near Dirty Socks Spring. A third staging area is proposed at T-37 near the northwest corner of the lake bed. It is anticipated that these areas would also suffice as staging areas for construction activities associated with the proposed project.

Effectiveness Monitoring Program

A dust emissions monitoring program, known as the Dust ID Program, has been established by the District. The program consists of air monitoring devices, a grid of sand motion monitoring devices deployed on the lake bed, remote cameras, visual observations, and global positioning system mapping to measure and map dust emissions from the lake bed. The District and the City, with assistance of third-party technical experts, would work cooperatively to improve the Dust ID Program by 2010. The Dust ID Program will continue to operate during and after DCM installation. The City would also install and operate additional air monitoring devices within the proposed project area.

2.7.2 Construction Scenario

Development of the proposed project would require approximately 1.5 years to complete from August 2008 through March 2010. The new Moat & Row DCM areas would be completed and fully operational by October 1, 2009, and the new Shallow Flooding DCM areas would be completed and operational by April 1, 2010.

The construction elements that would be required for the 15.1 square miles of new DCMs to meet the NAAQS standard for PM₁₀ emissions by 2010 consists of eight primary activities:

- Site preparation (surface grading and earth moving)
- Berm construction and access road grading
- Mainline water delivery and drain line construction (trenching, pipeline installation, trench backfilling)
- DCM area dewatering
- Water distribution system installation within the DCM areas
- Power line and DCM controls installation

- Moat & Row shaping and enhancing
- Shallow Flooding DCM flooding

Supporting activities would include fence installation, material delivery, and transportation of crews. All site preparation and construction activity would be undertaken in accordance with applicable federal, state, and Inyo County codes.

Construction of DCMs would require a 50-foot buffer around the area of construction, except in sensitive areas amounting to a temporary construction impact of 0.3 square mile (Table 2.7.2-1 *Temporary Construction Impact Areas*; and Figure 2.7.2-1, *Temporary Construction Impact Areas*). Therefore, temporary impacts related to construction of the DCMs would result in the addition of these construction buffer zones. The City's construction requirements have been refined since the initial implementation of dust controls, in which a 200-foot-wide construction buffer zone was utilized.

Construction on Owens Lake is significantly harder and more challenging than construction on unimproved areas due to the variation in the soil conditions and the presence of water tables very close to the surface. The construction equipment is generally wider and equipped with wide tracts as well as floatation devices in order to avoid sinking into the soft playa. In certain places, plates and mats must be used in conjunction with the wide-tract equipments. The larger equipment utilized on the lake bed typically requires greater turning radius. In addition, the buffer would allow for transportation of construction materials for the construction of the DCMs to ensure that construction activities are not halted in order to transport these materials throughout the construction site. In addition, survey stakes and monuments would be placed within these buffer zones for the construction of DCMs, and must be placed away from the construction activities in order to safeguard them and allow for uninterrupted operations.

**TABLE 2.7.2-1
TEMPORARY CONSTRUCTION IMPACT AREAS**

Supplemental Dust Control Area/Measure	Dust Control Area (Square Mile)	Temporary Construction Impact Areas (Square Mile)	Total Temporary and Permanent Impact Areas (Square Mile)
Shallow Flood	9.2	0.1	9.3
Moat & Row	3.5	0.1	3.6
Study Area	1.9	0.1	2
Channel Area	0.5	0	0.5
Total Proposed Project Area	15.1	0.3	15.4

A summary of the types of construction activities for each component of the proposed project and construction labor and equipment requirements is provided in Table 2.7.2-2, *Anticipated Construction Equipment and Work Crews*. It is anticipated that the peak construction period for the revision of the 2003 SIP (2008 SIP) would not exceed that experienced during installation of the 1998 SIP DCMs. The peak period of construction experienced in conjunction with the 1998 SIP occurred in late spring and early summer of 2002, when approximately 250 pieces of equipment and 200 construction personnel were mobilized on site. Similarly, it is anticipated that peak construction for the 2008 SIP DCMs would be expected between late spring 2009 and early summer 2009, during installation of the Moat & Row DCM. Construction activities are expected to occur six days a week for 12 hours a day. However, construction activities may occur seven days a

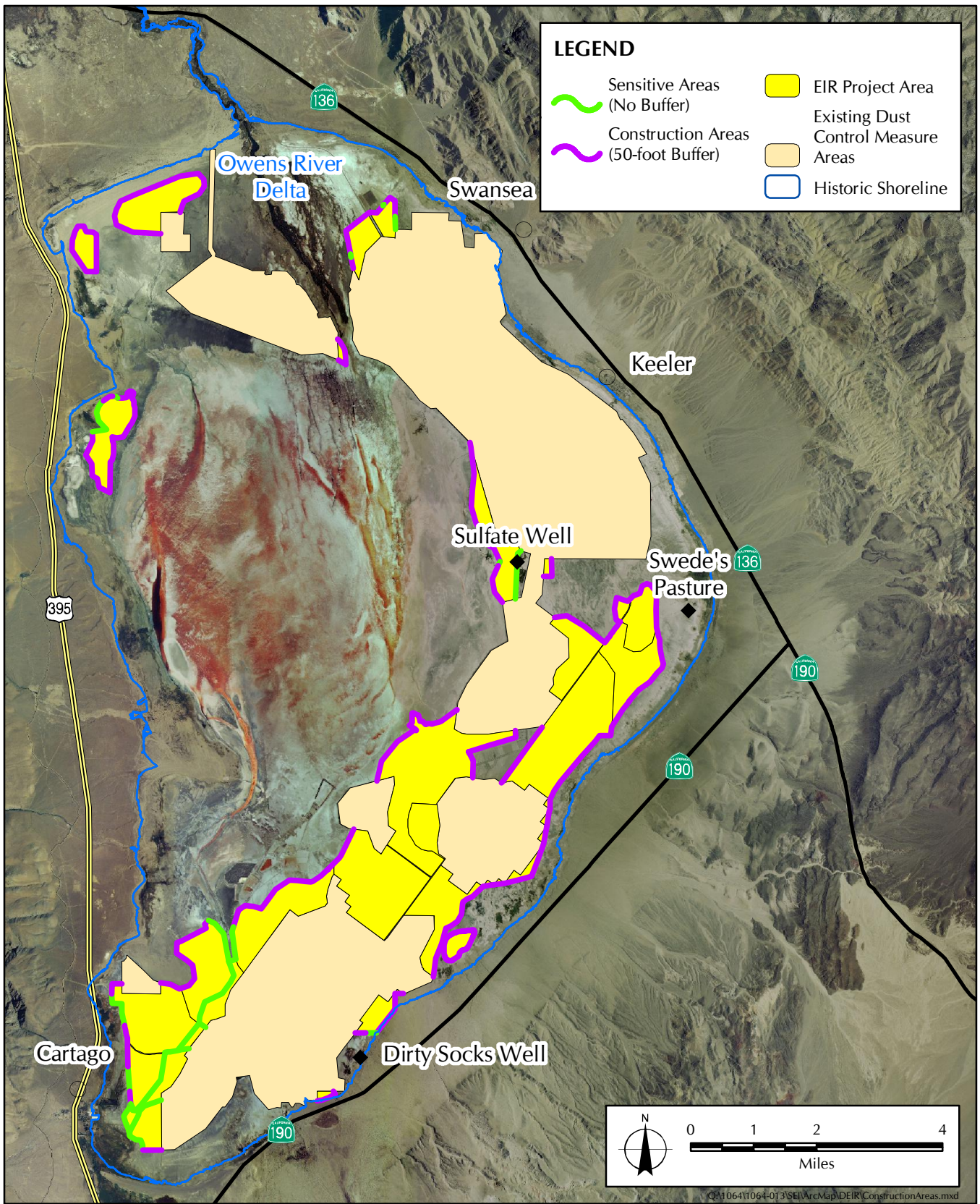


FIGURE 2.7.2-1
Temporary Construction Impact Areas

week for 24 hours a day to complete construction on schedule, contingent on County ordinances that define acceptable timeframes for authorized construction activities. It is anticipated that, at the end of each shift, construction crews who have just completed their shift would generally leave the site and return home and that the next crews would already be on site and would start working when the shift changes. During construction, as-needed nighttime lighting would be directed away from the roads and communities to the maximum extent practicable.

**TABLE 2.7.2-2
ANTICIPATED CONSTRUCTION EQUIPMENT AND WORK CREWS**

Construction Activity	Brief Description	Activity Length (Estimate)	Equipment Requirement per Crew	Crew Composition (Estimate)	Number of Crews
Site preparation	Clearing the proposed site of mainly existing surface features, leveling and clearing of minimal vegetation and other debris	30 days	1 bulldozer 1 front-end loader 1 grader 2 dump trucks 1 scraper	4 operators 2 surveyors 4 laborers 1 foreman	1
Earth moving	Excavation, grading for drainage, and ripping the project area	60 days	2 bulldozer w/ disc plow 1 scraper	3 operators 1 foreman	2
Storm water control berms	Construction of earth berms along perimeter of project site includes excavation, backfill, grading, and compaction	30 days	1 excavator 1 front-end loader 1 compactor 1 water truck 1 job pickup 1 scraper 2 haul trucks	6 operators 5 laborers 1 foreman	1
Shallow Flooding and pond berms	Construction of earth berms in Shallow Flooding area includes excavation, backfill with soil, grading, compaction, and riprap placement	150 days	2 excavator 1 front-end loader 1 compactor 1 water truck 2 job pickups 4 scraper 4 haul trucks	12 operators 1 foreman 6 laborers	2
Dewatering	Dewatering and discharge of on-site groundwater within and outside project limits	300 days	2 job pickups, pumps	2 laborers 1 foreman	1
Turnout mainline pipelines	Excavation, pipeline delivery, pipeline excavation, installation, and backfilling	60 days	1 tracked excavator/trencher w/conveyor 1 tracked chain machine trencher 1 bulldozer 1 front-end loader 1 crane/pipelayer 1 compactor 3 pipe delivery trucks 3 job pickups	5 operators 1 grade checker 2 welders 3 laborers 1 foreman	1

**TABLE 2.7.2-2
ANTICIPATED CONSTRUCTION EQUIPMENT AND WORK CREWS, Continued**

Construction Activity	Brief Description	Activity Length (Estimate)	Equipment Requirement per Crew	Crew Composition (Estimate)	Number of Crews
Supply submain installation	Excavation, pipeline delivery, pipeline excavation, installation, and backfilling	90 days	1 tracked excavator/ trencher w/ conveyor 1 tracked chain-machine trencher 1 bulldozer 1 crane/pipelayer 1 compactor 2 pipe delivery trucks 2 job pickups	6 operators 1 grade checker 3 laborers 1 foreman	2
Lateral drains installation	Excavation, pipeline delivery, pipeline excavation, installation, and backfilling	120 days	1 tracked excavator/ trencher w/ conveyor 1 tracked chain-machine trencher 1 bulldozer 1 front-end loader 1 compactor 2 pipe delivery trucks 2 job pickups	5 operators 1 grade checker 4 laborers 1 foreman	4
Collector drains installation	Excavation, pipeline delivery, pipeline excavation, installation, and backfilling	90 days	1 tracked excavator/ trencher w/ conveyor 1 tracked chain-machine trencher 1 crane/pipelayer 1 bulldozer 1 compactor 2 material delivery trucks 2 job pickups	5 operators 3 laborers 1 foreman	2
Shallow Flooding drains installation	Excavation, pipeline delivery, pipeline excavation, installation, and backfilling	60 days	1 tracked excavator/ trencher w/ conveyor 1 tracked chain-machine trencher 1 crane/pipelayer 1 bulldozer 1 compactor 1 material delivery truck 2 job pickups	5 operators 3 laborers 1 foreman	1

**TABLE 2.7.2-2
ANTICIPATED CONSTRUCTION EQUIPMENT AND WORK CREWS, Continued**

Construction Activity	Brief Description	Activity Length (Estimate)	Equipment Requirement per Crew	Crew Composition (Estimate)	Number of Crews
Power line and Supervisory Control And Data Acquisition (SCADA) line installation	Site and area power and control distribution pole lines and/or underground conduits, service meter and switchboard, and distribution switchgear	75 days	1 post-hole digger/ crane truck 2 backhoes 1 come-a-long vehicle 2 cable reel truck 1 delivery truck 1 job pickup truck	8 operators 4 laborers 1 foreman	1
Road construction	Construction of elevated roads on berms using native materials, placement of soils, compaction, grading, and gravel placement	75 days	1 excavator 2 compactor 2 grader 3 haul trucks 1 water truck 1 job pickup 1 scraper	9 operators 4 laborers 1 foreman	1
Management activities	Construction management and field inspection	312 days	10 job-site vehicles	2 contractor superintendents 3 field engineers 6 inspectors 4 office staff	1
Environmental mitigation crews	Environmental mitigation crews would conduct environmental surveys and mitigation monitoring activities	Ongoing	All-terrain vehicles, 4-wheel-drive passenger vehicles	2 to 6 people per survey	7

All hazardous materials would be stored, handled, disposed, and transported in accordance with local ordinances, and state and federal regulatory requirements. Hazardous materials expected to be utilized during construction include fuels, oils, lubricants, and solvents associated with the construction. Chemicals used during construction and operations would be contained in tanks placed on concrete slabs within containment walls, double-wall tanks, or berms and would comply with existing chemical safety and storage regulations. The City would be required to obtain a Certified Unified Program Agency (CUPA) permit from the Inyo County Health Services Department and would disclose to the local fire emergency services any stored, handled, or disposed hazardous materials wastes prior to construction. All combustible materials would be handled in accordance with fire and safety requirements. All unused construction materials would be removed from the project site upon completion of improvements. Solid waste generated during construction or operation of the proposed project would be transported to a permitted solid waste disposal facility. The proposed project site would be monitored for excessive erosion as documented in the proposed project's Waste Discharge Permits with the Regional Water Quality Control Board. If such erosion is observed, the City would take immediate corrective action, including implementation of best management practices (BMPs). A typical construction crew would be composed of about 10 workers. The majority of construction activities would involve one to three work crews. Local construction crews would be used as much as possible to keep lodging and housing demands to a minimum; otherwise, non-local construction crews would be

used. In the event that temporary housing is needed, lodging at local motels in Lone Pine would be arranged. Sanitation service would be provided by portable units. Medical treatment would be available at the Northern Inyo Hospital in Bishop or Southern Inyo Hospital in Lone Pine.

Trailer-mounted temporary lights would be used during night construction to illuminate areas where there is substantial construction activity. Each illuminated construction area would be approximately 400 to 500 square feet. Other areas would be illuminated minimally and only as necessary to ensure adequate safety for access and egress. The existing construction staging areas would have minimal lighting at night associated with the contractor's trailers, repair work, and safety lighting. Approximately ten 50-horsepower diesel generators may be used to power lights used for nighttime construction activities. Additional lights would be mounted on heavy construction vehicles such as scrapers, loaders, tractors, and dozers, and other equipment as necessary to provide adequate lighting for nighttime construction activities. Construction lights would be directed away from roads and communities to the maximum extent possible. With the exception of the delivering of plant material for vegetation, nighttime delivery of equipment and materials would be minimized.

2.8 INTENDED USES OF THE SUBSEQUENT EIR

The District is the Lead Agency for the proposed project. The District and the City are joint project applicants. The District Governing Board will consider certification of the Subsequent EIR and is authorized to render a decision on the proposed project.

Specific project elements may be subject to additional permits as described in Table 2.8-1, *Permit Requirements*.

**TABLE 2.8-1
PERMIT REQUIREMENTS**

Agency	Permit/Other Approvals	Process
Federal		
U.S. Army Corps of Engineers	Discharge of dredge or fill material into waters of the United States, including jurisdictional wetlands, is subject to approval by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act.	The District shall submit the updated jurisdictional delineation to the U.S. Army Corps of Engineers prior to consideration of the Final EIR. The City shall be required to review final plans and specifications with the U.S. Army Corps of Engineers to demonstrate that waters of the United States are being avoided or obtain authorization for the discharge of dredge or fill materials pursuant to a nationwide or individual permit.
U.S. Bureau of Land Management	Temporary and permanent right-of-way grants on federal lands.	The City shall submit an application for Transportation and Utility Systems and Facilities on Federal Lands (Form 299) Plan of Activity to implement dust control measures on lands controlled by the U.S. Bureau of Land Management.
State		
California State Lands Commission	Land-use lease and permit for use of state lands, including some state land currently leased by U.S. Borax.	The City shall amend their existing California State Lands Lease. The City shall be required to pay for California State Lands Commission staff costs associated with preparing amendments to U.S. Borax's legal description.

**TABLE 2.8-1
PERMIT REQUIREMENTS, Continued**

Agency	Permit/Other Approvals	Process
California Department of Fish and Game	A Streambed Alteration Agreement must be obtained from the California Department of Fish and Game for all ground-disturbing activities within jurisdictional areas pursuant to Section 1600 of the State Fish and Game Code. The jurisdictional delineation conducted in support of the EIR accurately reflects the extent of the California Department of Fish and Game's jurisdiction at 411.8 acres.	The City shall obtain a Programmatic Streambed Alteration Agreement (SAA) for all existing or proposed activities that may impact areas subject to the jurisdiction of the California Department of Fish and Game pursuant to Section 1600 of the California Fish and Game Code that require the approval of the California Department of Fish and Game in the form of an SAA.
California Department of Transportation	Right-of-way Encroachment Permit for access/power off of State Route 190 and Highway 395. Transport of overweight vehicles on federal and state roadways is subject to permit.	The City shall submit an application for an Encroachment Permit for access/power off of State Route 190 and Highway 395. The City shall obtain all required permits for the transport of overweight vehicles on federal and state roadways.
Regional		
California Regional Water Quality Control Board	Section 401 Water Quality Certification and Waste Discharge Requirements / Monitoring Reporting Plan	The City shall submit a request for Water Quality Certification, Stormwater Pollution Prevention Plan.

2.9 RELATED PROJECTS

The District coordinated with all interested parties in the Owens Valley to identify closely related past, present, and reasonably foreseeable probable future projects that should be considered in the evaluation of cumulative impacts. In addition to authorized PM₁₀ control measures at Owens Lake, the District solicited information regarding potential related projects from the Bureau of Land Management, CSLC, Inyo County Planning Department, and the City. The three projects called out below are related projects that were evaluated in the cumulative impact analyses with the various environmental issues. The City may seek to utilize other sources of water for dust control in the future, such as groundwater from Inyo County. The source of water for this proposed project analyzed in this EIR is from the Los Angeles Aqueduct and Owens River. However, utilization of water for dust control from sources other than the Los Angeles Aqueduct and Owens River would require separate environmental review and is not covered in this analysis due to the uncertainty of

use and lack of information regarding the locations of groundwater wells, conveyance, and amount of groundwater use by the City for DCMs.

2003 SIP

The analysis of impacts to environmental resources resulting from construction, operation, and maintenance of an additional 15.1 square miles (9,664 acres) of DCMs in the 2008 SIP considers the cumulative effects of these measures when combined with the related 29.8 square miles (19,072 acres) of DCMs that were installed between 1999 and 2006 as provided in the 2003 SIP. The 2003 SIP anticipated the need for additional DCAs, and the analysis in this EIR tiers the previous 2003 SIP EIR as a Subsequent EIR. The analysis of cumulative impacts includes the consideration of the impacts to the areas not currently consisting of DCMs in regard to the existing DCMs.

Lower Owens River Project

The Lower Owens River Project (LORP) is a joint effort between the City and Inyo County, which proposes to implement a large-scale habitat restoration project in the Owens Valley north of Owens Lake and outside the proposed project area. LORP's main objective is to mitigate impacts related to groundwater pumping by the City from 1970 to 1990. The LORP project elements include (1) releasing water to the Lower Owens River to enhance native and game fisheries and riparian habitats along 62 miles of the river, (2) providing water to the Owens River Delta to maintain and enhance various wetland and aquatic habitats, (3) enhancing a 1,500-acre off-river area with seasonal flooding and land management to benefit wetlands and waterfowl, and (4) maintaining several off-river lakes and ponds. In addition, LORP also includes the construction of a pump station to capture and recover some of the water released to the river as well as range improvements and modified grazing practices on leases in the LORP project area. The EIR-EIS prepared for LORP identified six unmitigable significant impacts to the environment:⁴²

- Water quality degradation and fish kills during initial releases to the river
- Possible reduction in existing flows to the delta that could adversely affect existing wetland habitats
- Degradation of brine pool transition and associated shorebird habitat due to reduced flow to the delta
- Conversion of 2,873 acres of native upland habitats to wetlands
- Potential increase in mosquito populations along the river
- Potential increase in saltcedar (a nonnative weed)

⁴² City of Los Angeles Department of Water and Power and Inyo County Water Department. 23 June 2004. *Final Environmental Impact Report and Environmental Impact Statement, Lower Owens River Project, Inyo County, California*. Bishop, CA.

**U.S. Borax, Owens Lake Expansion Project/Conditional Use Permit #02-13/
Reclamation Plan #02-1**

The U.S. Borax, Owens Lake Expansion Project/Conditional Use Permit #02-13/Reclamation Plan #02-1 project proposes to install a trona ore processing facility at Owens Lake.⁴³ The facility would consist of portable and mobile washing equipment located on the lake bed and a calcining and drying unit on the western shore. The main objective is to allow U.S. Borax's Boron, California, operations to meet its soda ash requirements without purchasing processed trona ore from the market. The EIR for the U.S. Borax project identified impacts to 10 environmental resources:⁴⁴

- Aesthetics
- Air quality
- Biological resources
- Hazards and hazardous materials
- Hydrology and water quality
- Land use and planning
- Noise
- Recreation
- Transportation and traffic
- Utilities and service systems

2.10 PROJECT ALTERNATIVES

During the development of the proposed project, the District and the City explored numerous strategies and alternatives that would achieve the primary goal of attainment of the PM₁₀ NAAQS by December 31, 2010, and would also meet most of the other project objectives. Between 2001 and 2006, the District has worked continuously to conduct research, share data, and work cooperatively with the City to identify a dust control strategy and DCM placement that would most effectively achieve the NAAQS. Concurrently with these efforts, the District has worked to modify the recommended DCMs to avoid impacts to environmental resources to the maximum extent feasible, particularly vegetated habitats, cultural resources, and mineral resources. As a result of these efforts, most of the environmental impacts of the proposed project were resolved. However, there remains some potential for conflicts between maintenance activities required in conjunction with Shallow Flooding and Moat & Row DCMs and the breeding population of the western snowy plover. The District and the City have developed a number of biologically sensitive mitigation measures to reduce impacts to the breeding population to the maximum extent feasible. These measures would reduce all significant impacts to below threshold of significance levels except regarding impacts to air quality in terms of greenhouse gas emissions from the construction of the DCMs.

A variety of potential project alternatives were dropped from further consideration because they would not be capable of meeting most of the basic objectives of the project. Four alternatives, including the No Project Alternative required under CEQA, have been carried forward for detailed

⁴³ Inyo County Planning Department. January 2004. *Trona Processing Upgrade Project Environmental Impact Report*. State Clearinghouse No. 2003041127. Independence, CA.

⁴⁴ Inyo County Planning Department. January 2004. *Trona Processing Upgrade Project Environmental Impact Report*. State Clearinghouse No. 2003041127. Independence, CA.

analysis in this Subsequent EIR (refer to Section 4.0 for a full discussion on alternatives). The alternatives carried forward for detailed analysis include the following:

- No Project Alternative
- Alternative 1, All Shallow Flooding Alternative
- Alternative 2, All Managed Vegetation Alternative
- Alternative 3, All Gravel Cover Alternative

SECTION 3.0 ENVIRONMENTAL ANALYSIS

Section 3.1 Air Quality

3.1.3 Significance Thresholds

Page 3.1-13 After the bullet “Create objectionable odors affecting a substantial number of people,” please insert another bullet:

- Failure to adopt all feasible measures to avoid or reduce greenhouse gas emissions consistent with the goals articulated by the state legislature to reduce such emission to 1990 levels

3.1.5 Mitigation Measures

The text of the air quality mitigation measures was modified as follows without making substantive changes to the measures, to expand the discussion of implementation of the measures:

Measure Air-1, Fugitive Dust Controls and Minimization

Page 3.1-24 Please add “Construction Activities” to the beginning title of the measure.

Page 3.1-24 Please delete “chemical soil stabilizers” from the measure.

Page 3.1-24 Please replace the last sentence of the measure with the following:

The City of Los Angeles Department of Water and Power shall demonstrate compliance with this measure through the preparation of a project construction dust control plan to be prepared by the City of Los Angeles Department of Water and Power and approved by the District prior to the start of construction and through the submission of weekly monitoring reports to the Great Basin Unified Air Pollution Control District and the California State Lands Commission. The Great Basin Unified Air Pollution Control District shall monitor the application of best available control measures at least once a week on an ongoing basis during the construction phase of the proposed project, and maintain a monitoring log on file.

Measure Air-2, Low-emissions Tune-ups Schedule

Page 3.1-25 Please add “Construction Equipment” to the beginning title of the measure.

Page 3.1-25 Please delete “for its review and approval” from “Prior to implementation of the schedule, the City of Los Angeles Department of Water and Power shall submit the schedule to the Great Basin Unified Air Pollution Control District and the California State Lands Commission for its review and approval.”

Measure Air-3, Low-emission Equipment Utilization

Page 3.1-25 Please add "Construction" to the title after the word "Low-emission."

Page 3.1-25 In the first sentence, please replace "and receives approval from" with "and consults with."

Measure Air-4, Low-sulfur Fuel Utilization

Page 3.1-25 Please add "during Construction " to the end of the title of the measure.

Page 3.1-25 In the first sentence, please replace "and receives approval from" with "and consults with."

Measure Air-5, Low-emission Mobile Vehicle Utilization during Construction

Page 3.1-25 In the first sentence, please replace "and receives approval from" with "and consults with."

Measure Air-6, Low-emission Mobile Vehicle Utilization during Operation

Page 3.1-26 In the first sentence, please replace "and receives approval from" with "and consults with."

Page 3.1-26 Please add the following sentence after the first sentence:

The City of Los Angeles Department of Water and Power shall provide the Great Basin Unified Air Pollution Control District with its purchasing policy procedures that shall provide provisions that encourage the use of low-emission or alternative-fueled mobile vehicles before operation of the project.

3.1.6 Level of Significance after Mitigation

Page 3.1-26 Please replace the last sentence with the following:

Construction, operation, and maintenance of DCMs at Owens Lake introduces the use of mechanized vehicles and the storage and application of chemicals on the lake bed that would exceed the levels that occurred in 1990 when operations on the lake bed were limited to mineral extraction, incidental recreation, and air quality studies. Application of mitigation measures Air-2 through Air-6 would reduce greenhouse gas emissions to the maximum extent practicable but are not capable of reducing impacts to 1990 levels; thus, the proposed project would result in a significant unavoidable adverse impact to the achievement of greenhouse gas emission controls commensurate with the goals articulated in Assembly Bill 32.

Section 3.2 Biological Resources

3.2.1 Regulatory Framework

Page 3.2-6 Please add the following text after the heading of California Desert Native Plants Act:

The California Desert Native Plants Act was passed in 1981 to protect nonlisted California desert native plants from unlawful harvesting on both publicly and privately owned lands. Harvest, transport, sale, or possession of specific native desert plants is prohibited unless a person has a valid permit, or wood receipt, and the required tags and seals.

Page 3.2-6 Please add the following text as the last paragraph under the heading of Section 1600 of the State Fish and Game Code:

The CDFG has adopted the U.S. Fish and Wildlife Service wetland definition⁴⁵ as modified by the CDFG Commission policies:^{46,47}

The Commission concurs with the Department's recommendation to use the U.S. Fish and Wildlife Service's (USFWS) definition as the basis for wetland identification. When all three wetland indicators (i.e., hydric soils, wetland vegetation, and hydrology) are present, the presumption of wetland existence shall be conclusive. Where less than three indicators are present, policy application shall be supported by the demonstrable use of wetland areas by wetland associated fish or wildlife resources, related biological activity, and wetland habitat values.

The USFWS wetland identification system should be applied by professionals trained in its methodology. The accuracy of existing wetland inventory mapping should not necessarily be assumed. The Commission supports the Department's current practice of on-site inspections of projects which would impact wetlands and strongly encourages the Department to conduct on-site inspections of such projects and particularly whenever requested to do so by project proponents or concerned public agencies.

⁴⁵ Cowardin, Lewis M., et al. 1979 *Classification of Wetlands and Deepwater Habitats of the United States*. U.S. Fish and Wildlife Service.

⁴⁶ California Department of Fish and Game. Amended 18 August 2005. Fish and Game Commission Policies: Wetlands Resources. Available at: <http://www.fgc.ca.gov/html/p4misc.html#WETLANDS>

⁴⁷ California Department of Fish and Game. Amended 4 August 1994. Fish and Game Commission Policies: Recommended Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Methodology. Available at: <http://www.fgc.ca.gov/html/p4misc.html#WETLANDS>

3.2.2 Existing Conditions

Page 3.2-10 Please add the following text as the last paragraph under the heading of Survey Methods, immediately before the heading of Plant Communities:

Field surveys were conducted for all areas potentially requiring DCMs pursuant to the 2008 SIP, including all areas mapped as lacustrine wetlands in the National Wetlands Inventory. Site inspections were completed under the supervision of a certified wetland delineator. The determination that some areas that are mapped in the National Wetlands Inventory as lacustrine wetlands are not subject to CDFG jurisdiction was based on a systematic investigation consistent with CDFG guidance documents:

- Areas lacked one or more wetland indicators: soil, hydrology, or vegetation.
- Field inspection determined that areas do not conform to USFWS mapping criteria for lacustrine wetlands.
- Field inspection determined that areas do not conform to CDFG definition of a "lake."
- Field inspections revealed that the sites were characterized by barren playa with an absence of wetland-associated fish and wildlife resources.

Page 3.2-13 Under the heading Rare, Threatened, and Endangered Species, please add the following paragraph after the bulleted list:

Although Owens pupfish and Owen tui chub are not present in the proposed project area, the USFWS has completed the Owens Basin Wetland and Aquatic Species Recovery Plan,⁴⁸ which includes portions of the western margin of Owens Lake between the Owens River Delta and Olancha.

Page 3.2-25 Please replace the last paragraph, under the heading of Wetlands and Other Federal and State Waters and immediately before the heading of Wildlife Corridors and Nursery Areas, with the following:

A review of relevant guidance documents demonstrates that the approximately 411.8 acres that were determined to be subject to the jurisdiction of the CDFG, as reported Appendix R.D, *Final Biological Resources Technical Report*, accurately reflects the limits of CDFG jurisdiction. CDFG's jurisdiction as stated in the EIR is consistent with Streambed Alteration Agreements negotiated between CDFG and the City for DCMs required pursuant to the 1998 SIP and the 2003 SIP. The delineation of areas subject to the jurisdiction of CDFG considered all areas mapped as lacustrine wetlands pursuant to the National Wetlands Inventory. The USACOE has determined that the surface of Owens Lake has been permanently lowered as a result of combined natural and human forces.

⁴⁸ U.S. Fish and Wildlife Service. 2006. *Owens Basin Wetland and Aquatic Species Recovery Plan: Inyo and Mono Counties, California*. Portland, OR.

Therefore, areas mapped by the National Wetlands Inventory due to their presence within the historic lake bed are located above the upper limits of lake inundation and areas that did not demonstrate riparian or aquatic habitat values were not included in the limits of areas subject to the jurisdiction of the CDFG (Figure 3.2.2-9). This interpretation is consistent with the CDFG definition of the term "lake" in the July 2, 1990, Memorandum for the Record: Jurisdictional Issues in the Application of Fish and Game Code Sections 1601 and 1603, as "a considerable body of standing water in a depression of land or expanded part of a closed basin serving to drain surrounding country; or a body of water of considerable size surrounded by land; a widened portion of a river or lagoon."⁴⁹ This definition applies only to the area within Owens Lake known as the brine pool. The areas of Owens Lake that are mapped as lacustrine wetlands in the National Wetlands Inventory that were excluded from the mapping of CDFG jurisdiction currently support barren playa and do not conform to the definition of the lacustrine systems as defined by the USFWS. The USFWS definition of lacustrine systems includes permanently flooded lakes and reservoirs (e.g., Lake Superior), intermittent lakes (e.g., playa lakes), and tidal lakes with ocean-derived salinities below 0.5 percent (e.g., Grand Lake, Louisiana).⁵⁰ Typically, there are extensive areas of deep water and there is considerable wave action. The lacustrine wetlands mapped in Figure 3.2.2-1 include extensive areas that do not have the appropriate hydrology, soils, or habitat values to render them subject to the jurisdiction of the CDFG. Because these emissive wetlands are located in active emissive areas, they require DCMs to bring them into compliance with the PM₁₀ air quality standard.

3.2.4 Impact Analysis

Page 3.2-26 Following the first paragraph under the heading Impact Analysis, please add the following paragraph:

Based on the experience from implementation of DCMs in support of the 1998 and 2003 SIP, substantial increases to habitat functions and values have occurred at Owens Lake. The public, Responsible Agency, and Trustee Agency have provided comments regarding the vulnerability of resident and migratory species populations to fluctuating habitat functions and values at Owens Lake as a result of the long-term operations and maintenance of the DCMs, which has the potential to result in cumulative impacts.

Page 3.2-27 Please replace the first complete sentence on this page with the following:

The conversion of vegetated habitats, dry alkali meadow, and shadscale scrub to Moat & Row is expected to have a net reduction in habitat value

⁴⁹ California Department of Fish and Game. Amended 4 August 1994. Fish and Game Commission Policies: Recommended Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Methodology. Available at: <http://www.fgc.ca.gov/html/p4misc.html#WETLANDS>

⁵⁰ Cowardin, Lewis M., et al. 1979 *Classification of Wetlands and Deepwater Habitats of the United States*. U.S. Fish and Wildlife Service.

due to loss of native vegetation and the need for ongoing maintenance, although it is anticipated that every effort to avoid and/or minimize impacts to vegetated areas will be undertaken.

Page 3.2-27 Under the heading of Rare, Threatened, and Endangered Species, please add the following to the end of the first sentence:

The proposed project would not affect any existing habitat for Owens pupfish or Owens tui chub. The proposed Shallow Flooding and Managed Vegetation DCMs provide habitat values and functions that are consistent with the policies and conservation measures of the USFWS Owens Basin Wetland and Aquatic Species Recovery Plan.⁵¹ The proposed project would be expected to result in approximately 760 acres of the Moat & Row DCM, 750 acres of Shallow Flooding DCM, 370 acres of Study Area (where a variety of DCMs will be applied, if required), and 160 acres of Channel Area (where habitat restoration is proposed) within the USFWS Owens Basin Wetland and Aquatic Species Recovery Plan. Where Moat & Row is proposed for areas that are currently barren playa, it is anticipated that it would be consistent with the Owens Basin Wetland and Aquatic Species Recovery Plan. Where Moat & Row would affect transmontane alkali meadow habitat and aquatic habitat within the Owens Basin Wetland and Aquatic Species Recovery Plan area, it would require the consideration of mitigation measures to ensure no net loss of habitat values and functions to demonstrate consistency with the Owens Basin Wetland and Aquatic Species Recovery Plan.

Page 3.2-29 Under the heading of Impacts to Federal and State Protected Jurisdictional Areas, Direct Impacts, please replace the first paragraph with the following:

The proposed project would have the potential to result in dredge and fill within 393.2 acres that is subject to the jurisdiction of the USACOE. The proposed project would have the potential to result in dredge and fill within 411.8 acres of vegetated wetlands, springs/seeps, or stream channels that is subject to the jurisdiction of the CDFG. The loss of habitat functions and values within federally designated and state-designated wetlands and waters constitutes a significant impact requiring the consideration of mitigation measures.

Page 3.2-29 Under the heading of Impacts to Federal and State Protected Jurisdictional Areas, Direct Impacts, second paragraph, please replace the fourth sentence with the following:

Impacts to 393.2 acres of USACOE jurisdictional areas may require the project applicant to apply for an individual permit pursuant to Section 404 of the Clean Water Act.

⁵¹ U.S. Fish and Wildlife Service. 2006. *Owens Basin Wetland and Aquatic Species Recovery Plan: Inyo and Mono Counties, California*. Portland, OR.

Page 3.2-29 Under the heading of Impacts to Federal and State Protected Jurisdictional Areas, Direct Impacts, please replace the third paragraph with the following:

Construction, operation, and maintenance of the proposed project on approximately 411.8 acres of vegetated wetlands, springs/seeps, or stream channels under the jurisdiction of the CDFG would require notification to the CDFG of activities to be undertaken on the lake bed. Upon completion of the notification package, the CDFG shall determine whether the activity may substantially adversely affect an existing fish or wildlife resource, including the western snowy plover or its nursery locations. If the CDFG determines that the activity may adversely affect an existing fish or wildlife resource, including the western snowy plover or its nursery locations, the CDFG shall provide a Draft Lake or Streambed Alteration Agreement describing reasonable measures necessary to protect the resource. It is anticipated that these measures would not substantially differ from the ones provided in Section 3.2.5, Mitigation Measures.

Page 3.2-30 Under the heading of Conflict with the Provisions of an Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or Other Approved Local, Regional, or State Habitat Conservation Plan, please replace the first paragraph with the following:

Conflict with the Provisions of an Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or Other Approved Local, Regional, or State Habitat Conservation Plan

The proposed project would not be expected to conflict with an adopted habitat conservation plan (HCP) or natural community conservation plan (NCCP). There is no adopted HCP or NCCP or other regional plan in place within the region of the proposed project area. The Final EIR for the Lower Owens River Project (LORP) discusses the potential to create an HCP for federal listed species with the potential to occur within the area of the Lower Owens River covered by the Final EIR.

The Owens Basin Wetland and Aquatic Species Recovery Plan for Inyo and Mono Counties describes 16 recommended conservation areas that are integral to the recovery plan.⁵² One of the conservation areas, the Southern Owens Conservation Area, is located along the western perimeter of Owens Lake. Implementation of DCMs within the Southern Owens Conservation Area would need to be consistent with the goals and objectives specified in the recovery plan (Figure 3.2.4-1, *Southern Owens Conservation Area*). Areas proposed for DCMs within the boundary of the Southern Owens Conservation Area include 1,577 acres of barren playa, 280 acres of dry alkaline meadow, 176 acres of low-density scattered shadscale, and 9 acres of shadscale (Figure 3.2.2-2). DCMs proposed for 280 acres of dry alkaline meadow would need to be consistent with the goals and objectives specified in the recovery plan.

⁵² U.S. Fish and Wildlife Service. 1998. *Owens Basin Wetland and Aquatic Species Recovery Plan, Inyo and Mono Counties, California*. Portland, OR.

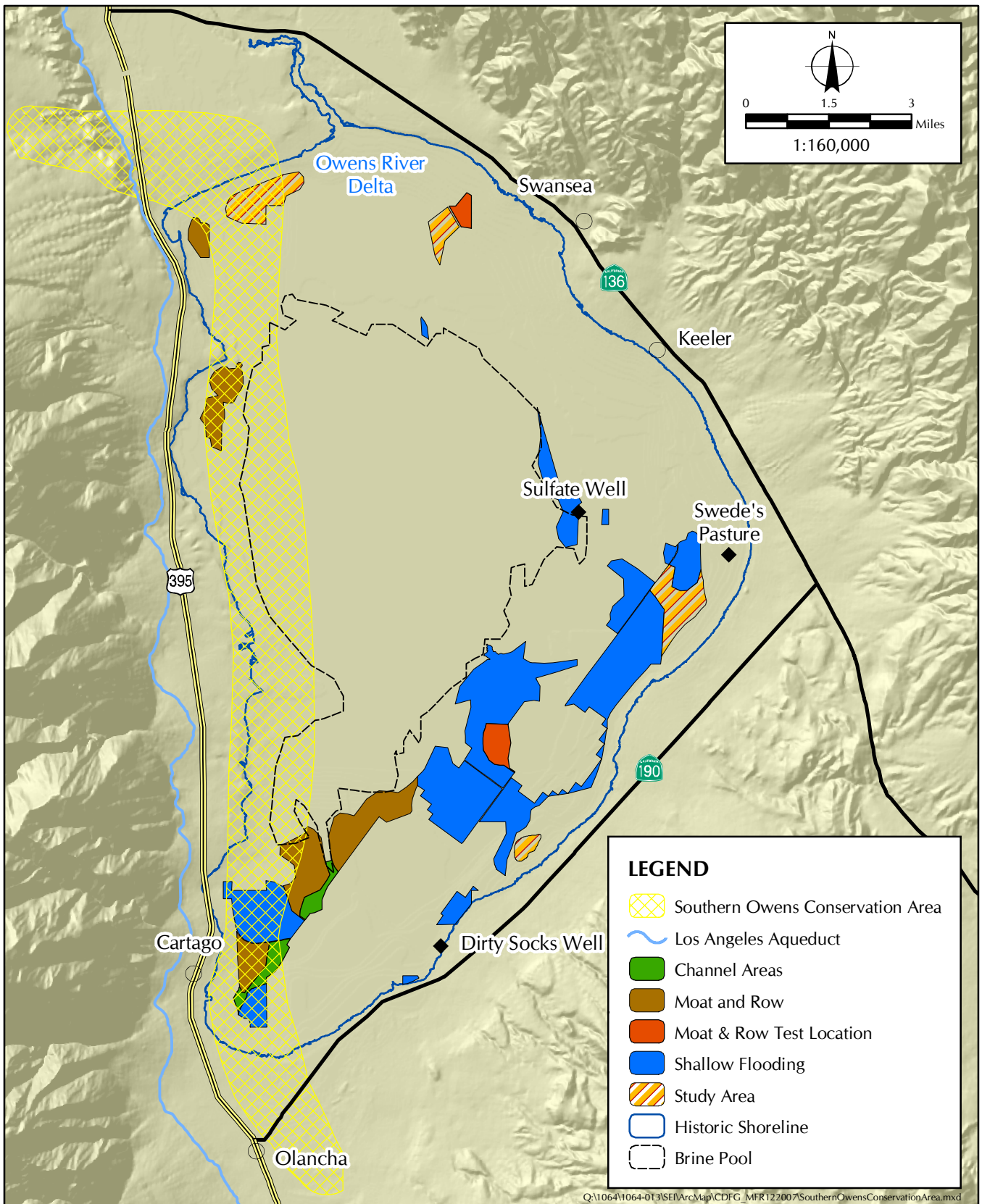


FIGURE 3.2.4-1
Southern Owens Conservation Area

3.2.5 Mitigation Measures

Page 3.2-32 Under mitigation measure Biology-2, Preconstruction Surveys for Western Snowy Plover, please delete “or maintenance” in the tenth sentence.

Page 3.2-33 Under mitigation measure Biology-3, Snowy Plover Nest Speed Limit, please replace the sixth sentence with the following:

Speed limit signs shall be posted at all entry points to the lake. The number of speed limit signs shall be kept at a minimum near active snowy plover nest areas to reduce potential perches for raptors and other snowy plover predators and shall be outfitted with Nixalite or the functional equivalent if greater than 72 inches (increased from the original 60 inches) in height at entry points to the lake and 60 inches in height by active snowy plover nest areas.

Page 3.2-33 Under mitigation measure Biology-3, Snowy Plover Nest Speed Limit, please delete “completion of the education seminar and” in the second to the last sentence.

Page 3.2-33 Under mitigation measure Biology-4, Lighting Best Management Practices, please replace the fifth sentence with the following:

All lighting, in particular any permanent lighting, on newly built facilities shall be minimized to the greatest extent possible, while still being in compliance with all applicable safety requirements.

Page 3.2-33 Under mitigation measure Biology-5, Marking of Nonemissive Wetland and Upland Scrub Areas, please replace the entire paragraph with the following:

To minimize the potential direct impacts to nonemissive wetland and upland scrub vegetation communities from construction activities to below the level of significance, the City of Los Angeles Department of Water and Power shall clearly mark the boundary of construction zones (including the 50-foot buffer) within 50 feet of the boundary of nonemissive wetland areas and upland scrub communities to prevent incursion into these vegetation communities. No construction zone buffer is allowed for construction areas immediately adjacent to wetland or sensitive areas. Construction zone buffers are not allowed to impact wetland or sensitive areas. Construction zone boundaries near nonemissive areas shall be marked using stakes less than 72 inches (originally 60 inches) high, spaced 10 feet apart, along the edges of spring mounds, and spaced 100 feet apart along other wetland and vegetated edges. Marking shall occur prior to the initiation of construction activities. Construction buffer areas outside of the dust control boundaries shall not exceed 50 feet in width and shall be reduced as required to prevent construction activities from impacting adjacent vegetated areas. No temporary or permanent access routes through vegetated areas shall be established, except those specified in the Project Description. Incursions into established vegetated areas, including vegetated areas within the temporary impact area of the 50-foot construction zone buffer, that cause measurable loss of plant cover shall require revegetation with suitable local,

native plant species. Proof of compliance with this mitigation measure shall be verified by submitting a written report to the Great Basin Unified Air Pollution Control District and the California Department of Fish and Game that details the location of markings and the type and locations of delineated wetland and upland areas that are marked. This report shall be submitted prior to the start of construction activities. A written mitigation plan for those vegetated areas where plant cover loss has been measured must be submitted to the Great Basin Unified Air Pollution Control District following the completion of construction. The mitigation plan must contain a schedule and protocol for achieving revegetation within two years of any impacts to vegetation caused by access routes or construction activities outside the areas specified in the Project Description.

Page 3.2-34 Under mitigation measure Biology-6, Wetland Mitigation Program, please replace the entire mitigation measure with the following:

To minimize direct impacts to riparian and wetland communities caused by installation of dust control measures to below the level of significance, the City of Los Angeles Department of Water and Power shall obtain a Programmatic Streambed Alteration Agreement for all existing or proposed activities that may impact areas subject to the jurisdiction of the California Department of Fish and Game pursuant to Section 1600 of the California Department of Fish and Game Code that require the approval of the California Department of Fish and Game in the form of a Streambed Alteration Agreement. If previous phases or the proposed work covered by the 2008 State Implementation Plan and Environmental Impact Report do not require a Streambed Alteration Agreement, then they will not be incorporated into the Programmatic Streambed Alteration Agreement. The City of Los Angeles Department of Water and Power shall institute a wetland mitigation program prior to the initiation of construction activities as recommended by the California Department of Fish and Game. The program shall be designed to emphasize restoration of equivalent functions and values of wetlands within the project area as compared to pre-project impacts.

The wetlands mitigation program shall include mitigation goals, target success criteria, identification of impact areas, an implementation plan, plant species and spacing, irrigation design, post-implementation monitoring plan, and maintenance requirements. Managed Vegetation is deemed to have equivalent functions and values to dry transmontane alkali meadow that would be impacted by the project at a ratio of 2 acres of Managed Vegetation created for every 1 acre of dry transmontane alkali meadow impacted. Up to 413 acres of dry transmontane alkali meadow may be converted to dust control measures as a result of the project. The creation-to-impact ratio for the proposed project would be approximately 2:1. A Managed Vegetation area of up to 826 acres, based on actual impact area identified, shall be designated as the wetland mitigation area within the prescribed Managed Vegetation areas as proposed in the project description. The City of Los Angeles Department of Water and Power shall designate the wetland mitigation area within a Managed Vegetation area

that is on the bed of Owens Lake. The City of Los Angeles Department of Water and Power currently has a bank of 53.9 acres of excess installed transmontane alkali meadow that may count toward the total number of acres that would be required as mitigation. Potential mitigation areas may include the Sulfate Well outflow area and Swansea outflow area. Potential mitigation areas may not include state-owned lands currently used for cattle grazing. Banked mitigation (Table 2.4.4-1) credits may be applied for in-kind mitigation.

A design and plan for the designated wetland mitigation area shall be provided to the Great Basin Unified Air Pollution Control District and California State Lands Commission for approval prior to construction of any Managed Vegetation. Included in the plan shall be the location, plant species, schematics, schedule, irrigation requirements, performance criteria, and contingency measures. A copy of the plan shall be provided to the California Department of Fish and Game, U.S. Army Corps of Engineers, and the California State Lands Commission. A transmontane alkali meadow management plan shall be created by the City of Los Angeles Department of Water and Power that sets forth a program to monitor the designated wetland mitigation areas for appropriate coverage of native plant species, for change in the extent of transmontane alkali meadow over a five-year period postconstruction, and for management of invasive, nonnative plant species in wetland areas in and within 500 feet of the project area. The transmontane alkali meadow management plan shall be approved by the Great Basin Unified Air Pollution Control District prior to the initiation of construction activities. A copy of the management plan and subsequent monitoring reports shall be provided to the California Department of Fish and Game, U.S. Army Corps of Engineers, and to the California State Lands Commission.

Calculations of dry transmontane alkali meadow impacts from implementation of the project are estimates based on the mapped extent of transmontane alkali meadow areas within the project area and a determination of whether an area is emissive or nonemissive based on dust monitoring data. The total acreage of wetland mitigation for dry transmontane alkali meadow shall be two times the actual direct and indirect impact area caused to dry transmontane alkali meadow by both construction and postconstruction activities. If any unanticipated indirect postconstruction impacts to riparian communities proximal to Shallow Flood dust control measures occur as a result of project construction or operation, the City of Los Angeles Department of Water and Power shall designate additional wetland mitigation areas and incorporate design parameters that would result in the replacement of equivalent functions and values to the impacted moist or saturated transmontane alkali meadow wetlands within two years of the initiation of the replacement effort. Significant impacts would include loss of vegetative cover due to ground disturbance or change in species composition attributable to drying of springs or ponds, which does not self-repair within two years of detection. Managed Vegetation would not be suitable mitigation for impacts to moist or saturated transmontane alkali meadow communities. The City of Los

Angeles Department of Water and Power shall compensate for all loss of transmontane alkali meadow that occurs. Mitigation for impacts to all transmontane alkali meadow associated with construction and operation of dust control measures constructed between 1998 and 2008 (prior to the project) shall be replaced at a ratio of 1 acre of wetland replacement for every acre of wetland impact (1:1 replacement ratio). Replacement wetlands shall consist of similar habitat function and values as the wetland that is lost. Banked mitigation (described in EIR Table 2.4.4-1) credits may be applied for in-kind mitigation. All wetland replacement described in this mitigation measure shall be approved by the Great Basin Unified Air Pollution Control District, California Department of Fish and Game, U.S. Army Corps of Engineers, and California State Lands Commission. All wetland replacements for anticipated impacts shall be constructed and fully functional no later than April 1, 2010. All wetland replacements for unanticipated impacts shall be constructed and fully functional within two years of when the impact was determined.

Page 3.2-35 Under mitigation measure Biology-7, Toxicity Monitoring Program, please delete "from construction" in the first sentence.

Page 3.2-35 Under mitigation measure Biology-7, Toxicity Monitoring Program, please replace the second sentence with the following:

A copy of the long-term monitoring program shall be submitted to the California State Lands Commission and Great Basin Unified Air Pollution Control District for review and comment at least 60 days prior to the start of operation of new water-based DCMs.

Page 3.2-35 Under mitigation measure Biology-7, Toxicity Monitoring Program, please replace "two times per year" with "summer and winter" within the parenthesis in the third sentence of the second paragraph.

Page 3.2-36 Under mitigation measure Biology-8, Exotic Pest Plant Control Program, please replace the entire paragraph with the following:

To minimize indirect impacts to native vegetation communities that may result from the project construction and operations and to prevent creating an environment for weedy plant species to become established in native plant communities, the City of Los Angeles Department of Water and Power shall continue the exotic pest plant control program initiated in 2007 per the 2003 State Implementation Plan within all current and previously constructed designated dust control areas after full build-out of the project (April 1, 2010). The spread of exotic, invasive plant species, such as salt cedar (*Tamarix* spp.), has detrimental effects on habitat quality for native plant and wildlife species and, in the case of species like salt cedar, can reduce the availability and quality of water within native vegetation areas for plant and wildlife species. The goals of the program shall be consistent with the goals specified in the Inyo County General Plan, the Inyo County Inter-Agency Weed Management Program, and the U.S. Fish and Wildlife

Service Owens Basin Wetland and Aquatic Species Recovery Plan⁵³ for the portion of the Recovery Plan included within the project area. The program shall be written by a pest management specialist or other person familiar with exotic plant species management and shall be submitted to the Great Basin Unified Air Pollution Control District no later than April 1, 2010. Measures for control shall include all best management practices, which include prudent and safe use of control measures such as herbicides, brushing, direct weed removal, tire washing, or comparable measures such that no increase in invasive plant cover occurs. The program shall include yearly monitoring to ensure that exotic plant species are being sufficiently controlled. The draft exotic plant species control program shall be submitted to both the Great Basin Unified Air Pollution Control District and California State Lands Commission and approved by the Great Basin Unified Air Pollution Control District prior to the initiation of exotic plant control activities. All pesticide use shall be undertaken by a state-certified and licensed pesticide applicator. Annual written monitoring reports documenting exotic plant location, type, pretreatment abundance, control type used, and control efficacy shall be delivered to the Great Basin Unified Air Pollution Control District within four months following the end of each calendar year (by April 30). A copy of the control program and resulting monitoring reports shall be provided to the California State Lands Commission and to the California Department of Fish and Game.

Page 3.2-37 Under mitigation measure Biology-9, Plover Identification Training, first paragraph, please add the following sentence after the fifth sentence:

In the event that a crew discovers an active nest, a biologist shall be contacted to mark the nest buffer.

Page 3.2-38 Under mitigation measure Biology-9, Plover Identification Training, second paragraph, please replace "agreement" with "resultant mitigation that is" in the last sentence.

Page 3.2-38 Under mitigation measure Biology-10, Long-Term Monitoring Program for Western Snowy Plover, first paragraph, please replace the word "recommended" with "required" in the second sentence.

Page 3.2-38 Under mitigation measure Biology-10, Long-Term Monitoring Program for Western Snowy Plover, please replace the second paragraph with the following.

Annual summary reports for the monitoring efforts shall be filed with the Great Basin Unified Air Pollution Control District, the California State Lands Commission, and the California Department of Fish and Game by December 31 of each monitoring year. The Great Basin Unified Air Pollution Control District shall require adaptive management changes to operation and maintenance of dust control measures if it determines that a decline in snowy plover numbers is occurring that is directly attributable to

⁵³ U.S. Fish and Wildlife Service. 2006. *Owens Basin Wetland and Aquatic Species Recovery Plan: Inyo and Mono Counties, California*. Portland, OR.

operation or maintenance procedures of the Owens Lake Dust Mitigation Program. The Great Basin Unified Air Pollution Control District shall consult with the City of Los Angeles Department of Water and Power, California State Lands Commission, and the California Department of Fish and Game prior to requiring adaptive management changes. Monitoring shall continue for a minimum of five years after implementation of adaptive management procedures to ensure that the procedures are having the desired effect on the lake-wide snowy plover population. If after the Year 5 monitoring event it is determined that no adverse impacts to the western snowy plover population at Owens Lake are occurring as a result of the project, then the long-term monitoring program and subsequent reporting may be discontinued.

Page 3.2-39 Under mitigation measure Biology-10, Long-Term Monitoring Program for Western Snowy Plover, third paragraph, please replace "Biology 10" with "Biology-10" in the first sentence.

Page 3.2-39 Under mitigation measure Biology-10, Long-Term Monitoring Program for Western Snowy Plover, third paragraph, please replace the third sentence with the following:

Beginning in 2010, lake-wide surveys shall conform to the 2008 State Implementation Plan schedule.

Page 3.2-39 Under mitigation measure Biology 11, Corvid Management Plan, please replace the entire paragraph with the following:

To reduce potential direct and cumulative impacts to western snowy plover and other migratory shorebirds within the project area due to increased predation on shorebird young and eggs from potential corvid population increases on Owens Lake resulting from construction of dust control measures, the City of Los Angeles Department of Water and Power shall continue to implement the corvid management plan resulting from the 2003 State Implementation Plan with an extension of one year within the project area, or comparable corvid control measures, to the satisfaction of the California Department of Fish and Game that are capable of achieving the same performance standard of no substantial net increase in corvid predation of native nesting shorebirds (including eggs). The corvid management plan was implemented in 2005 and may conclude in 2011 depending on success. Components of the corvid management plan include lake bed trash management procedures associated with dust control measures, utilization of Nixalite or the functional equivalent on all structures greater than 72 inches in height (increased from the original 60 inches in height) to minimize perching of corvids and raptor species on dust control equipment where they can easily observe shorebirds during the nesting season, burial of power and communication lines on all lake bed areas below the elevation of 3,600 feet, and use of harassment techniques for corvids in specific instances where corvids are proving to be particularly harmful to nesting shorebirds. Specifically in conjunction with the Moat & Row DCM, the corvid management techniques shall be expanded to specify that the sand fence fabric shall be sufficiently flexible and that the post caps

shall be designed to prevent perching by corvids, within 0.25 mile of occupied nesting shorebird habitat. The use of sand fencing in Moat & Row areas will be considered under this mitigation measure as exceeding the height of 72 inches, thereby requiring the utilization of Nixalite or the functional equivalent on top of sand fencing. The corvid management plan shall be implemented by a wildlife biologist familiar with the sensitive shorebird populations within the project area and familiar with corvid management techniques. The qualifications of the wildlife biologist shall be submitted to the California Department of Fish and Game for review. Lethal methods of corvid control such as shooting or poisoning shall not be implemented initially due to public and government agency concerns in the project region for such control methods and to prevent putting workers at risk from such control measures. If it is later determined that corvids are having a significant impact on shorebird populations within the project area and direct removal of corvids is a viable alternative, proposed control methods would be presented to the Great Basin Unified Air Pollution Control District and the California Department of Fish and Game for approval prior to implementation of the additional control measures. The corvid management plan includes a yearly written report estimating the lake bed nesting and foraging corvid population size, documenting the results of the corvid management techniques, documenting the observed effectiveness of the techniques in minimizing corvid impacts on shorebirds within the lake bed, and suggesting improvements for corvid management within the lake bed. Effectiveness may be determined based on the corvid population size on the lake bed. Copies of the yearly reports shall be submitted to the Great Basin Unified Air Pollution Control District and the California Department of Fish and Game no later than December 31 of each corvid management year. If after the sixth year of reporting in 2011, the Great Basin Unified Air Pollution Control District determines that the corvid management program is effective, and corvids are not impacting snowy plover populations, then the reporting schedule shall phase out in the same time frame as shown in Table 3.2.5-1. However, the corvid management practices shall be continuously implemented.

Page 3.2-40 Under mitigation measure Biology-12, Habitat Management Program for Nesting Snowy Plovers, first paragraph, please replace the fourth sentence with the following:

The schedule for decreasing the percentage of wetness in Shallow Flooding areas shall follow Table 3.2.5-3, *Biology-12, Schedule of Percent Surface Area Wetted Required to Achieve Level of Control Efficiency after June 30.*

Page 3.2-40 Under mitigation measure Biology-12, Habitat Management Program for Nesting Snowy Plovers, second paragraph, please add the following after the first sentence:

Surveying shall be conducted by a qualified biologist familiar with the natural history and habitat requirements of western snowy plovers within the Owens Lake basin and must be conducted within seven calendar days of planned shut down. The qualifications of the biologist who conducts the

snowy plover surveys shall be submitted to the California Department of Fish and Game for review.

Page 3.2-40 Under mitigation measure Biology-12, Habitat Management Program for Nesting Snowy Plovers, please add the following after the last sentence:

Any changes made to the operations plan related to the drying of Shallow Flooding areas at the end of the dust season must be submitted in writing to the Great Basin Unified Air Pollution Control District for approval at least one month prior to implementation, and a copy of the changes shall be provided to the California Department of Fish and Game.

Page 3.2-40 Under mitigation measure Biology-13, Wildlife Movement Gaps, please replace the entire paragraph with the following:

To minimize potential direct impacts to migratory corridors, used by wildlife such as flightless juvenile shorebirds and herpetofauna, from the installation of sand fencing, either atop the rows of Moat & Row areas or as enhancements between Moat & Row elements, or from the moats themselves, the City of Los Angeles Department of Water and Power shall include gaps in sand fencing and appropriate moat design that allow wildlife movement on the lake bed. For purposes of the analysis in this EIR, moats in Moat & Rows were assumed to have sloped sides and not pose a barrier to wildlife movements. If moats or rows are recommended to be formed with vertical sides, additional environmental analysis would be required. Gaps in the fences shall be no more than 0.25 mile apart and may consist of breaks in the fencing or openings within a fence. Alternatives to gaps may be utilized in place of gaps. Alternatives may include culverts and/or passage holes where wildlife could travel under berms or rows, voids in the fencing mesh, gaps between segments, and open row ends. Moats shall be required to be designed to prevent trapping of wildlife. Potential methods may include, but are not limited to, gentle side slopes and ramps. The size of gaps or alternatives to gaps in the sand fencing and the design of moats shall be submitted to and approved by the California Department of Fish and Game. Proof of compliance with this mitigation measure shall be verified by submitting a written report to the Great Basin Unified Air Pollution District and California Department of Fish and Game detailing the locations, size, and spacing of gaps and moat design for wildlife movement in Moat & Row areas.

Page 3.2-41 Under mitigation measure Biology-14, Wildlife Area Management Plan, please replace the heading and the entire mitigation measure with the following:

Measure Biology-14, Long-term Habitat Management Plan

To avoid direct and cumulative impacts to native wildlife communities that may result from the proposed project, a Long-term Habitat Management Plan shall be prepared, pursuant to the California Department of Fish and Game requirements, by a qualified biologist familiar with the habitats and species present at Owens Lake and knowledgeable of wildlife management

techniques. The qualifications of the biologist shall be submitted to the California Department of Fish and Game for review. The Long-term Habitat Management Plan shall be submitted to both the California Department of Fish and Game and the California State Lands Commission for comment, with final approval by the California Department of Fish and Game by April 1, 2009. The approved Long-term Habitat Management Plan shall be fully implemented by April 1, 2010. The Long-term Habitat Management Plan area shall encompass all emissive areas subject to dust control measures on lands owned by the California State Lands Commission and lands owned by the City of Los Angeles Department of Water and Power. In recognition of the public trust values related to resident and migratory wildlife resources at Owens dry lake, the California Department of Fish and Game and the California State Lands Commission have acknowledged the benefit of a Long-term Habitat Management Plan as a tool for ensuring compatibility between the construction, maintenance, and operation of the State Implementation Plan and the protection of public trust values. The plan shall include, at a minimum, the following objectives:

- Achieve no net loss of riparian or aquatic baseline habitat functions and values or total acres of these habitats.
- Manage 1,000 acres in perpetuity for shorebirds in Zone II, in consultation with the California Department of Fish and Game.
- Manage 137 acres in perpetuity as habitat shallow flood in the vicinity of Dirty Socks, in consultation with the California Department of Fish and Game.
- Manage 1,000 acres (that comprise areas that are 100 acres or greater in size) in perpetuity of deep-water habitat at a water depth equal to or deeper than 12 inches, in consultation with California Department of Fish and Game, to support focal migratory waterfowl determined to be present during 1995–1997 baseline surveys in support of the 1998 SIP, including wood duck (*Aix sponsa*), green-winged teal (*Anas crecca*), mallard (*Anas platyrhynchos*), blue-winged teal (*Anas discors*), gadwall (*Anas strepera*), and American wigeon (*Anas americana*), among others.
- Maintain a baseline population of 272 snowy plovers.
- In addition to the 1,000 acres of shorebird habitat in Zone II, the City of Los Angeles Department of Water and Power shall maintain a minimum of 523 acres of habitat for snowy plovers in perpetuity at Owens Lake in consultation with the California Department of Fish and Game. Suitability of Shallow Flooding habitat for western snowy plover consists of a mix of exposed sandy or gravelly substrate suitable for

nesting in close proximity to standing water equal to or less than 12 inches in depth.

- Ensure that the 17.5 acres of proposed DCMs that are within California Department of Fish and Game Cartago Springs Wildlife Area is compatible with the designated land use. The California Department of Fish and Game has determined that habitat shallow flooding or habitat restoration would be compatible with the Cartago Springs Wildlife Area's designated use (Figure 3.2.5-3, *Cartago Springs Wildlife Area*).

Components of the plan shall also include, at a minimum, a description of baseline conditions of plant and wildlife resources, effects on biological resources as a result of implementation of dust control measures, descriptions of biological elements targeted for management, and a description of the operations and maintenance tasks required to complete each goal. Preparation of the Long-term Habitat Management Plan shall be subject to the oversight of the California Department of Fish and Game. The California State Lands Commission shall be consulted for comments on the plan. As the landowner, California State Lands Commission shall be provided copies of all monitoring and compliance reports prepared pursuant to the plan. The Long-term Habitat Management Plan shall include yearly monitoring, including a written report documenting the results of the management techniques, recording the observed effectiveness of the techniques, and suggesting improvements for habitat management within the lake bed. Copies of the yearly reports shall be submitted to the California State Lands Commission, Great Basin Unified Air Pollution Control District, and the California Department of Fish and Game no later than December 31 of each calendar year. If after five years of reporting in 2015, the California Department of Fish and Game determines that the Long-term Habitat Management Plan is effective, then the reporting schedule shall phase out in the same time frame as shown in Table 3.2.5-1. However, the habitat management practices shall be continuously implemented.

3.2.6 Level of Significance after Mitigation

Page 3.2-41 Please replace the text in this section with the following:

The substantial evidence that mitigation measures Biology-5, Biology-6, and Biology-8 are capable of reducing impacts to sensitive habitats and protected wetlands to below the level of significance is evidenced in the 2007 field data that demonstrate that the implementation of comparable measures in conjunction with the 1998 SIP and 2003 SIP were able to conserve pre-1997 levels of wetlands and state-designated sensitive habitats (Table 2.4.4-1). Therefore, the District has determined, in consultation with the respective Responsible and Trustee Agencies (California State Lands Commission, California Department of Fish and Game, and U.S. Army Corps of Engineers) that implementation of mitigation measures Biology-5,

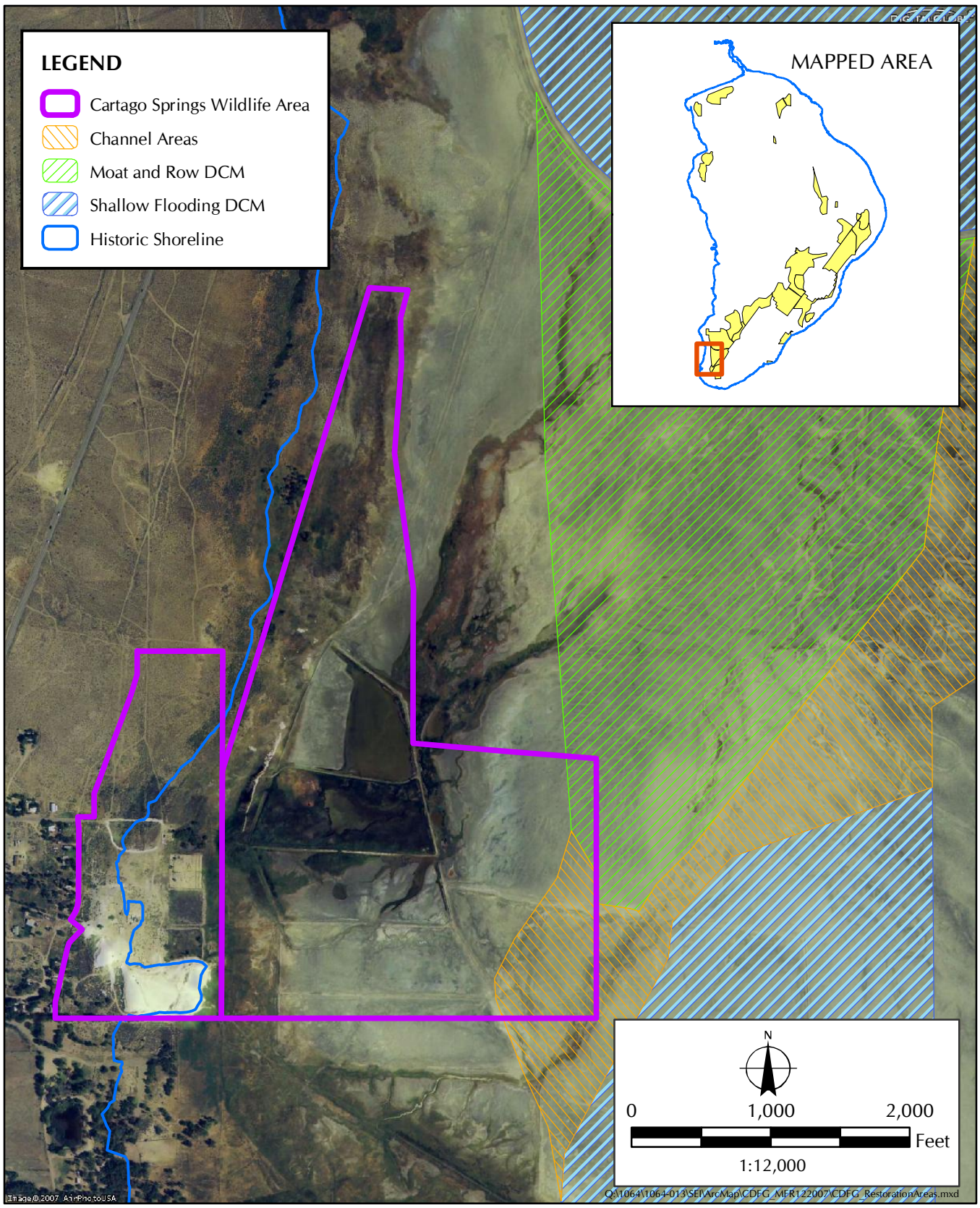


FIGURE 3.2.5-3
Cartago Springs Wildlife Area

Biology-6, and Biology-8 would be capable of reducing impacts to sensitive habitats and protected wetlands to below the level of significance.

The substantial evidence that mitigation measures Biology-1, Biology-2, Biology-3, Biology-4, Biology-7, Biology-9, Biology-10, Biology-11, Biology-13, and Biology-14 are capable of reducing impacts to special status biological resources to below the level of significance is evidenced in the 2007 field data that demonstrate that the implementation of comparable measures in conjunction with the 1998 SIP and 2003 SIP were able to conserve pre-1997 levels of wetlands and state-designated sensitive habitats (Table 2.4.4-1) and adult and breeding population and habitat of the western snowy plover (Section 3.2.2, Existing Conditions, Sensitive Species, Western Snowy Plover, and Figures 3.2.2-3, 3.2.2-4, 3.2.2-6, 3.2.2-7, and 3.2.2-10). Therefore, the District has determined, in consultation with the respective Responsible and Trustee Agencies (California State Lands Commission, California Department of Fish and Game, U.S. Army Corps of Engineers, and U.S. Fish and Wildlife Service) that implementation of mitigation measures Biology-1, Biology-2, Biology-3, Biology-4, Biology-7, Biology-9, Biology-10, Biology-11, Biology-13, and Biology-14 would be capable of reducing impacts to below the level of significance.

Section 3.3 Cultural Resources

Page 3.3-1 Please replace the last seven sentences of the second paragraph with the following to reflect the completion of the second portion of the cultural resources survey:

In addition, Sapphos Environmental, Inc. completed Phase I walkover surveys of a total of 9,212 acres of the 9,664-acre proposed project area, in 14 field sessions from January 22 to October 19, 2007. In addition, Jones & Stokes conducted Phase I archaeological surveys of 312 acres as part of the testing and evaluation of the Moat & Row DCM⁵⁴ (Figure 3.3-1, *Cultural Resources Survey Area*; Appendix R.E, *Final Cultural Resources Technical Report*).

3.3.1 Regulatory Framework

Page 3.3-2 Please replace the second to the last sentence in the paragraph under the heading Federal, National Environmental Policy Act, with the following:

Only those portions of the proposed project conducted on Bureau of Land Management (BLM) lands, which total approximately 11.44 acres in DCA T5-1 Addition, may require compliance with this regulation.

⁵⁴ Jones & Stokes. 2007. "Cultural Resources Inventory of Two Parcels in the Moat and Row Testing Area, Owens Lake Dust Mitigation Program, Inyo County, California." Prepared for: City of Los Angeles Department of Water and Power.

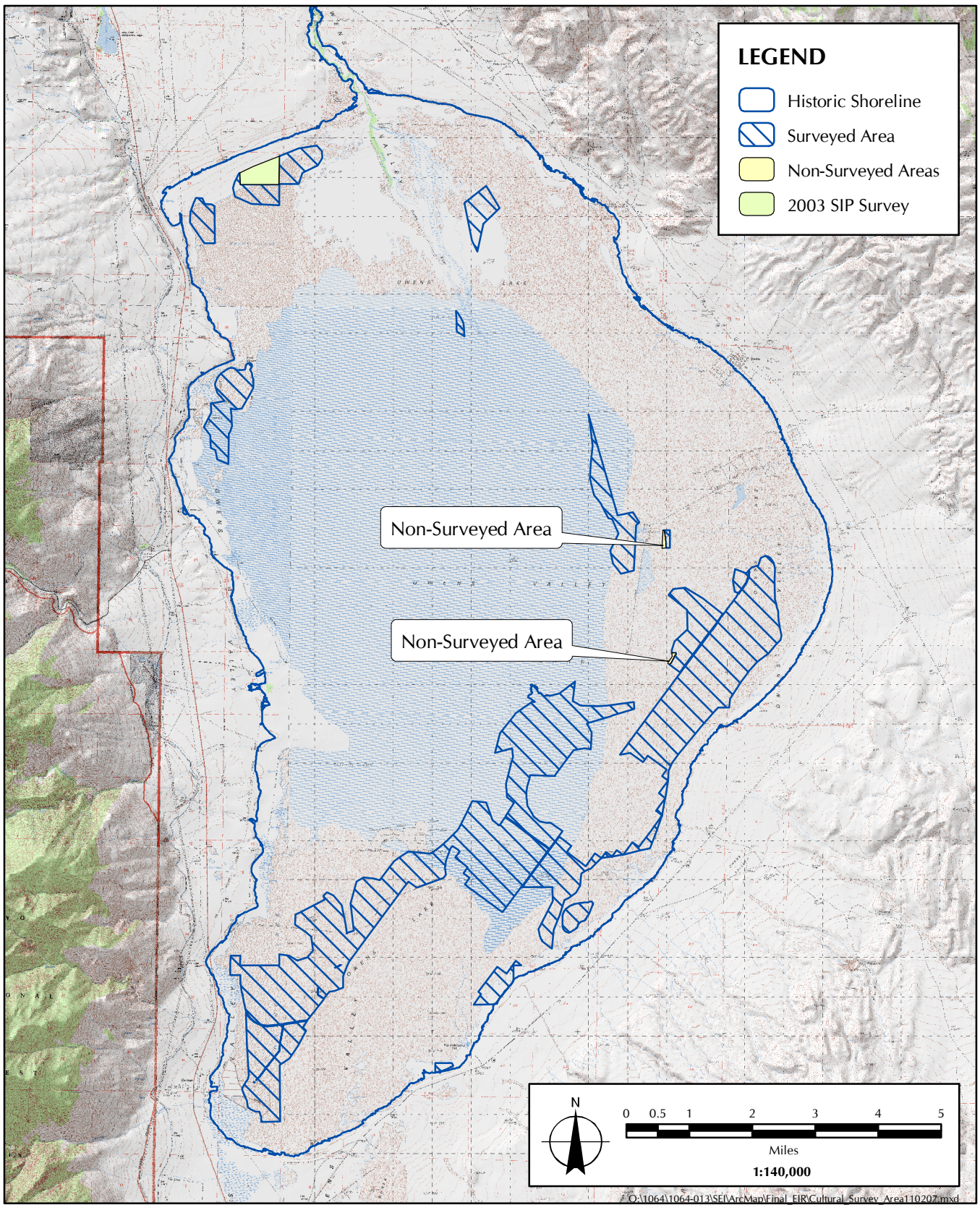


FIGURE 3.3-1
Cultural Resources Survey Area

Page 3.3-2 Please replace the second to the last sentence in the paragraph under the heading Federal, Section 106, with the following:

Only those portions of the proposed project conducted on BLM lands, which total approximately 11.44 acres in DCA T5-1 Addition, may require compliance with this regulation.

3.3.2.1 Paleontological Resources

Page 3.3-10 Please replace the first sentence of the second paragraph on this page with the following:

Although no significant fossils were observed during the 2007 paleontological survey, a fossil bone was recovered from the surface of the Owens Lake Delta during the Phase I cultural resources survey within the boundaries of OL Site 20. Owens Lake is characterized by Holocene and Pleistocene sediments, which have the potential to contain unique or significant paleontological resources. The fossil recovered is a fragment of an arm bone (distal left humerus) from a bighorn sheep (*Ovis canadensis*). The specimen is completely permineralized (bone minerals like calcium have been replaced by rock minerals). This characteristic and what is known from similar specimens from California place the recovered specimen in the Late Pleistocene (50–10 thousand years ago). Because all the organics are gone, radiocarbon dating cannot be performed. This Pleistocene bighorn sheep fossil is considered to be significant since it is the first recovered from any part of California outside of San Bernardino County.⁵⁵

3.3.2.2 Archaeological Resources

Page 3.3-11 Please replace the last paragraph on this page with the following to reflect the completion of the second portion of cultural resource survey:

Sapphos Environmental, Inc. completed Phase I walkover surveys of 9,212 acres (Appendix R.E) of the 9,664-acre proposed project area (Figure 3.3-1). The approximately 3,366 hours of survey work was conducted between January 22 and October 19, 2007, and carried out in 14 separate field rotations. A total of 13 prehistoric archaeological sites and 220 prehistoric archaeological isolates were recorded. In addition, Jones & Stokes conducted Phase I archaeological surveys of 312 acres as part of the testing and evaluation of the Moat & Row DCM (Figure 3.3-1), during which time two additional prehistoric archaeological sites and three isolates were recorded. These additional sites were described and addressed in a report prepared by Jones & Stokes and submitted to the City.⁵⁶

⁵⁵ Gust, S., Cogstone Resource Management, Inc. 3 January 2008. Personal communication with Natasha Tabares, Sapphos Environmental, Inc., Pasadena, CA.

⁵⁶ Jones & Stokes. 2007. "Cultural Resources Inventory of Two Parcels in the Moat and Row Testing Area, Owens Lake Dust Mitigation Program, Inyo County, California." Prepared for: City of Los Angeles Department of Water and Power.

Page 3.3-12 Under the heading of Distribution, please replace the first paragraph with the following to reflect the results of the second portion of the cultural resources survey:

An analysis of the distribution of the cultural resources at the dry lake bed would require a careful analysis of the location of all the resources (sites and isolates) that have been recorded in the lake to date. In addition, a better survey coverage would be required to draw conclusions regarding the distribution of these resources. However, some significant observations may be drawn from the newly acquired data. Those archaeological sites located on the northwest portion of the lake (OL Sites 5, 6, 7, 14, 15, 16, 17, and 20) are located below the historic shoreline (characterized by sand and gravel) and extend onto the Owens Lake playa. Other isolated sites (OL Site 2 in the eastern portion of the lake, OL Site 12 on the south portion of the lake, and OL Site 21 on the northeast portion of the lake) were found in areas where the environmental setting is similar to that described above. Although the artifacts scattered along the playa may have resulted from erosion of the sites located at higher elevations, the co-occurrence of multiple artifact classes (such as ground stone and lithic debitage) within the sites in the playa suggests otherwise. These cultural deposits may be associated with old shorelines, such as those identified by Stine.⁵⁷ These findings are consistent with previous investigations,⁵⁸ which have demonstrated that areas of cultural sensitivity were not restricted to those places above the historic shoreline.

Page 3.3-12 Under the heading of Distribution, please delete the third paragraph.

Page 3.3-13 Under the heading of Chronology, please replace the first sentence of the first paragraph with the following to reflect the results of the second portion of the cultural resources survey:

During the present survey, a total of 33 chronologically sensitive or potentially diagnostic projectile points were recorded, including artifacts found as isolates and within sites.

⁵⁷ Stine, S. 1994. *Late Holocene Fluctuations of Owens Lake, Inyo County, California*. Prepared for: Far Western Anthropological Research Group, Inc., Davis, CA.

⁵⁸ Wells, H. 2003. *Cultural Resources Survey for 2003 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan, Final Report*. With contribution by M.R. Walsh and illustrations by C. Backes. Prepared for: Sapphos Environmental, Inc., Pasadena, CA. Prepared by: Ancient Enterprises, Inc., Santa Monica, CA.

Page 3.3-14 Under the heading of Chronology, please replace Table 3.3.2.2-2, *Projectile Point Types Represented during the Phase I Archaeological Survey*, to reflect the results of the second portion of the cultural resources survey:

**TABLE 3.3.2.2-2
PROJECTILE POINT TYPES REPRESENTED DURING
THE PHASE I ARCHAEOLOGICAL SURVEY**

Epoch	Owens Valley Region	Mojave Desert Region	Dates	Projectile Point Types*
Early Holocene	Early	Lake Mojave	Pre ~ 7000 BP	2 Lake Mojave 1 Silver Lake
Middle Holocene	Little Lake	Pinto	~ 7000 BP to ~ 3500 BP/3150 BP	1 Pinto 2 Pinto/Elko 3 possible Borax Lake
Late Holocene	Newberry	Gypsum	~ 3150 BP to ~ 1350BP	5 Elko 2 Humboldt**
	Haiwee	Rose Spring	~ 1350 BP to ~ 650 BP	3 Rose Spring
	Marana	Late Prehistoric	~ 650 BP to Historic contact	7 Cottonwood

NOTES:

* Seven (7) Leaf-shaped points were also recorded. However, their time frame is not clearly established; therefore, they are omitted from the table.

** Humboldt points may represent activity during the Little Lake Period.

3.3.2.3 Historical Resources

Page 3.3-15 Please replace the second paragraph on this page with the following text to reflect the results of the second portion of the cultural resources survey:

During the first portion of the Phase I archaeological survey, 12 new historic archaeological sites, 2 previously recorded historic archaeological site, and 63 historic isolates were located and recorded, using the same methods as for the prehistoric archaeological resources (Appendix R.E).

Page 3.3-15 Please replace Figure 3.3.2.3-1, *Historic Period Resources*, with the revised figure to include the Kaiser Permanente Plant and to correct the identification of Ferguson Landing as part of transportation rather than the manufacturing industry.

Page 3.3-16 Please replace the first sentence of the second paragraph on this page with the following text to include sites located during the second portion of the cultural resources survey:

Those sites located on the southern portion of the lake, OL Sites 8H, 10H, 11H, and 24H (and portions of site P14-8141), appear to be associated with activities that took place east of the town of Cartago (Figure 3.3.2.3-1).

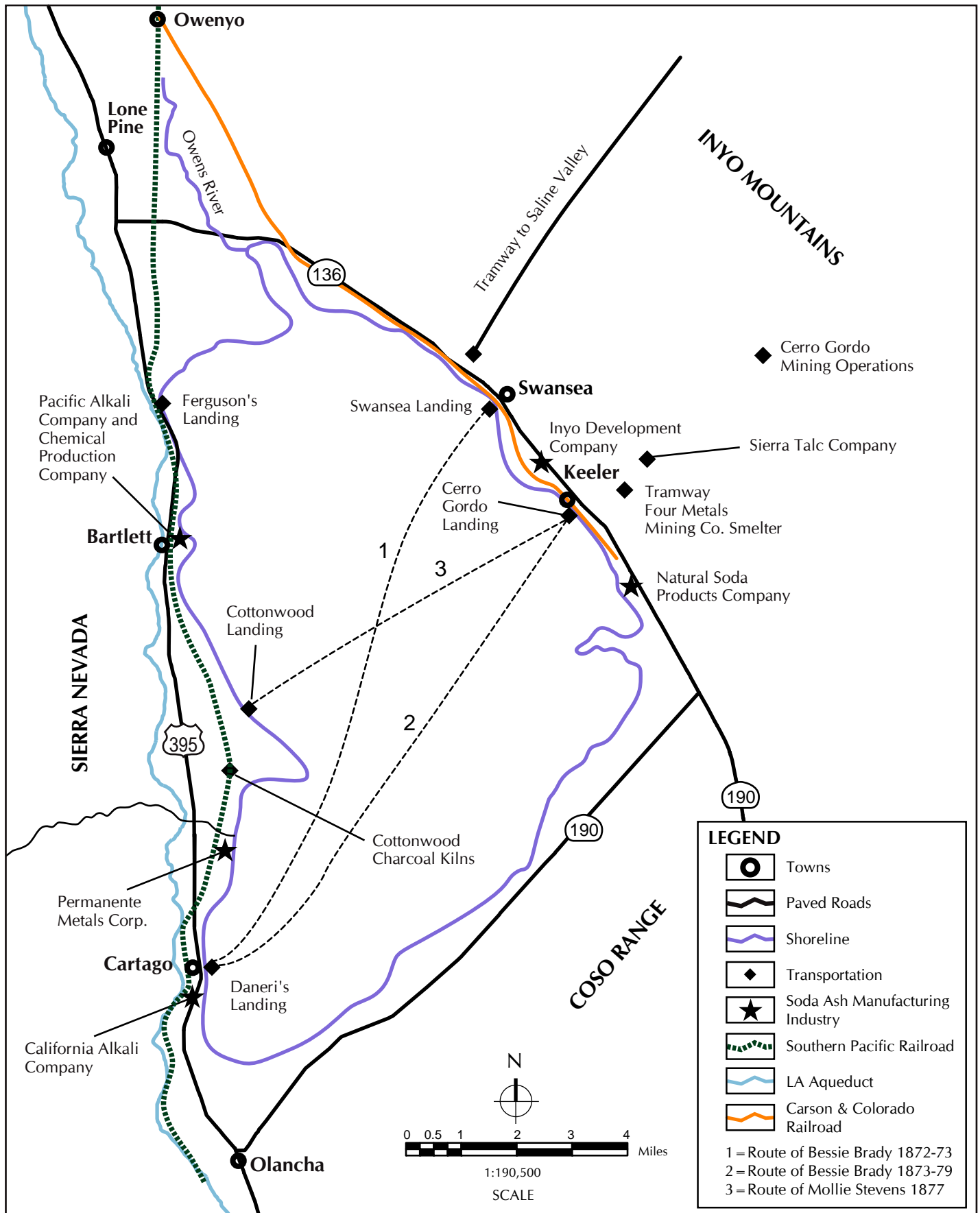


FIGURE 3.3.2.3-1
 Historic Period Resources

Page 3.3-16 Please add the following three paragraphs after the second paragraph on this page to reflect the results of the second portion of the cultural resources survey:

OL Sites 18H, 19H, and 26H are located on the easternmost portion of the lake, approximately 2.5 kilometers southwest from the remnants of the Natural Soda Product Company (NSP) and nearly adjacent to the west portion of the levees (Figure 3.3.2.3-1). The berms suggest that these sites were in fact part of the NSP, possibly soda evaporation ponds with tracks on top of the berms for transportation of the product. Insulators dating to the 1940s indicate that these sites fall within the time frame in which the NSP was in operation.

Several telegraph/telephone/power line poles with associated insulators were found in the northwest portion of the lake (CA-INY-6375H), the south portion of the lake (OL Sites 22H and 23H), and the east portion of the lake (OL Site 25H). In addition, several ceramic and glass insulators were found as isolates throughout the survey. Some of the insulators that had maker's marks could be dated and indicated a time frame around the 1940s. Although their association with the different industries that have operated at the lake could not be established, it is suggested that at least one of the lines (OL Site 25) were used by NSP. This is solely based on the location of the lines (possibly intersecting one of the NSP features) and the date obtained from the insulator's marks.

Remnants of Site P14-8141 constitute the southernmost historic site observed to date during the current survey. As previously discussed, these are sections of the levees associated with the soda works from the California Alkali Company and/or the Inyo Chemical Company.

Page 3.3-16 Please replace the term "marker's mark" with "maker's mark" in the first sentence of the third paragraph on this page.

Page 3.3-16 Please delete the last paragraph on this page regarding driftwood.

3.3.4.1 Paleontological Resources

Page 3.3-18 Please replace the first two paragraphs under the heading of Paleontological Resources with the following:

The impacts to paleontological resources within the Owens Lake bed were addressed in the 2003 SIP EIR^{59,60} and were updated for the current project.⁶¹ Records searches with the San Bernardino County Museum, the Natural

⁵⁹ Great Basin Unified Air Pollution Control District. 11 July 2003. *2003 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan EIR*. Prepared by: Sapphos Environmental, Inc., Pasadena, CA.

⁶⁰ Gust, S. 2003 Paleontological Assessment Report and Mitigation Plan for the Owens Valley Project, Inyo County, California. Submitted to: Sapphos Environmental, Inc., Pasadena, CA. Prepared by: Cogstone Research Management, Santa Ana, CA.

⁶¹ Gust, S., and Scott, K. 2007. *Paleontological Evaluation of 2008 Supplemental Control Requirements for the Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan, Inyo County, California*. Submitted to: Sapphos Environmental, Inc., Pasadena, CA. Prepared by: Cogstone Research Management, Santa Ana, CA

History Museum of Los Angeles County, and the Eastern California Museum in Independence have identified a number of fossil localities within and near the proposed project area. These include Pleistocene fauna, such as horse (*Equus sp.*), bison (*Bison sp.*), camel (*Camelops sp.*), mammoth (*Mammuthus columbi*), and puma (*Felis concolor*), located between Lone Pine on the north to Olancho on the south. Within the lake bed itself, Pleistocene fossils have been previously recorded east of the current delta of Owens River, on the Owens Lake playa parallel to State Route 136. In addition, during the 2003 survey, seven fossil localities were discovered on the Owens Lake playa between Swansea and Keeler along State Route 136.⁶²

The Owens Lake bed is characterized by younger lake deposits overlying older lake deposits (Holocene and Pleistocene). The younger lake deposits consist of a mixture of gravel, sand, silt, clay, and cemented oolites, plus 1 to 2 meters of salts deposited since the diversion of the Owens River waters in 1913.⁶³ Below these layers are the older lake deposits, which include silts, sands, and some gravel deposits near paleoshorelines. The areas approaching the paleoshorelines consist of late Pleistocene alluvial and debris flow gravels. The older lake deposits are considered to be sensitive for paleontological resources. Although these deposits are covered by the younger lake deposits on the interior of the Owens Lake bed, areas along the historic shoreline on the eastern side of the lake has been, and is continuing to be, subject to severe wind erosion. This erosion has exposed the underlying, sensitive Pleistocene deposits. For this reason, the 2003 SIP EIR⁶⁴ recommended monitoring of ground-disturbing activities occurring within 1 mile of the historic shoreline on the east side of Owens Lake. The current investigations⁶⁵ support this recommendation and find that ground-disturbing activities within 1 mile of the historic shoreline on the eastern side of Owens Lake, from the current Owens River Delta down to Dirty Socks Well, have the potential to impact paleontological resources (Figure 3.3.4.1-1, *Paleontologically Sensitive Areas*).

⁶² Gust, S. 2003 Paleontological Assessment Report and Mitigation Plan for the Owens Valley Project, Inyo County, California. Submitted to: Sapphos Environmental, Inc., Pasadena, CA. Prepared by: Cogstone Research Management, Santa Ana, CA.

⁶³ Gust, S., and Scott, K. 2007. *Paleontological Evaluation of 2008 Supplemental Control Requirements for the Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan, Inyo County, California*, p.12 Submitted to: Sapphos Environmental, Inc., Pasadena, CA. Prepared by: Cogstone Research Management, Santa Ana, CA

⁶⁴ Great Basin Unified Air Pollution Control District. 11 July 2003. *2003 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan EIR*. Prepared by: Sapphos Environmental, Inc., Pasadena, CA.

⁶⁵ Gust, S., and Scott, K. 2007. *Paleontological Evaluation of 2008 Supplemental Control Requirements for the Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan, Inyo County, California*, p.12 Submitted to: Sapphos Environmental, Inc., Pasadena, CA. Prepared by: Cogstone Research Management, Santa Ana, CA

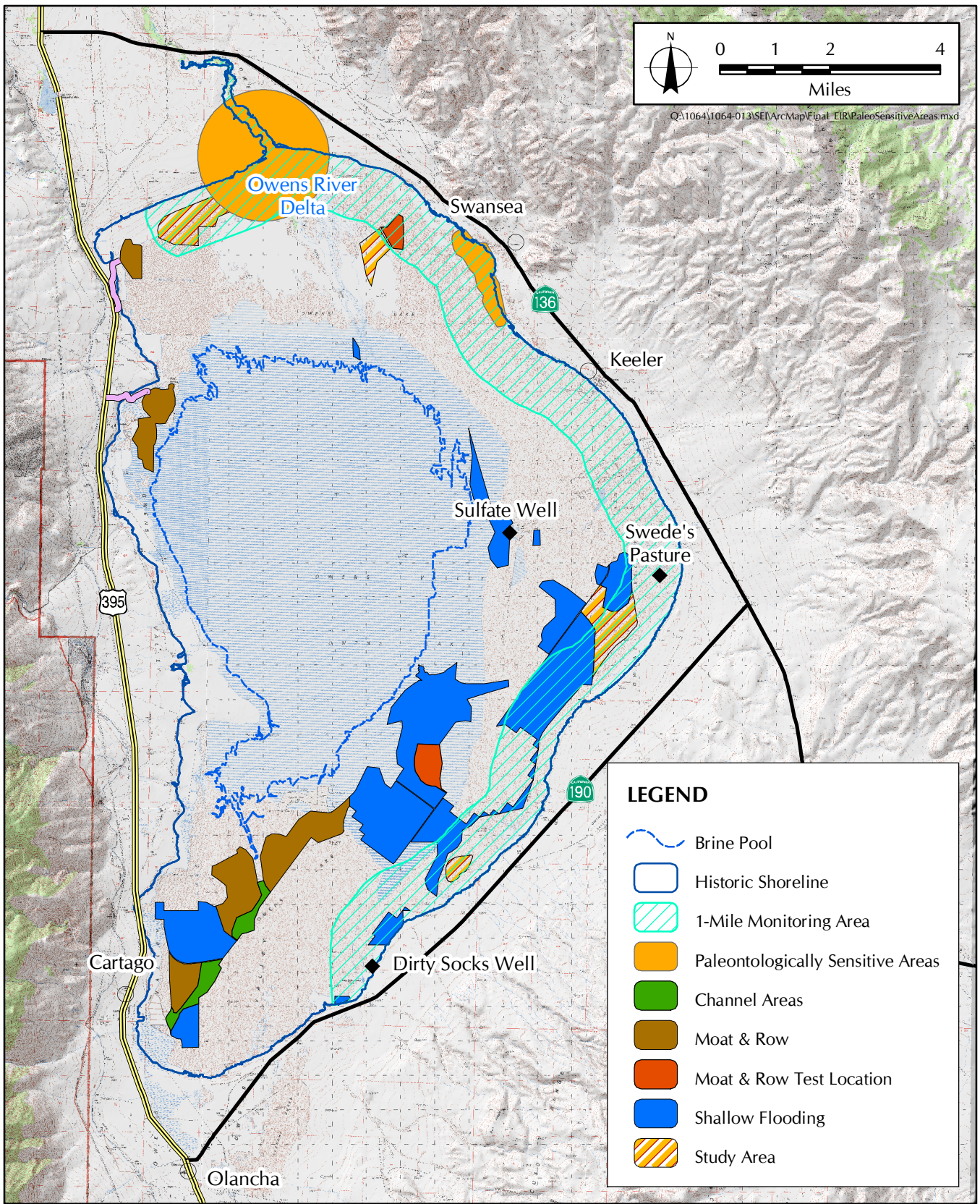


FIGURE 3.3.4.1-1
Paleontologically Sensitive Areas

Page 3.3-18 Under the heading of Shallow Flooding, please add the following sentence after the first sentence to clarify the impact area for paleontological resources:

Approximately 1,566 acres designated for Shallow Flooding fall within the paleontologically sensitive corridor.

Page 3.3-19 Under the heading of Moat & Row, please add the following sentence after the first sentence to clarify the impact area for paleontological resources:

Although no positive Moat & Row areas fall within the paleontologically sensitive corridor, approximately 903 acres within this corridor are identified as Study Areas, in which, if mitigation is necessary, Moat & Row is the preferred DCM.

3.3.4.2 Archaeological Resources

Page 3.3-19 Please replace the first paragraph under the heading of Archaeological Resources with the following to reflect the results of the second portion of the cultural resources survey:

The proposed project would result in significant impacts to cultural resources related to a substantial adverse change in the significance of an archaeological resource, therefore requiring the consideration of mitigation measures. Thirteen potentially significant prehistoric archaeological sites lie within the proposed project site and would be subject to direct impacts from construction activities. Direct impacts would consist of any earthmoving activities related to the implementation of any of the proposed DCMs.

Page 3.3-19 Under the heading of Shallow Flooding, please replace the first sentence with the following to reflect the results of the second portion of the cultural resources survey:

Construction of the Shallow Flooding DCM would cause a substantial adverse change in the significance of three prehistoric archaeological sites (OL Site 1, OL Site 2, and OL Site 12) that are treated as archaeological resources as defined in §15064.5 of the State CEQA Guidelines for the purpose of this analysis.

Page 3.3-20 Under the heading of Moat & Row, please replace the first paragraph with the following to reflect the results of the second portion of the cultural resources survey:

Implementation of the Moat & Row DCM would be expected to cause a substantial adverse change in the significance of OL Sites 5, 6, and 7. In addition, as Moat & Row is currently the preferred method for dust control in the Study Areas, if required, this DCM would also impact OL Sites 14, 15, 16, 17, 20, 21, and CA-INY-6374. All of these sites are treated as archaeological resources as defined in Section 15064.5 of the State CEQA Guidelines for the purposes of this analysis.

Page 3.3-20 Under the heading of Moat & Row, after the last paragraph, please add the following paragraph to reflect the results of the Jones & Stokes Phase I survey of the Moat & Row test locations:

This impact analysis does not address two prehistoric archaeological sites recorded by Jones & Stokes in the Moat & Row testing area in the northeast portion of the lake (JS Site 1 and JS Site 2).⁶⁶ The Moat & Row DCM layout was shifted in this area to avoid impacting these sites.⁶⁷ Although these sites are unaffected by the proposed project, it is assumed that expanded implementation of the Moat & Row DCM in this Moat & Row area, or implementation of any other proposed or alternative DCM in this area, would result in impacts to these two sites.

Page 3.3-20 Under the heading of Channel Area, please replace the paragraph with the following paragraph:

There are no significant prehistoric archeological sites located within the 0.5-square-mile Channel Area; therefore, there would be no anticipated impacts to prehistoric archaeological resources resulting from DCMs in this area.

3.3.4.3 Historical Resources

Page 3.3-20 Under the heading of Historical Resources, please replace the first paragraph with the following to reflect the results of the second portion of the cultural resources survey:

The proposed project would result in significant impacts to cultural resources related to a substantial adverse change in the significance of a historical resource, therefore requiring the consideration of mitigation measures. A total of 14 historic archaeological resources that satisfy the CEQA definition of historical resources or unique archaeological resources would be subjected to direct and indirect impacts from project implementation. The 14 historic archaeological sites (OL Site 3H, 4H, 8H, 10H, 11H, 18H, 19H, 22H, 23H, 24H, 25H, 26H, CA-INY-6375H, and P14-8141) recorded during the Phase I archaeological survey lie within the proposed project site and would be subject to direct impacts from construction activities.

Page 3.3-20 Under the heading of Shallow Flooding, please replace the first sentence of the first paragraph with the following to reflect the results of the second portion of the cultural resources survey:

Construction of the Shallow Flooding DCM would cause a substantial adverse change in the significance of OL Sites 4H, 8H, 10H, 11H, 18H,

⁶⁶ Jones & Stokes. 2007. "Cultural Resources Inventory of Two Parcels in the Moat and Row Testing Area, Owens Lake Dust Mitigation Program, Inyo County, California." Prepared for: City of Los Angeles Department of Water and Power.

⁶⁷ Commendador-Dudgeon, A., Sapphos Environmental, Inc. 2007. 29 November 2007. Personal communication with Milad Taghavi, City of Los Angeles Department of Water and Power.

19H, 25H, 26H, and P14-8141, which are historical resources as defined in Section 15064.5 of the State CEQA Guidelines.

- Page 3.3-21 Under the heading of Moat & Row, please replace the first sentence of the first paragraph with the following to reflect the results of the second portion of the cultural resources survey:

Implementation of the Moat & Row DCM would cause a substantial adverse change in the significance of OL Site 3H, 22H, 23H, and CA-INY-6375H, which are treated as historical resources as defined in Section 15064.5 of the State CEQA Guidelines.

- Page 3.3-21 Under the heading of Channel Area, please replace the paragraph with the following to reflect the results of the second portion of the cultural resources survey:

There are two significant historical sites located within the 0.5-square-mile Channel Area, OL Site 24H and P14-8141. Although it is assumed that minimal excavations and disturbances are required for dust control in the Channel Areas and that activities would be limited to the channels themselves, these two resources lie directly within the impact areas and would be affected by implementation of the proposed DCM. Impacts include movement and breakage of artifacts and/or features, resulting in loss of site integrity and information value.

3.3.4.4 Human Remains

- Page 3.3-22 Under the heading of Channel Area, please replace the paragraph with the following:

There are no known Native American burials or historic period cemeteries located within the 0.5-square-mile Channel Area. Implementation of the Channel Area with a passive habitat restoration would not be expected to impact cultural resources related to human remains, including those interred outside formal cemeteries.

3.3.5 Mitigation Measures

- Page 3.3-23 Please replace the first paragraph, first bullet, and second bullet of mitigation measure Cultural-1, Paleontological Resources Construction Monitoring, with the following to clarify monitoring requirements:

The impacts to cultural resources directly or indirectly related to the destruction of unique paleontological resource that has the potential to be present within the eastern and southern Owens Lake playa shall be reduced to below the level of significance through monitoring of ground-disturbing activities during construction and salvage of paleontological resources within 1 mile of the historic shoreline on the eastern border of the Owens Lake bed (Figure 3.3.4.1-1, *Paleontologically Sensitive Areas*). Ground-disturbing activities include, but are not limited to, drilling, excavation,

trenching, and grading. Where any such ground-disturbing activity is anticipated in early Pleistocene to late Holocene units within the area shown on Figure 3.3.4.1-1 in conjunction with the construction of dust control measures, the Great Basin Unified Air Pollution Control District shall require construction monitoring. The Great Basin Unified Air Pollution Control District shall require that construction monitoring, salvage, and recovery of unique paleontological resources be consistent with standards for such recovery established by the Society of Vertebrate Paleontology (SVP):

- A qualified paleontologist shall be retained to provide professional paleontological services. The paleontologist shall be responsible for implementation of the mitigation plan and maintenance of professional standards of work. A “qualified paleontologist” is defined as a practicing scientist who meets the qualifications established by the SVP. The qualifications of the paleontologist shall be submitted to the responsible agency (California State Lands Commission) for approval.
- Shallow Flooding without any excavation, trenching, and grading does not require mitigation; however, excavations required for the berms to implement this measure require monitoring. In addition, planned grading, trenching, and excavation activities associated with Moat & Row (or flooding areas associated with early Pleistocene to late Holocene units in the eastern and southern Owens Lake playa as shown on Figure 3.3.4.1-1) shall be monitored. This measure may be modified by the qualified paleontologist for specific locations as the depth of recent sediments varies across the project area. In conjunction with the subsurface work, the monitor shall inspect exposed sediments, including microscopic examination of matrix, to determine if fossils are present. In addition, the qualified paleontologist shall be available on call to respond to unanticipated discoveries.

Page 3.3-24 Please replace the second paragraph in mitigation measure Cultural-2, Cultural Resources Investigations, with the following to clarify the coordination required with the California State Lands Commission:

Coordination with the California State Lands Commission shall be undertaken to mitigate impacts consistent with California State Lands Commission practices for the mitigation of archaeological sites that occur on lands under their jurisdiction. This coordination shall include the issuance of permits for Phase II testing and Phase III data recovery programs, and reviews and comments, when appropriate. The Great Basin Unified Air Pollution Control District shall consult with the State Historic Preservation Officer as required by 15064.5 (b) (5) of the State of California Environmental Quality Act Guidelines for state-owned historical resources.

Construction shall not occur on state property until concurrence from the State Historic Preservation Officer is obtained concerning determinations of eligibility and that mitigation has reduced the impact to cultural resources to below the level of significance. In addition, coordination with interested Native American tribes identified by the Native American Heritage Commission shall be undertaken. Local tribes shall be contacted by the qualified archaeologist specified for the project, and a Native American monitor(s) shall be retained to be present on site during all ground-disturbing activities, including but not limited to archaeological evaluation, excavation, Phase II investigations and Phase III data recovery (if needed), and construction activities. The Native American monitor(s) shall coordinate with the qualified project archaeologist, the Great Basin Unified Air Pollution Control District, and the City of Los Angeles Department of Water and Power to ensure responsible remediation of Native American sites and sacred materials. Should human remains be discovered, the Inyo County Coroner shall be notified within 24 hours.

Page 3.3-25 In mitigation measure Cultural-2, Cultural Resources Investigations, under the heading of Phase II, please replace the first paragraph with the following to reflect the results of the second portion of the cultural resources survey:

A total of 12 newly recorded prehistoric archaeological sites (OL Sites 1, 2, 5, 6, 7, 12, 14, 15, 16, 17, 20, and 21), one previously recorded prehistoric site (CA-INY-6375), 12 newly recorded historic archaeological sites (OL Sites 3H, 4H, 8H, 10H, 11H, 18H, 19H, 22H, 23H, 24H, 25H, and 26H), 2 previously recorded historic sites (P14-8141 and CA-INY-6375H), and any additional prehistoric or historic archaeological sites located on the 9,664-acre proposed project site, including those sites recorded by Jones & Stokes (JS Site 1 and 2), shall be assessed for significance as defined by the California Environmental Quality Act prior to the initiation of construction activities in those areas where the sites are located. This requires the following measures:

Page 3.3-26 In mitigation measure Cultural-3, Cultural Resources Monitoring Program, please replace the first bullet with the following to include references to Sections 5020.1(k) and 5024.1(g) for the definition of a historical resource:

- **Retain a Qualified Archaeologist.** A qualified archaeologist shall be retained to implement a monitoring and recovery program in any area identified as having the potential to contain unique archaeological resources as defined by Public Resources Code Section 21083.2 or historical resources as defined by the State of California Environmental Quality Act Guidelines Section 15064.5(a) and Public Resources Code Sections 5020.1(k) and 5024.1(g).

3.3.5 Level of Significance after Mitigation

Page 3.3-28 Please rename this section to Section 3.3.6, Level of Significance after Mitigation.

Page 3.3-28 Under the heading of Level of Significance after Mitigation, please replace the paragraph with the following:

The substantial evidence that significant impacts to paleontological resources would be mitigated to below the level of significance through salvage, recovery, curation, and documentation (mitigation measure Cultural-1), thus preserving scientifically valuable information, was determined through consistency with the requirements of CEQA and the guidelines of the Society of Vertebrate Paleontology. Therefore, the District determined that implementation of mitigation measure Cultural-1 was capable of preserving all scientifically valuable evidence related to unique paleontological resources salvaged during construction of DCMs, thus reducing impacts to below the level of significance.

CEQA [PRC Section 21083] requires avoidance of archaeological and historical resources, preservation in place, or, if neither of these are possible, testing and evaluation and data recovery for significant resources. The nature of the proposed project precludes avoidance and preservation, and would in fact destroy these resources. Therefore, in accordance with CEQA, implementation of mitigation measure Cultural-2—including Phase II testing and evaluation, and Phase III data recovery (if appropriate) designed to recover scientifically valuable information—reduces impacts to below the level of significance.

The proposed project area has a demonstrated high likelihood of containing significant cultural resources, and monitoring is an approved method for locating, evaluating, and salvaging unanticipated resources. Thus, implementation of mitigation measure Cultural-3, Construction Monitoring, is expected to reduce the level of impacts to cultural resources to below the level of significance.

Section 3.4 Hazards and Hazardous Materials

3.4.5 Mitigation Measures

Page 3.4-11 Mitigation measures Hazards-1 through Hazards-3 have been revised, pending CSLC approval of additional fertilizer injection tanks:

Measure Hazards-1, Hazardous Materials Transport

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 2008 State Implementation Plan, the City of Los Angeles Department of Water and Power 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; and the California Regional Water

Quality Control Board, Lahontan Region, prior to construction. Should additional storage of hazardous materials be undertaken by the City of Los Angeles Department of Water and Power and approved by the California State Lands Commission, the City of Los Angeles Department of Water and Power shall submit proof of incorporation of this requirement in all construction contracts related to work specified in the 2008 State Implementation Plan to the Great Basin Unified Air Pollution Control District and Inyo County. The City of Los Angeles Department of Water and Power shall submit an operation plan for the routine transport, use, storage, handling, and disposal of hazardous materials to the Great Basin Unified Air Pollution Control District and Inyo County prior to the operation of dust control measures specified in the 2008 State Implementation Plan. The City of Los Angeles Department of Water and Power shall provide to the Great Basin Unified Air Pollution Control District and Inyo County an annual update as required for the transport, use, storage, handling, and disposal of hazardous materials.

Measure Hazards-2, Spill Prevention Control and Countermeasure Program

To minimize impacts related to the unauthorized release of hazardous materials into the environment, the City of Los Angeles Department of Water and Power shall prepare a Spill Prevention Control and Countermeasure Program applicable to all statutes and regulations. Should additional storage of hazardous materials be undertaken by the City of Los Angeles Department of Water and Power and approved by the California State Lands Commission, the City of Los Angeles Department of Water and Power shall submit a Spill Prevention Control and Countermeasure Program to Inyo County and California State Lands Commission for review and approval. The City of Los Angeles Department of Water and Power shall demonstrate approval of the Spill Prevention Control and Countermeasure Program by Inyo County to the Great Basin Unified Air Pollution Control District prior to the use, storage, and handling of hazardous materials in conjunction with construction or operation of work specified in the Revised 2008 State Implementation Plan. The Spill Prevention Control and Countermeasure Program shall address all aboveground storage tanks within the fertilizer injection and water treatment systems in accordance with all federal, state, and local laws and regulations. The City of Los Angeles Department of Water and Power 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. The City of Los Angeles Department of Water and Power shall amend its existing lease with the California State Lands Commission to allow for the improvement specified in this measure. The Spill Prevention Control and Countermeasure Program shall be in place throughout construction, operation, and maintenance of work specified in the 2008 State Implementation Plan.

Measure Hazards-3, Emergency Response Business Plan

To minimize impacts related to the unauthorized release of hazardous materials into the environment, the City of Los Angeles Department of Water and Power shall develop a business plan for emergency response for the routine transport, use, storage, handling, and disposal of hazardous materials. Should additional storage of hazardous materials be undertaken by the City of Los Angeles Department of Water and Power and approved by the California State Lands Commission, the City of Los Angeles Department of Power and Water shall ensure that the business plan for emergency response addresses preparation for possible emergencies involving hazardous materials. The City of Los Angeles Department of Water and Power shall provide copies of the approved business plan for emergency response to the Great Basin Unified Air Pollution Control District and Inyo County. The City of Los Angeles Department of Water and Power shall provide to the Great Basin Unified Air Pollution Control District and Inyo County an annual update to the approved business plan as required for the transport, use, storage, handling, and disposal of hazardous materials.

Page 3.4-12 Under mitigation measure Hazards-4, Fire Protection Services, please delete “revised” in the first sentence.

3.4.6 Level of Significance after Mitigation

Page 3.4-12 Please replace the sentence with the following:

The requirement for the City of Los Angeles Department of Water and Power and their contractors to conform with regulations and guidelines established by the Code of Federal Regulations, California Code of Regulations, and the California Department of Transportation provides a mechanism for making all personnel engaged in the routine transport, use, and storage of hazardous materials responsible for compliance with the measures identified by the State of California as being essential for the protection of people and property. The operations plan requires that there must be at all times at least one employee, either on the premises or on call, who is responsible for coordinating all emergency response measures. The provisions for compliance with applicable statutes and guidelines and the requirement to have an operations plan in place, as specified in mitigation measure Hazards-1, would be expected to reduce the risk of routine transport, storage, and use of hazardous materials to below the level of significance. Similarly, mitigation measure Hazards-2, which requires the design and implementation of a Spill Prevention and Countermeasure Control Program, would be expected to reduce the risk of unanticipated oil spills from reaching navigable waters.

Prior to the 1998 SIP, the 2008 SIP project area was undeveloped and therefore had no designated primary and secondary responder for wildland fires on the Owens Lake bed. The City of Los Angeles Department of Water and Power proposes to install substantial infrastructure (irrigation, roadways,

berms, and fencing) to support the DCMs required pursuant to the 2008 SIP. The ability to minimize loss of life and property from wildland fires requires the availability of fire protection and response services. Mitigation measure Hazards-4 would ensure the availability of fire protection and response services.

Section 3.5 Hydrology and Water Quality

3.5.5 Mitigation Measures

Page 3.5-19 Under mitigation measure Hydrology-1, Acquire and Adhere to National Pollution Discharge Elimination System General Permit, please add “of the project” following “moving off” in the first sentence.

Page 3.5-20 Under mitigation measure Hydrology-2, Water Quality and Reporting Program, please add the following sentences after the second sentence of the measure:

This shall also include the existing but newly exposed groundwater in Moat & Row areas.

Page 3.5-20 Under mitigation measure Hydrology-2, Water Quality and Reporting Program, please replace the third sentence with the following:

The Water Quality Monitoring and Report Program shall include a monitoring plan of surface water and groundwater, along with an evaluation of the monitoring data and a plan for corrective actions, should impacts be observed to ensure that the proposed project is operating within the quality limitations specified by the waste discharge requirements (Board Order No. R6V-2006-0036, WDID NO. 6B14000903) adopted by the Regional Water Quality Board for Revised Waste Discharge Requirements for the Southern Zones Dust Control Project at Owens Lake.

Page 3.5-20 Under mitigation measure Hydrology-2, Water Quality and Reporting Program, please add the word “and” following “Moat & Row” in the first sentence of the second bullet.

Page 3.5-21 Under mitigation measure Hydrology-2, Water Quality and Reporting Program, please replace Table 3.5.5-1, *Hydrology Monitoring and Reporting Schedule*, with the following:

**TABLE 3.5.5-1
HYDROLOGY MONITORING AND REPORTING SCHEDULE**

Description	Monitoring Schedule							
	2010	2011	2012	2013	2014	2016	2018	2023
Flow rates and total volumes of flow to all DCM areas	Daily (report monthly)	Daily (report monthly)	Daily (report monthly)	Daily (report monthly)	Daily (report monthly)	Daily (report monthly)	Daily (report monthly)	Daily (report monthly)
Surface water quality of Shallow Flood areas	Quarterly	Quarterly	Quarterly	Quarterly	Quarterly	Annually (during DCM operation)	Annually (during DCM operation)	Annually (during DCM operation)
Surface water quality of Managed Vegetation areas, if any	Quarterly	Quarterly	Quarterly	Quarterly	Quarterly	Annually (during DCM operation)	Annually (during DCM operation)	Annually (during DCM operation)
Quality of groundwater that becomes exposed in Moat and Row areas	Quarterly	Quarterly	Quarterly	Quarterly	Quarterly	Annually (during DCM operation)	Annually (during DCM operation)	Annually (during DCM operation)
Groundwater monitoring of perimeter project observation wells	Quarterly	Quarterly	Quarterly	Quarterly	Quarterly	Annually (during DCM operation)	Annually (during DCM operation)	Annually (during DCM operation)

KEY:

DCM = dust control measures

Page 3.5-21 Under mitigation measure Hydrology-3, Berm Failure Prevention, please replace the heading and entire paragraph with the following:

Measure Hydrology-3, Shallow Flood Site Water Retention Berms

The City of Los Angeles Department of Power and Water shall construct water-retention berms along the down-gradient and side boundaries of each Shallow Flooding block to minimize leakage and increases in the rate, quantity, or quality of dust control waters and storm water flows to the brine pool area or mineral lease area. These berms shall be designed to collect excess surface water along the sideslope and downslope borders of each flooding-area block. The final design of flood protection berms shall be submitted to the California State Lands Commission, the Great Basin Unified Air Pollution Control District, and the Lahontan Regional Water Quality Control Board. The requirement to provide the above-described berms does not apply to Shallow Flood Area T36-4, due to its adjacency to the Owens

River Delta and the need to minimize surface disturbances in this area. However, operation of Shallow Flood Area T36-4 would be subject to the quality limitations specified by the waste discharge requirements (Board Order No. R6V-2006-0036, WDID No. 6B14000903) adopted by the Regional Water Quality Control Board for Revised Waste Discharge Requirements for the Southern Zones Dust Control Project at Owens Lake such that there is no substantial change in the salinity and chemistry of the surface water and shallow groundwater in the adjacent portion of the Owens River Delta. The design of flood protection berms is subject to California State Lands Commission staff approval and would be undertaken in conjunction with the review of the City of Los Angeles Department of Power and Water's application for the lease amendment to construct, implement, and maintain additional dust control measures on the bed of Owens Lake.

Page 3.5-21 Under mitigation measure Hydrology-4, Reduction of Flash Flood Potential, please replace the heading and the entire paragraph with the following:

Measure Hydrology-4, Reduction of Flash Flood and Alluvial Sediment Damage Potential

The City of Los Angeles Department of Power and Water shall provide for flood damage and alluvial sediment protection in the design of all dust control measures. These mitigation measures shall protect the dust control measures themselves, as well as the brine pool mineral lease, from increased flash flood damage potential due to the channelization of waters and transport of sediments. All dust control measure designs shall ensure that there is no increase in the rate and quantity, or decrease in the quality, of storm water flows to the brine pool mineral lease areas. The final design elements that avoid potential increases in flash flood and alluvial sediment damage impacts to the dust control measures and the mineral lease shall be submitted to the California State Lands Commission, the Great Basin Unified Air Pollution Control District, and the Lahontan Regional Water Quality Control Board.

Page 3.5-22 Under mitigation measure Hydrology-5, Berm Failure Emergency Management Plan, please replace the paragraph with the following:

The City of Los Angeles Department of Water and Power shall develop an emergency management plan for potential berm failures. This plan shall include the immediate notification of the down-gradient trona mineral extraction operation on the lake and all other lake bed personnel to ensure the safety to personnel and equipment on the lake bed. The plan shall also include a commitment by the City of Los Angeles Department of Water and Power to take prompt action to repair failed berms and shall set forth the actions to be taken by the City of Los Angeles Department of Water and Power to do so. The plan shall include provisions for notification to the California State Lands Commission and the Great Basin Unified Air Pollution Control District. The emergency management plan shall be

reviewed and approved by the California State Lands Commission prior to operation of the proposed project dust control measures.

Section 3.6 Land Use and Planning

Page 3.6-3 Under the heading of California State Lands Commission Public Trust Doctrine, please replace the paragraph with the following:

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 landward boundaries of the state's sovereign interests in areas that are subject to tidal action are generally based on the ordinary high water marks of these waterways as they last existed prior to fill or artificially induced accretions. In non-tidal waterways, the state holds a fee ownership in the bed of the waterway between the two ordinary low water marks. The entire non-tidal navigable waterway between the ordinary high water marks is subject to the public trust. The state sovereign interests are under the jurisdiction of the California State Lands Commission.

3.6.2 Existing Conditions

Page 3.6-5 Please add the following text under the heading of Existing Land Use:

The CSLC has jurisdiction over the historic lake bed of Owens Lake. The CSLC has authorized several leases at Owens Lake: PRC 5464.1 and PRC 3511.1 to Rio Tinto Minerals, formerly U.S. Borax, and several public agency leases (PRC 8079.9 to the City and PRC 8277.9 to the District).

Page 3.6-8 In the second paragraph on the page, please replace "U.S. Borax Owens Lake Soda Ash Company (U.S. Borax)" with "U.S. Borax."

3.6.5 Mitigation Measures

Page 3.6-9 Under mitigation measure Land Use and Planning-1, Resident Insect Control Program, please replace the paragraph with the following:

Due to increased areas of potential standing water, to minimize potential impacts to local residents from a potential increase in mosquitoes and other biting insects as a result of dust control measure construction and operation from the proposed project, the City of Los Angeles Department of Water and Power shall institute a program for nearby residents whereby windows of existing residences in the potentially impacted communities of Swansea, Keeler, Cartago, and Olancha within three (3) miles of a water-based dust control measure will be screened or other insect control devices will be provided to residents to reduce nuisance insect populations in the vicinity of their residence. Residents shall provide proof of residence in identified,

potentially affected areas prior to the issuance of screening or insect control devices. In addition, the City of Los Angeles Department of Water and Power shall continue to pay for Inyo County vector control treatments on the dust control measure areas and within impacted communities as required to control mosquitoes and other biting insects. A study shall be required to evaluate the cause of insects in the adjacent communities and to require continued support of treatment methods if the dust control measures have been found to cause insect pest problems. This study shall be conducted by the City of Los Angeles Department of Water and Power, approved by Inyo County, and implemented before April 1, 2010.

3.6.6 Level of Significance after Mitigation

Page 3.6-9 Please replace the paragraph with the following:

As indicated by the Center for Disease Control, the provision of screened windows and air conditioning are an effective means of eliminating malaria when complete eradication of mosquitoes is not possible.⁶⁸ Therefore, implementation of Land Use and Planning–1 would be expected to reduce impacts to land use and planning resulting from nuisance insects to below the level of significance.

Section 3.7 Mineral Resources

3.7.4 Impact Analysis

Page 3.7-4 In the first paragraph, please replace “U.S. Borax Owens Lake Soda Ash Company (U.S. Borax)” with “U.S. Borax.”

Page 3.7-4 Please add the following to the end of the first paragraph:

Lease modification for activities by U.S. Borax falls under the mineral extraction lease PRC 5464.1. Dust control activities would require rerouting the U.S. Borax access road to the mineral areas under PRC 3511.1.

3.7.5 Mitigation Measures

Page 3.7-5 Under mitigation measure Minerals-1, Borax Lease Area Approval and Compensation, please replace the heading and the entire paragraph with the following:

Measure Minerals-1, U.S. Borax Lease Area Approval and Compensation

The City of Los Angeles Department of Water and Power shall be required to obtain approval from the California State Lands Commission prior to working in the areas that overlap with the areas leased to U.S. Borax. In addition, the City of Los Angeles Department of Water and Power shall be

⁶⁸ Centers for Disease Control and Prevention. 15 August 2006. “Malaria.” http://www.cdc.gov/malaria/control_prevention/vector_control.htm

required to compensate the California State Lands Commission for associated staff time to prepare the legal description for any transfers of mineral lease areas to dust control areas. This includes areas requiring rerouting of access roads under mineral leases PRC 5464.1 and PRC 3511.1.

Page 3.7-5 Under mitigation measure Hydrology-3, Berm Failure Prevention, please replace the heading and the entire paragraph with the following:

Measure Hydrology-3, Shallow Flood Site Water Retention Berms

The City of Los Angeles Department of Power and Water shall construct water-retention berms along the down-gradient and side boundaries of each Shallow Flooding block to minimize leakage and increases in the rate, quantity, or quality of dust control waters and storm water flows to the brine pool area or mineral lease area. These berms shall be designed to collect excess surface water along the sideslope and downslope borders of each flooding-area block. The final design of flood protection berms shall be submitted to the California State Lands Commission, the Great Basin Unified Air Pollution Control District, and the Lahontan Regional Water Quality Control Board. The requirement to provide the above-described berms does not apply to Shallow Flood Area T36-4, due to its adjacency to the Owens River Delta and the need to minimize surface disturbances in this area. However, operation of Shallow Flood Area T36-4 would be subject to the quality limitations specified by the waste discharge requirements (Board Order No. R6V-2006-0036, WDID No. 6B14000903) adopted by the Regional Water Quality Control Board for Revised Waste Discharge Requirements for the Southern Zones Dust Control Project at Owens Lake such that there is no substantial change in the salinity and chemistry of the surface water and shallow groundwater in the adjacent portion of the Owens River Delta. The design of flood protection berms is subject to California State Lands Commission staff approval and would be undertaken in conjunction with the review of the City of Los Angeles Department of Power and Water's application for the lease amendment to construct, implement, and maintain additional dust control measures on the bed of Owens Lake.

3.7.6 Level of Significance after Mitigation

Page 3.7-6 Please replace the sentence with the following:

The ability to control the quality and quantity of water delivered to the brine pool to pre-1998 SIP conditions would ensure that construction, operation, and maintenance of DCMs pursuant to the 2008 SIP would not adversely affect the water chemistry of existing mineral lease operation. Therefore, the berm failure prevention measures specified in mitigation measure Hydrology-3, the measure to control the exacerbation of the erosive potential of flood flows through DCM design as specified in Hydrology-4, and the requirement to include all work areas within the City's lease area

would be expected to reduce the potential for impacts to the mineral extraction operation to below the level of significance.

Section 3.8 Transportation and Traffic

3.8.2 Existing Conditions

Page 3.8-4 Under the heading of Regional Road System, U.S. Highway 395, please add the following after the last paragraph:

At U.S. Highway 395, Post Mile 39.7, Willow Dip, a permit is on file with Caltrans for truck entering signs for this existing paved private road approach. Within this permit, there is a statement for operating and maintaining the approach.

At U.S. Highway 395, Post Mile 48.94, Bartlett Road, is an Inyo County Road.

At U.S. Highway 395, Post Mile 50.52, Caltrans has informed the District that there is no permit on file for the paved access at Post Mile 50.52.

At U.S. Highway 395, Post Mile 53.27, Caltrans has informed the District that there is no permit on file for the paved access at Post Mile 53.27.

Page 3.8-4 Under the heading of Regional Road System, State Route 190, please add the following after the last paragraph:

SR 190, Post Mile 14.58, Dirty Socks Springs Road, Caltrans has informed the District that there is no permit on file for the paved access at SR 190, Post Mile 14.58. Use of or improvements to the road by the City would require either the assignment of a county road number or an encroachment permit from Caltrans.

3.8.5 Mitigation Measures

Page 3.8-12 Under mitigation measure Traffic-1, Traffic Work Safety Plan, please replace “on” with “for” in the second sentence following “Department of Water and Power.”

Page 3.8-12 Under mitigation measure Traffic-1, Traffic Work Safety Plan, please add the following sentence to the end:

Operation and maintenance of the approach known as Willow Dip from U.S. Highway 395 to the lake bed is subject to a permit issued by the California Department of Transportation to U.S. Borax. Should the City of Los Angeles Department of Water and Power wish to share the Willow Dip access with U.S. Borax, the California Department of Transportation would require that a new permit be issued for the road connection/maintenance in both names. Use of the paved access at U.S. Highway 395, Post Miles 50.52 and 53.27, and any required improvements by the City of Los Angeles Department of Water and Power would be subject to an

encroachment permit from the California Department of Transportation. Use of the paved access at State Route 190, Post Mile 14.58, Dirty Socks Springs Road requires the assignment of a county road number if it is not a county road, and use of the road and any required improvements by the City of Los Angeles Department of Water and Power would be subject to an encroachment permit from the California Department of Transportation.

Page 3.8-13 Under mitigation measure Traffic-3, Regional Transportation Network Damage Repair, please replace the paragraph with the following:

The City of Los Angeles Department of Water and Power shall be required to repair damage to the regional transportation network (U.S. Highway 395, State Route 136, and State Route 190) from construction activities required for the 2008 Revised State Implementation Plan to pre-project conditions. Prior to initiating construction of work specified by the 2008 Revised State Implementation Plan, or related transportation and staging of equipment and materials, the City of Los Angeles Department of Water and Power shall retain a qualified pavement consultant engineer to document the existing condition of all regional transportation network roadways used for access, egress, and haul routes by the construction activities required for the 2008 Revised State Implementation Plan. A California Department of Transportation representative shall participate with the qualified pavement consultant engineer. The City of Los Angeles Department of Water and Power or its contractor must be on call to revisit the documented roadway sections and delineate physical damages that are directly attributed to construction activities required for the 2008 Revised State Implementation Plan and repair any damage immediately or in short term, or as specified by California Department of Transportation. The City of Los Angeles Department of Water and Power shall provide in-lieu fees for remediation of construction-generated impacts on the regional transportation network, or a comparable measure to the mutual satisfaction of the City of Los Angeles Department of Water and Power, Inyo County, and the California Department of Transportation, demonstrating that damage to the regional transportation network that resulted from the construction activities has been repaired. Within 12 months after construction activities for the 2008 Revised State Implementation Plan is completed, the City of Los Angeles Department of Water and Power shall provide written documentation to the Great Basin Unified Air Pollution Control District, California State Lands Commission, and California Department of Transportation demonstrating that damage to the regional transportation network that resulted from the construction activities has been repaired.

The California Department of Transportation has specified the requirement that construction monitoring be undertaken at six intersections within the regional roadway system:

- U.S. Highway 395, Post Mile 39.7, Willow Dip
- U.S. Highway 395, Post Mile 48.94, Bartlett Road
- U.S. Highway 395, Post Mile 50.52
- U.S. Highway 395, Post Mile 53.27, Boulder Creek RV Park

- State Route 136, Post Mile 14.44
- State Route 190, Post Mile 14.58, Dirty Socks Springs Road

3.8.6 Level of Significance after Mitigation

Page 3.8-13 Please replace the sentence with the following:

Caltrans provided a letter of comment on the Draft EIR and concurs with the ability of mitigation measure Traffic-1, Traffic-2, and Traffic-3 to reduce significant impacts to traffic and circulation to below the level of significance.

Section 3.9 Utilities and Service Systems

3.9.4 Impact Analysis

Page 3.9.6 Under the headings of Storm Drain System, please replace the first two sentences with the following:

Based on damage to DCMs that occurred as a result of infrequent high-magnitude flood flows in the winter of 2003/2004, it is anticipated that the proposed project would be required to integrate flood protection, such as culvert, berm revetment, energy dissipators, or other comparable measures, to ensure that the DCMs are capable of withstanding infrequent high-magnitude storms up to the 50-year flood recurrence level. The requirement to construct new storm water drainage facilities constitutes a significant impact requiring the consideration of mitigation measures.

3.9.5 Mitigation Measures

Page 3.9-7 Under the heading of Hydrology-3, Soil Berm Construction, please replace the heading and the entire mitigation measure with the following:

Measure Hydrology-3, Shallow Flood Site Water Retention Berms

The City of Los Angeles Department of Power and Water shall construct water-retention berms along the down-gradient and side boundaries of each Shallow Flooding block to minimize leakage and increases in the rate, quantity, or quality of dust control waters and storm water flows to the brine pool area or mineral lease area. These berms shall be designed to collect excess surface water along the sideslope and downslope borders of each flooding-area block. The final design of flood protection berms shall be submitted to the California State Lands Commission, the Great Basin Unified Air Pollution Control District, and the Lahontan Regional Water Quality Control Board. The requirement to provide the above-described berms does not apply to Shallow Flood Area T36-4, due to its adjacency to the Owens River Delta and the need to minimize surface disturbances in this area. However, operation of Shallow Flood Area T36-4 would be subject to the quality limitations specified by the waste discharge requirements (Board Order No. R6V-2006-0036, WDID No. 6B14000903) adopted by the

Regional Water Quality Control Board for Revised Waste Discharge Requirements for the Southern Zones Dust Control Project at Owens Lake such that there is no substantial change in the salinity and chemistry of the surface water and shallow groundwater in the adjacent portion of the Owens River Delta. The design of flood protection berms is subject to California State Lands Commission staff approval and would be undertaken in conjunction with the review of the City of Los Angeles Department of Power and Water's application for the lease amendment to construct, implement, and maintain additional dust control measures on the bed of Owens Lake.

Page 3.9-7 Under the heading of Hydrology-4, Reduction of Flash Flood Potential, please replace the heading and the entire mitigation measure with the following:

Measure Hydrology-4, Reduction of Flash Flood and Alluvial Sediment Damage Potential

The City of Los Angeles Department of Power and Water shall provide for flood damage and alluvial sediment protection in the design of all dust control measures. These mitigation measures shall protect the dust control measures themselves, as well as the brine pool mineral lease, from increased flash flood damage potential due to the channelization of waters and transport of sediments. All dust control measure designs shall ensure that there is no increase in the rate and quantity, or decrease in the quality, of storm water flows to the brine pool mineral lease areas. The final design elements that avoid potential increases in flash flood and alluvial sediment damage impacts to the dust control measures and the mineral lease shall be submitted to the California State Lands Commission, the Great Basin Unified Air Pollution Control District, and the Lahontan Regional Water Quality Control Board.

SECTION 4.0 ALTERNATIVES TO THE PROPOSED PROJECT

4.2 Alternatives 1: All Shallow Flooding Alternative

4.2.4 Comparative Impacts

Page 4-7 Please add the following after the last paragraph under the heading of Cultural Resources:

As with the proposed project, implementation of Alternative 1 would require ground disturbance activities that would result in significant impacts to cultural resources, including paleontological resources, archaeological resources, historical resources, and human remains.

Implementation of the Shallow Flooding DCM would have the potential to directly or indirectly destroy unique paleontological resources or sites. Flooding itself would not be expected to affect paleontological resources, but excavations of berms and compression of sediments caused by the movement of heavy equipment during implementation of the measure would have the potential to result in the destruction of unique paleontological resources.

Implementation of the Shallow Flooding DCM would substantially change the significance of archaeological and historical resources as defined in §15064.5 of the State CEQA Guidelines. This process would result in significant adverse impacts to the archaeological and historical sites in several ways. First, the water flow into the site area would move and redistribute artifacts, resulting in loss of site integrity. Second, the Shallow Flooding would be expected to expedite the deterioration of the resource fabric, particularly those sites that are substantially composed of wood and metal. Third, covering the sites with water precludes further investigations for information important to prehistory or history. Investigations conducted to date have not addressed whether the potential for the site to generate information has been exhausted. Finally, maintenance of Shallow Flooding would be expected to involve subsequent land leveling and trenching for repairs to the water delivery system that would have the potential to alter in-situ prehistoric and historic materials.

In addition to the effects of flooding itself, sites located at the edge of an area where Shallow Flooding would be implemented would be adversely impacted by the construction of the berms designed to contain the water. The construction of berms requires movement of earth and construction equipment, both of which would cause significant adverse impacts to the archaeological resources. Excavations would result in the displacement of artifacts and archaeological deposits, resulting in loss of site integrity. Excavations may also result in the loss of diagnostic artifacts, which are vital to the historical significance of a site, and heavy equipment movement would likely result in the breakage of artifacts.

Implementation of the Shallow Flooding DCM may result in the disturbance of human remains, including those interred outside formal cemeteries. Flooding the area would be expected to expedite the deterioration of human remains, and excavations may unearth and disturb unanticipated human burials.

Section 3.3, Cultural Resources, of this EIR provides mitigation measures for impacts that could occur as a result of the proposed project. As with the proposed project, potentially significant impacts related to cultural resources resulting from Alternative 1 would be reduced to below the level of significance through the incorporation of mitigation measures Cultural-1 through Cultural-3.

4.3 Alternative 2: All Managed Vegetation Alternative

4.3.4 Comparative Impacts

Page 4-10 Please add the following after the last paragraph under the heading of Cultural Resources:

As with the proposed project, implementation of Alternative 2 would require ground disturbance activities that would result in significant impacts to cultural resources, including paleontological resources, archaeological resources, historical resources, and human remains.

Implementation of the Managed Vegetation DCM would have the potential to directly or indirectly destroy unique paleontological resources or sites. Excavations required for the berms and water conveyance systems and the compression of the sediment caused by the movement of heavy equipment during implementation of the measure would result in the destruction of unique paleontological resources.

Implementation of the Managed Vegetation DCM would cause a substantial adverse change in the significance of an archaeological resource and an historical resource as defined in §15064.5 of the State CEQA Guidelines. Previous implementation of this DCM at Owens Lake required excavation to facilitate the supply of water and earth removal for the construction of berms in the area where the vegetation was planted. Excavations required for the implementation of this DCM would result in site disturbance, including loss of site integrity, loss of diagnostic artifacts, and breakage of artifacts. Vegetation would also have the potential to fracture friable materials, as well as permanently obscure visibility and the ability to relocate resources.

Implementation of the Managed Vegetation DCM may result in the disturbance of human remains, including those interred outside formal cemeteries. Excavations for the berms and water conveyance systems may unearth and disturb unanticipated human burials. Continual application of water to the vegetated areas would also be expected to expedite the deterioration of human remains.

Section 3.3, Cultural Resources, of this EIR provides mitigation measures for impacts that could occur as a result of the proposed project. As with the proposed project, potentially significant impacts related to cultural resources resulting from Alternative 2 would be reduced to below the level of significance through the incorporation of mitigation measures Cultural-1 through Cultural-3.

4.4 Alternative 3: All Gravel Cover Alternative

4.4.4 Comparative Impacts

Page 4-14 Please add the following after the last paragraph under the heading of Cultural Resources:

Implementation of Alternative 3 would cause a substantial adverse change in the significance of a paleontological resource or site or unique geological feature. The process of placing, distributing, and leveling the gravel on the surface of the lake bed, combined with compression of the sediment from heavy equipment movement, would result in the destruction of a unique paleontological resource in those areas that have the potential to contain such resources.

Implementation of Alternative 3 would cause a substantial adverse change in the significance of an archaeological and historical resource as defined in Section 15064.5 of the State CEQA Guidelines. This DCM involves the movement of equipment on the surface of the lake to place and evenly distribute gravel. The process of placing, distributing, and leveling the gravel on the surface of the lake bed would result in the displacement of artifacts, resulting in loss of site integrity and the loss of diagnostic artifacts, both of which are vital to the historical significance of a site. The heavy equipment movement would also result in the breakage of artifacts.

Implementation of the Gravel Cover DCM may result in the disturbance of human remains, including those interred outside formal cemeteries. The process of placing, distributing, and leveling the gravel on the surface of the lake bed, combined with compression of the sediment from heavy equipment movement, would result in the disturbance of unanticipated human burials.

As a result, implementation of Alternative 3 would result in significant impacts related to cultural resources. As with the proposed project, potentially significant impacts related to cultural resources resulting from Alternative 3 would be reduced to below the level of significance through the incorporation of mitigation measures Cultural-1 through Cultural-3.

SECTION 5.0 UNAVOIDABLE IMPACTS

Page 5-1 Please replace the second bullet in the second paragraph with the following:

- Mitigation measures Cultural-1 through Cultural-3

SECTION 9.0 REPORT PREPARATION PERSONNEL

9.2 Sapphos Environmental, Inc.

Please add the following personnel:

Natasha Tabares, Senior Cultural Resources Coordinator, Cultural Resources

Clarus Backes, Senior Cultural Resources Coordinator, Cultural Resources

Amy Commendador-Dudgeon, Cultural Resources Coordinator, Cultural Resources

Chris Purtell, Cultural Resources Analyst, Cultural Resources

SECTION 10.0 REFERENCES

Please add the following reference:

- Association of Environmental Professionals. 29 June 2007. *Alternative Approaches to Analyzing Greenhouse Gas Emissions and Global Climate Change in CEQA Documents*. Sacramento, CA. Available at:
http://www.califaep.org/userdocuments/File/AEP_Global_Climate_Change_June_29_Final.pdf
- California Climate Action Registry. March 2007. *California Climate Action Registry General Reporting Protocol: Reporting Entity-wide Greenhouse Gas Emissions. Version 2.2* Los Angeles, CA. Available at:
http://www.climateregistry.org/docs/PROTOCOLS/GRP%20V2-March2007_web.pdf
- California Department of Fish and Game. Amended 4 August 1994. Fish and Game Commission Policies: Recommended Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Methodology. Available at:
<http://www.fgc.ca.gov/html/p4misc.html#WETLANDS>
- California Department of Fish and Game. Amended 18 August 2005. Fish and Game Commission Policies: Wetlands Resources. Available at:
<http://www.fgc.ca.gov/html/p4misc.html#WETLANDS>
- California Resources Agency. California Environmental Quality Act. Title 14, California Code of Regulations, Chapter 3, Article 5, 15064.5(b)(c): "Determining the Significance of Impacts to Archeological and Historical Resources." Sacramento, CA. Available at:
http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html
- Centers for Disease Control and Prevention. 15 August 2006. "Malaria."
http://www.cdc.gov/malaria/control_prevention/vector_control.htm
- Commendador-Dudgeon, A., Sapphos Environmental, Inc. 2007. 29 November 2007. Personal communication with Milad Taghavi, City of Los Angeles Department of Water and Power.
- Cowardin, Lewis M., et al. 1979 *Classification of Wetlands and Deepwater Habitats of the United States*. U.S. Fish and Wildlife Service.
- Great Basin Unified Air Pollution Control District. 30 April 2003. Memorandum for the Record: Great Basin Unified Air Pollution Control District's 2003 Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan. Prepared by: Morrison & Foerster LLP. Received by: California Department of Fish and Game.
- Great Basin Unified Air Pollution Control District. 11 July 2003. *2003 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan EIR*. Prepared by: Sapphos Environmental, Inc., Pasadena, CA.

- Great Basin Unified Pollution Control District. 31 October 2007. Memorandum for the Record: October 17, 2007 Community Meeting Public Comments. Prepared by: Sapphos Environmental, Inc., Pasadena, CA.
- Gust, S., Cogstone Resource Management, Inc. 3 January 2008. Personal communication with Natasha Tabares, Sapphos Environmental, Inc., Pasadena, CA.
- Jones & Stokes. 2007. "Cultural Resources Inventory of Two Parcels in the Moat and Row Testing Area, Owens Lake Dust Mitigation Program, Inyo County, California." Prepared for: City of Los Angeles Department of Water and Power.
- Sapphos Environmental, Inc. 21 December 2007. Memorandum for the Record 1064-013.M04: Meeting Minutes for December 19, 2007, Agency Meeting. Pasadena, CA.
- South Coast Air Quality Management District. April 1993. *CEQA Air Quality Handbook*. Diamond Bar, CA.
- U.S. Department of Transportation, Federal Highway Administration, Turner-Fairbank Highway Research Center. 29 September 2006. "Human Centered Systems Research." Available at: <http://www.tfrc.gov/humanfac/hf.htm>
- U.S. Environmental Protection Agency. 1 October 2007. "Spill Prevention, Control and Countermeasure " Available at: <http://www.epa.gov/oilspill/spcc.htm>
- U.S. Fish and Wildlife Service. 1998. *Owens Basin Wetland and Aquatic Species Recovery Plan, Inyo and Mono Counties, California*. Portland, OR.

VOLUME II DRAFT ENVIRONMENTAL IMPACT REPORT, TECHNICAL APPENDICIES

Revisions have been made to two appendices in Volume II, Technical Appendices:

Appendix R.D	Final Biological Resources Technical Report
Appendix R.E	Final Cultural Resources Technical Report

Appendix R.D Final Biological Resources Technical Report

Based on the comments received during the public comment period from September 16 to October 30, 2007, the Biological Resources Technical Report has been revised, clarified, and included as Appendix R.D. All information contained in the Final Biological Resources Technical Report within Appendix R.D supersedes the information contained in the Biological Resources Technical Report circulated for public comment with the Draft EIR. Please replace the Draft EIR, Appendix D, *Biological Resources Technical Report*, with Appendix R.D, *Final Biological Resources Technical Report*, included in the following pages.

Appendix R.E Final Cultural Resources Technical Report

Based on the comments received during the public comment period from September 16 to October 30, 2007, the Cultural Resources Technical Report has been revised, clarified, and included as Appendix R.E. The report included in the Draft EIR reflected the results of the first portion of cultural resources surveys, including 6,355 acres of the 9,664-acre proposed project area. The Final Cultural Resources Technical Report included herein reflects the completion of the cultural surveys of the 9,664-acre proposed project area. Although new areas were surveyed after the release of the Draft EIR, the impacts analysis provided in the Draft EIR was applied to the proposed project area as a whole. Therefore, the impacts analysis and recommended mitigation measures have not changed. Only the details with regard to the number of sites to be impacted have been added in to the Final EIR. All information contained in the Final Cultural Resources Technical Report supersedes the information contained in the Cultural Resources Technical Report circulated for public comment with the Draft EIR. Please replace the Draft EIR, Appendix E, *Cultural Resources Technical Report*, with Appendix R.E, *Final Cultural Resources Technical Report*, included in the following pages.

SECTION 13.0
RESPONSE TO COMMENTS
ON DRAFT ENVIRONMENTAL IMPACT REPORT

The Draft Environmental Impact Report (EIR) for the 2008 Owens Valley PM₁₀ Demonstration of Attainment State Implementation Plan (proposed project) was completed and forwarded to the Governor's Office of Planning and Research (OPR) on September 16, 2007; a Notice of Completion (NOC) was posted at OPR. A Notice of Availability (NOA) of the Draft EIR for public review was then advertised in *Inyo Register*, *Tahoe Daily Tribune*, *Mammoth Times*, and *The Daily Independent* newspapers. The NOA was also forwarded via regular mail to approximately 60 interested parties, including private organizations and individuals. The NOA was also mailed to federal, state, and local agencies potentially having an interest in this project. Copies of the Draft EIR and NOA were also mailed to more than 50 agencies. More than 100 individuals received copies of the Draft EIR, and more than 80 individuals received the NOA. The Draft EIR was made available for public review at six public libraries, the Big Pine Library, Bishop Library, Death Valley Library, Independence Library, Lone Pine Library, Tecopa Library, and Ridgecrest Library, for a period of 45 days, and for purchase, at reproduction cost, from Sapphos Environmental, Inc.

The public comment period closed on October 30, 2007. A total of 14 letters of comment were received on the Draft EIR. In addition, the Great Basin Unified Air Pollution Control District (District) hosted a community workshop on October 17, 2007, at the Inyo County Administrative Center, 224 North Edwards (U.S. Highway 395), Independence, California 93526, to provide the public with key findings of the Draft EIR and to solicit comments. Section 13 of the EIR provides responses to letters of comment and to comments resulting from the community workshop.

This section of the EIR contains a summary of the distribution list for the Draft EIR and a listing of the parties that provided comments during the public review period. The distribution list/respondents have been divided into the following categories: (1) Federal Agencies, (2) State Agencies, (3) Regional Agencies, (4) Native American Tribes, (5) County Agencies, (6) City Agencies, (7) Private Organizations, (8) Individuals, and (9) Community Meeting.

13.1 SUMMARY DISTRIBUTION LIST/RESPONDENTS

13.1.1 Federal Agencies

The NOA was sent to the U.S. Department of the Interior, U.S. Fish and Wildlife Service (USFWS), U.S. Forest Service, U.S. Army Corps of Engineers (USACOE), U.S. Environmental Protection Agency Regional 9, National Park Service, Bureau of Land Management (BLM), and China Lakes Naval Air Weapons Station (NAWS). The Draft EIR was sent to the USFWS, U.S. Forest Service, USACOE, BLM, and China Lakes NAWS. No comment letters were received from any of the federal agencies.

13.1.2 State Agencies

A total of seven state agencies received copies of the NOA and Draft EIR: OPR, California Air Resources Board (CARB), Native American Heritage Commission (NAHC), California State Office of Historic Preservation (OHP), California Department of Fish and Game (CDFG), California State Lands Commission (CSLC), and California Department of Transportation (Caltrans). Four comment letters were received from the CDFG, Caltrans, NAHC, and CSLC.

13.1.3 Regional Agencies

Three regional agencies received copies of the NOA and Draft EIR: Lahontan Regional Water Quality Control Board (Lahontan RWQCB), Indian Wells Water District, and Mojave Desert Air Quality Management District. One comment letter was received from the Lahontan RWQCB.

13.1.4 Native American Tribes

The Native American Tribes listed below received copies of the NOA and/or the Draft EIR. A timely letter of comment was received from the Lone Pine Paiute-Shoshone Reservation.

- Benton Paiute Tribe
- Big Pine Tribe
- Big Pine Paiute Tribe of the Owens Valley
- Big Pine Tribal Historic Preservation Office
- Bishop Paiute Tribe of the Owens Valley
- Bridgeport Indian Colony
- Fort Independence Community of Paiute
- Fort Independence Indian Reservation
- Lone Pine Paiute-Shoshone Reservation
- Timbisha-Shoshone Tribe of Death Valley

13.1.5 County Agencies

The 10 county agencies listed below received copies of the NOA and/or the Draft EIR. Six Inyo County libraries received copies of the Draft EIR while the Kern County library received a Draft EIR CD. One county newspaper received an NOA. No letters of comment were received from the agencies, libraries, or newspaper.

- Alpine County Counsel
- Fresno County Planning and Resource Management
- Inyo County Environmental Health
- Inyo County Mosquito Abatement
- Inyo County Planning Department
- Inyo County Water Department
- Kern County Air Pollution Control District
- Kern County Planning Department
- Mono County Development Department
- Tulare County Resource Management Agency

Libraries where the Draft EIR are kept:

- Inyo County Library–Big Pine
- Inyo County Library–Bishop
- Inyo County Library–Death Valley
- Inyo County Library–Independence
- Inyo County Library–Lone Pine

- Inyo County Library–Tecopa
- Kern County Library–Ridgecrest

The county newspaper, the *Inyo Register*, also received a notice.

13.1.6 City Agencies

Four city agencies received copies of the NOA and/or Draft EIR: The City of Los Angeles Department of Water and Power (City), the City of Bishop Planning Department, the Keeler Community Service District, and the Town of Mammoth Lakes. A timely letter of comment was received from the City of Los Angeles Department of Water and Power. No other letters of comment were received.

13.1.7 Private Organizations

The 37 private organizations listed below received copies of the NOA and/or the Draft EIR. Two letters of comment were received from the Owens Lake Operations of Rio Tinto Minerals and the Range of Light Chapter of the Sierra Club.

- Agrarian Research and Management, Ltd.
- Air Sciences
- Barnard Construction Company, Inc.
- Big Pine Distributors
- California Indian Legal Services
- California Native Plant Society, Bristlecone Pine Chapter
- Carole Keegan Co.
- Coso Operating Company, LLC
- DM Miller Ranch
- Eastern Sierra Audubon Society
- Fanelli Stores, Inc.
- Friends of the Inyo
- Hydro Bio, Inc.
- KIBS/KBOV Radio
- KMMT Radio and KRHV Radio
- KSRW Radio and Television
- Linscott, Law & Greenspan Engineers
- *Los Angeles Times*
- *Mammoth Times*
- Mammoth-Pacific, LP
- Maturango Museum
- Mono Lake Committee
- Morrison and Foerster, LLP
- Neubauer-Jennison, Inc.
- Northern Inyo Hospital
- Owens Valley Committee
- Rantec Corporation
- Rio Tinto Minerals, Owens Lake Operations

- Sierra Club, Range of Light Chapter
- Sierra Nevada Aquatic Research Laboratory
- *Tahoe Daily Tribune*
- Team Engineering and Management, Inc.
- *The Daily Independent*
- The News Review
- *The Sheet*
- VSA n Associates
- Wilson Geosciences

13.1.8 Individuals

The distribution list for the NOA and/or the Draft EIR for public review included 20 individuals referenced in Section 11, Distribution List, of the Draft EIR. Timely letters of comment on the Draft EIR were received from six parties: the Owens Lake Operations of Rio-Tinto Minerals, Dan and Carol Dickman (private party), Mike Prather (private party), Peter Pumphrey (private party), Julie Robinson (private party), and Samuel Wasson (private party).

13.1.9 Community Meeting

A community meeting was conducted by the District with technical assistance by Sapphos Environmental, Inc., on October 17, 2007, at the Inyo County Administrative Center, 224 North Edwards (U.S. Highway 395), Independence, California, 93526, to address public and agency comments on the Draft EIR. The comments from this meeting are included in a Memorandum for the Record,¹ along with a summary describing the manner in which the workshops were conducted. Responses to comments made at the community meeting are provided.

¹ Great Basin Unified Pollution Control District. 31 October 2007. Memorandum for the Record: October 17, 2007 Community Meeting Public Comments. Prepared by: Sapphos Environmental, Inc., Pasadena, CA.

13.2 LETTERS OF COMMENT AND RESPONSES

The letters of comment received on the Draft EIR are presented in this subsection with the comments numbered and annotated in the right margin. Responses to the comments follow each comment letter.

13.2.1 Federal Agencies

There were no letters of comment received from federal agencies.

13.2.2 State Agencies

California Department of Fish and Game
Denyse Racine
407 West Line Street
Bishop, California 93514

California Department of Transportation, District 9
Gayle Rosander
500 South Main Street
Bishop, California 93514

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

Native American Heritage Commission
Dave Singleton
915 Capitol Mall, Room 364
Sacramento, California 95814

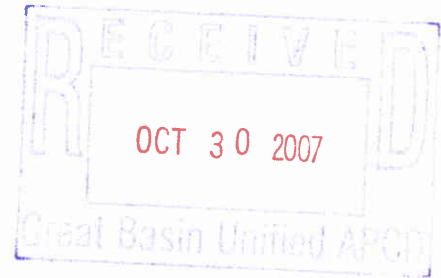


DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>
Inland Deserts Region (IDR)
407 West Line Street
Bishop, CA 93514
(760) 872-1171
(760) 872-1284 FAX



October 30, 2007



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

Subject: 2008 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan Draft Subsequent Environmental Impact Report

Dear Mr. Schade,

The Department of Fish and Game (Department) has reviewed the Draft Subsequent Environmental Impact Report (EIR) for the above mentioned project. The Department is providing comments as the State agency which has the statutory and common law responsibilities with regard to fish and wildlife resources and habitats. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish and Game Code §711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species (Fish and Game Code §1802). The Department's Fish and wildlife management functions are implemented through its administration and enforcement of Fish and Game Code (Fish and Game Code §702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (CEQA) (see CEQA Guidelines, 14 Cal. Code Regs. §15386(a)). The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.

The proposed project is the 2008 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan (SIP). The proposed project location is in the Owens Lake bed (frequently referred to as playa) at the southern end of Owens Valley, Inyo County. The Great Basin Unified Air Pollution Control District (District) proposes a revised air pollution control strategy to bring the Owens Valley PM₁₀ Planning Area into attainment with the National Ambient Air Quality Standard (NAAQS) for particulate matter (PM₁₀) by April 1, 2010, as required by the Clean Air Act.

The proposed project consists of revisions to the 1998 and 2003 SIP dust control program analyzed in the 1997 and 2003 Program EIR and the 1998 Addendum, including changes in the location and size of the emissive dust control areas. The 2008 SIP requires Los Angeles Department of Water and Power (LADWP) to develop and operate the 15.1 square miles of new dust control measures (DCMs) identified in the

revised SIP. In addition, operational environmental monitoring programs proposed through mitigation would be used in the operation of previously developed DCMs to provide project consistency and efficiency.

DCMs are defined as those measures of PM₁₀ abatement that could be placed onto portions of the Owens Lake playa, and when in place, are effective in reducing the PM₁₀ emissions from the surface of the playa. Since 1989, the District has pursued a comprehensive research and testing program to develop PM₁₀ control measures that are effective in the unique Owens Lake playa environment. The District, in cooperation with the LADWP, has developed three PM₁₀ control measures that it has found to be feasible and effective: shallow flooding, managed vegetation, and gravel cover. In addition, the proposed project includes a new DCM known as Moat & Row, which may be mixed with the proposed DCMs. The proposed project includes the use of shallow flooding and moat & row DCMs.

The Department offers the following comments and recommendations:

1. The EIR identifies the extent of Department jurisdiction pursuant to Section 1600 et. Seq. of the California Fish and Game code as a potential issue to be resolved. The EIR states that Department jurisdiction includes *“all existing wetlands (including spring mounds), ephemeral and perennial stream courses with defined beds and banks, and the existing lake (brine pool) up to its ordinary high water mark.”* Section 1602 of the Fish and Game Code defines Department jurisdiction as the *“bed, channel, or bank of, any river, stream, or lake.”* This definition does not mention the concept of *“ordinary high water mark”* nor does it address vegetation or wetland status. Department lake bed jurisdiction potentially includes the entire bed of Owens Lake, but has not yet been delineated in detail. For this reason, we have suggested that the U.S. Fish and Wildlife Service’s National Wetland Inventory (NWI) maps depicting lacustrine (i.e., lake bed) wetlands may be considered a reasonable estimate of Department jurisdiction for the purpose of supplementing the existing jurisdictional information in the EIR. Lacustrine wetlands are depicted in Figure 3.2.2-1 of the EIR, and additional documentation regarding the criteria used to designate these areas may be obtained from the NWI. The NWI maps should be refined by a more detailed field-based delineation effort. Figure 3.2.2-9 underestimates lake bed jurisdiction by several thousand acres. 1
2. As mentioned above, wetlands may be jurisdictional if they are associated with the bed, channel, or bank of, any river stream, or lake. The Fish and Game Commission has adopted the U. S. Fish and Wildlife Service wetland definition¹ as modified². The bed of Owens 2

¹ 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.

Lake has been demonstrated to support wetland associated species and habitat values, and would therefore qualify as wetlands if less than three wetland "parameters" are present. Areas considered to be wetlands according to the Department's definition would be expected to be similar to the NWI mapping presented on Figure 3.2.2-1 of the EIR.

2

3. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands³. 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. We recognize that some types of DCM's have substantially improved habitat at Owens Lake. The Department would like to meet with the District prior to circulation of the Final EIR to develop a mitigation strategy that will both meet the needs of the project and address state wetland policy. The Department of Water and Power has indicated that at least one past wetland mitigation effort has created more wetland acres than required. We would support the "banking" of existing created wetland to compensate for future wetland impacts. By creating habitat in advance of impact, mitigation ratios may be reduced because temporal habitat losses are eliminated.

3

4. The project will 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.

4

² California Fish and Game Commission Policies: Wetlands Resources Policy; Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Strategy; Amended 1994

³ California Fish and Game Commission Policies: Wetlands Resources Policy; Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Strategy; Amended 1994

5. Habitat islands should be created in ponded areas as a minimization and habitat improvement measure. These islands have been very successful in the past, and provide alternatives to wildlife in addition to roads and human activities. 5
6. The rationale for any speed limit increase should be explained in detail, with facts demonstrating that the increase is justified. Evidence should be presented to show that the increase would not impact wildlife. Only then should the speed limit be increased to 30 miles per hour, in appropriate areas only. 6
7. The Department of Water and Power has indicated concern regarding the cost to implement mitigation measures for corvid management. To help address this concern, we recommend that the Final EIR should include additional information from the yearly corvid management reports to assess corvid management efforts and success to date. In addition, a more detailed analysis of the location of the "moat and row" rows and rigidity of the fencing (e.g., can ravens use it for perching?) may also help to determine a course of action. The Department is also open to alternative mitigation measures that reduce corvid predation impacts, including exploring off-site measures to reduce the raven population in the general vicinity. 7
8. We agree with the EIR's assumption that the moat and row DCM has the potential to reduce habitat value. We request a more detailed impact assessment of this DCM in the Final EIR. For example, moats may need to be constructed with gently sloping sides to prevent a wildlife entrapment hazard. This concern, along with a more detailed assessment of wildlife movement impacts and corvid predation issues should be developed in more detail to better focus and clarify the impact and mitigation. With several potential unknowns, a specific monitoring program may be warranted until the impacts of this method are better understood. 8
9. We support the creation of a long-term wildlife area management plan, and look forward to working with the District, LADWP, the State Lands Commission, and other interested stakeholders to manage the wildlife resources associated with Owens Lake. 9

Thank you for the opportunity to comment. Questions regarding this letter and further coordination on these issues should be directed to Mr. Brad Henderson, Environmental

Mr. Shcade
October 30, 2007
Page 5 of 6

Scientist, at (760) 873-4412.

Sincerely,



for

Denyse Racine
Senior Environmental Scientist

cc:

State Clearinghouse

Chron

California Department of Fish and Game
Denyse Racine
407 West Line Street
Bishop, California 93514

Response to Comment 1:

The CDFG jurisdiction as stated in the EIR is consistent with Streambed Alteration Agreements negotiated between CDFG and the City for the required dust control measures (DCMs) pursuant to the 1998 State Implementation Plan (SIP) and the 2003 SIP. The District believes that the jurisdictional delineation conducted in support of the EIR, in revised Appendix R.D, *Final Biological Resources Technical Report*, accurately reflects the extent of CDFG jurisdiction at approximately 411.8 acres. The delineation of areas subject to the jurisdiction of CDFG considered all areas mapped as lacustrine wetlands pursuant to the National Wetlands Inventory. The USACOE has determined that the surface of Owens Lake has been permanently lowered as a result of combined natural and human forces. Consequently, portions of the lake bed are permanently dry and no longer contain wetland-associated fish and wildlife resources. Therefore, areas mapped by the National Wetlands Inventory due to their presence within the historic lake bed located above the upper limits of lake inundation were not included in the limits of areas subject to the jurisdiction of the CDFG (Figure 3.2.2-9, *CDFG Jurisdictional Waters Analysis*). In addition, areas that did not demonstrate riparian or aquatic habitat values were not included in the limits of areas subject to the jurisdiction of the CDFG (Figure 3.2.2-9). This interpretation is consistent with the CDFG definition of the term *lake* in the July 2, 1990, Memorandum for the Record regarding Jurisdictional Issues in the Application of Fish and Game Code Sections 1601 and 1603: “a considerable body of standing water in a depression of land or expanded part of a closed basin serving to drain surrounding country; or a body of water of considerable size surrounded by land; a widened portion of a river or lagoon.”^{2,3} This definition applies only to the area within Owens Lake known as the brine pool. The areas of Owens Lake that are mapped as lacustrine wetlands in the National Wetlands Inventory and excluded from the mapping of CDFG jurisdiction currently support barren playa and do not conform to the definition of lacustrine systems as defined by the USFWS. The USFWS definition of lacustrine systems includes permanently flooded lakes and reservoirs (e.g., Lake Superior), intermittent lakes (e.g., playa lakes), and tidal lakes with ocean-derived salinities below 0.5 percent (e.g., Grand Lake, Louisiana).⁴ Typically, there are extensive areas of deep water and there is considerable wave action. The lacustrine wetlands mapped in Figure 3.2.2-1, *Jurisdictional Wetlands and Waters Survey Areas*, include extensive areas that do not have the appropriate hydrology, soils, or habitat values to render them subject to CDFG jurisdiction.

² California Department of Fish and Game. Amended 18 August 2005. Fish and Game Commission Policies: Wetlands Resources. Available at: <http://www.fgc.ca.gov/html/p4misc.html#WETLANDS>

³ California Department of Fish and Game. Amended 4 August 1994. Fish and Game Commission Policies: Recommended Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Methodology. Available at: <http://www.fgc.ca.gov/html/p4misc.html#WETLANDS>

⁴ Cowardin, Lewis M., et al. 1979 *Classification of Wetlands and Deepwater Habitats of the United States*. U.S. Fish and Wildlife Service.

Response to Comment 2:

Thank you for the information provided regarding the CDFG adoption of the USFWS definition of *wetland*, as modified by the CDFG.^{5,6} The District has reviewed those documents and incorporated clarifications and revisions to the EIR consistent with the guidance provided in those documents:

The Commission concurs with the Department's recommendation to use the U.S. Fish and Wildlife Service's (USFWS) definition as the basis for wetland identification. When all three wetland indicators (i.e., hydric soils, wetland vegetation, and hydrology) are present, the presumption of wetland existence shall be conclusive. Where less than three indicators are present, policy application shall be supported by the demonstrable use of wetland areas by wetland associated fish or wildlife resources, related biological activity, and wetland habitat values.

The USFWS wetland identification system should be applied by professionals trained in its methodology. The accuracy of existing wetland inventory mapping should not necessarily be assumed. The Commission supports the Department's current practice of on-site inspections of projects which would impact wetlands and strongly encourages the Department to conduct on-site inspections of such projects and particularly whenever requested to do so by project proponents or concerned public agencies.^{7,8}

See Response to Comment No. 1 and Appendix R.D to the EIR. Field surveys were conducted for all areas potentially requiring DCMs pursuant to the 2008 SIP, including all areas mapped as lacustrine wetlands in the National Wetlands Inventory. Site inspections were completed under the supervision of a certified wetland delineator. The determination that some areas mapped in the National Wetlands Inventory as lacustrine wetlands are not subject to CDFG jurisdiction was based on a systematic investigation consistent with CDFG guidance documents:^{9,10}

- Areas lacked one or more wetland indicators: soil, hydrology, or vegetation
- Field inspection determined that areas do not conform to USFWS mapping criteria for lacustrine wetlands

⁵ California Department of Fish and Game. Amended 18 August 2005. Fish and Game Commission Policies: Wetlands Resources. Available at: <http://www.fgc.ca.gov/html/p4misc.html#WETLANDS>

⁶ California Department of Fish and Game. Amended 4 August 1994. Fish and Game Commission Policies: Recommended Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Methodology. Available at: <http://www.fgc.ca.gov/html/p4misc.html#WETLANDS>

⁷ California Department of Fish and Game. Amended 18 August 2005. Fish and Game Commission Policies: Wetlands Resources. Available at: <http://www.fgc.ca.gov/html/p4misc.html#WETLANDS>

⁸ California Department of Fish and Game. Amended 4 August 1994. Fish and Game Commission Policies: Recommended Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Methodology. Available at: <http://www.fgc.ca.gov/html/p4misc.html#WETLANDS>

⁹ California Department of Fish and Game. Amended 18 August 2005. Fish and Game Commission Policies: Wetlands Resources. Available at: <http://www.fgc.ca.gov/html/p4misc.html#WETLANDS>

¹⁰ California Department of Fish and Game. Amended 4 August 1994. Fish and Game Commission Policies: Recommended Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Methodology. Available at: <http://www.fgc.ca.gov/html/p4misc.html#WETLANDS>

- Field inspection determined that areas do not conform to CDFG definition of a *lake*
- Field inspection revealed that the sites were characterized by barren playa, with an absence of wetland-associated fish and wildlife resources

Response to Comment 3:

The District understands that in their role as Trustee Agencies, the CDFG and CSLC are charged with protecting the public trust values, including wildlife habitat at Owens Lake. The District appreciates recognition and acknowledgment of the acceptability of applying banked mitigation credits resulting from mitigation undertaken pursuant to the 1998 and 2003 SIP toward the 2008 SIP. As indicated in the EIR, the 2008 SIP was designed to avoid and minimize impacts to wetland resources to the maximum extent practicable. However, as indicated in the EIR, Table 3.2.2-1, *Plant Communities Present within the Proposed Project Area*, and data from the sensit grid show that 413 acres of Transmontane Alkali Meadow (TAM) habitats are emissive, thus requiring the application of DCMs to meet the National Ambient Air Quality Standards. The balance of the impact area is composed of nonwetland habitats: barren playa and shadscale scrub. Table 2.4.4-1, *Existing Mitigation Areas*, provide a summary of existing mitigation area and the availability of 87.3 acres of Dry Alkaline Meadow, 5.7 acres of Moist/Saturated Alkaline Meadow, and 7 acres of shallow flood habitat.

An agency consultation meeting was held on December 19, 2007, at the CDFG office in Bishop, California, in response to the request of the CDFG to meet prior to circulation of the Final EIR to develop a mitigation strategy that would both meet the needs of the project and address state wetland policy.¹¹ As a result of the meeting, the parties outlined five issue areas to be carried forward to the clarifications and revisions section of the Final EIR, including the resolution of disagreements on the extent of CDFG jurisdiction; clarifications and revisions to mitigation measure Biology-6, Wetland Mitigation Program; clarifications and revisions to mitigation measure Biology-8, Exotic Pest Plant Control Program; clarifications and revisions to mitigation measure Biology-14, Long-term Habitat Management Plan; and clarifications and revisions to Section 3.2.4, Impact Analysis.

Response to Comment 4:

The potential impacts to the lake, stream, and riparian resources are fully identified in the EIR in Section 3.2, Biological Resources, and in Appendix R.D, as revised and clarified in Section 13 of the Final EIR. Section 3.2 and Appendix R.D included the determination that there would be impacts to 411.8 acres of area subject to the jurisdiction of the CDFG pursuant to Section 1600 of the Fish and Game Code.

Adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the project's Streambed Alteration Agreement pursuant to Section 1600 are provided in Section 3.2.5 of the EIR.

The requirement for a Streambed Alteration Agreement is specified in Table 2.8-1, *Permit Requirements*, of the EIR. The EIR acknowledges the role of CDFG as the Trustee and Responsible Agency and anticipates that the CDFG will rely on the EIR as environmental documentation

¹¹ Sapphos Environmental, Inc. 21 December 2007. Memorandum for the Record 1064-013.M04: Meeting Minutes for December 19, 2007, Agency Meeting. Pasadena, CA.

required pursuant to the California Environmental Quality Act (CEQA) to support its decision-making process related to the Streambed Alteration Agreement.

Response to Comment 5:

The District concurs and acknowledges the perceived benefit of creating habitat islands within areas treated with the Shallow Flooding DCM. However, the data provided in EIR Figures 3.2.2-3, *Pre-1997 Estimated Snowy Plover Habitat at Owens Lake*, and 3.2.2-4, *Current Estimated Snowy Plover Habitat at Owens Lake*, demonstrate that DCMs resulting from the 1998 and 2003 SIP have resulted in a net increase in suitable western snowy plover habitat. EIR Figure 3.2.2-5, *Post-2008 Estimated Western Snowy Plover Habitat at Owens Lake*, demonstrates that the 2008 SIP would also be expected to result in a net increase in suitable habitat for western snowy plover. Therefore, there is no nexus to allow the District to require the City to incorporate habitat islands into the design of the Shallow Flooding DCM. In addition, the incorporation of habitat islands could create an attractive nuisance by attracting nesting birds into areas that are subject to annually recurring maintenance activities.

Response to Comment 6:

Observations by District personnel indicate that the 15 miles per hour (MPH) speed limit is an unnecessary encumbrance on the proposed project. A review of the mitigation monitoring completed during construction and operation of DCMs completed pursuant to the 1998 and 2003 SIP do not indicate that such measures resulted in increased levels of western snowy plover survival. In addition, research undertaken by the Federal Highway Administration indicates that driver compliance to the posted speed limit increases when the posted limit is raised to a reasonable limit.¹²

Response to Comment 7:

Language has been added to Section 2.7.1.1, Dust Control Measures, and to Section 3.2.5, Mitigation Measures, Measure Biology-11, Corvid Management Plan, requiring that the sand fencing used in conjunction with the Moat & Row DCM be sufficiently flexible to prevent perching by predators.

In Section 3.2.5, mitigation measure Biology-11 has been modified to specify that alternative corvid control measures, capable of achieving the same performance standard of no substantial net increase in corvid predation of native nesting shore birds (including eggs) that are acceptable to the CDFG, may be employed.

Response to Comment 8:

The District appreciates the concerns expressed by the CDFG regarding the potential for the Moat & Row DCM to result in unanticipated reductions in habitat value. To date, the City has provided no qualitative or quantitative data comparing pre-construction and post-construction habitat values for the proposed Moat & Row DCM. The District has provided clarifications and revisions to Section 2.7.1.1, Dust Control Measures, Moat & Row and Enhancements, of the EIR to delineate clearly the assumptions that were used as the basis for the environmental analysis.

¹² U.S. Department of Transportation, Federal Highway Administration, Turner-Fairbank Highway Research Center. 29 September 2006. "Human Centered Systems Research." Available at: <http://www.fhrc.gov/humanfac/hf.htm>

Response to Comment 9:

Thank you for supporting mitigation measure Biology-14, which specifies the creation of a Wildlife Area Management Plan. Mitigation measure Biology-14 has been clarified to indicate that preparation of the Wildlife Area Management Plan shall be subject to the oversight of the CDFG. CSLC shall be consulted for comments on the Plan, and as landowner shall be provided copies of all monitoring and compliance reports prepared pursuant to the Plan.

DEPARTMENT OF TRANSPORTATION

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*Flex your power!
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OCT 26 2007

October 25, 2007

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

File: 09-CA
 DSEIR
 SCH #: 2007021127

Dear Mr. Schade:

2008 Owens Valley PM10 Planning Area Demonstration of Attainment of State Implementation Plan Draft Subsequent Environmental Impact Report (DSEIR)

The California Department of Transportation (Caltrans) appreciates the opportunity to comment on the Owens Valley PM 10 DSEIR. Thank you for access location clarifications provided by you and Eric Charlton of Sapphos Environmental. We have the following comments:

- The following summarizes our understanding of the highway access points for the Owens Lake PM 10 Project. (Please correct us if there are additional ones.):
 - US 395 post mile (pm) 39.7, "Willow Dip" – a permit is on file for US Borax for truck entering signs for this existing paved private road approach. Within this permit there is a statement for operating and maintaining the approach. Since US Borax and the Department of Water and Power City of Los Angeles (DWP) are jointly using this access, a new permit for the road connection/maintenance in both names is needed. 1
 - US 395 pm 48.94, Bartlette Road – is an Inyo County road. 2
 - US 395 pm 50.52 - has a paved access but there is no permit on file. An encroachment permit is needed. Any required improvements would be determined during permit application review. 3
 - US 395 pm 53.27, Boulder Creek RV Park - has a paved access on the right but there is no permit on file. If the County wants to consider it a public road connection as an extension of Lubken Canyon Road, no permit would be required, but it must meet public road connection standards. If this is considered a private shared access for both Boulder Creek and the Owens Lake Project, an encroachment permit is needed. Any required improvements would be determined during permit application review. 4
 - State Route (SR) 136 pm 14.44, Sulfate Road – is permitted to the DWP with access improvements underway. 5

- SR 190 pm 14.58, Dirty Sox Springs Road – has a paved access (poor condition). We do not find an assigned County road number nor a permit on file. If it is part of the County system, an assigned road number is needed. If not, an encroachment permit is needed. Any required improvements would be determined during permit application review. 6
- Although no Level of Service changes due to Project traffic volumes may occur, we appreciate the acknowledgement of traffic safety impacts. Safety at the specific intersection points needs to be examined considering speed differentials between trucks and cars, sight distance, and traction control (i.e. no debris tracking). Improvements, which would address safety, will be addressed during the permit application process as noted above. 7
- It is also commendable that mitigation to repair any roadway damage is already included in the document. Monitoring would need to occur at the six access points listed above and a Caltrans representative would participate with the “qualified pavement consultant engineer” However, payment of in-lieu fees may not be the most efficient mechanism to provide such mitigation. Through the permitting process a bond can be posted and a double permit written that would include the access itself and construction activities for any roadway repair work. The DWP or its contractor must be on-call to repair any damage immediately or in the short term, not just within 12 months after project construction activities would be completed as stated in the document. If you think another method would work better, please arrange a meeting amongst the DWP, Inyo County and Caltrans to discuss the matter further. 8
- For encroachment permit information including access points and their improvements along with the Traffic Safety Work Plan discussed in the document, please contact Stephen Winzenread at (760) 872-0674. 9
- The Caltrans South Region office manages overweight vehicle permits. For further information you may call (909) 383-4637. 10

Please forward any additional information pertinent to Caltrans. We value a cooperative working relationship with your agency regarding transportation issues. You may contact me at (760) 872-0785 for any questions. 11

Sincerely,



GAYLE J. ROSANDER
IGR/CEQA Coordinator

- c: State Clearinghouse
Ron Chegwiddden, Inyo County Public Works
Paul Lamos, US Borax
Jackie Hickman, Boulder Creek RV Park
Steve Wisniewski, Caltrans

California Department of Transportation, District 9
Gayle Rosander
500 South Main Street
Bishop, California 93514

Response to Comment 1:

The District appreciates receipt of the information from Caltrans regarding Willow Dip. The proposed access roads to be constructed and existing access road to be used to support construction, operation, and maintenance of the proposed project are described in Section 2.7.1.2, Other Project Elements, and in Figure 2.7.1-1, *Proposed Project Elements*, of the EIR. The requirements for the Caltrans encroachment permits are specified in Table 2.8-1, *Permit Requirements*. Section 3.8.2, Existing Conditions, has been clarified to include the status of Willow Dip. Mitigation measure Traffic-1, Traffic Work Safety Plan, described in the Executive Summary and in Section 3.8.5, Mitigation Measures, of the EIR shall be modified to reflect the information provided by Caltrans District 9.

Response to Comment 2:

The District appreciates receipt of the information from Caltrans regarding the designation of Bartlett Road as an Inyo County road. Section 3.8.2, Traffic and Transportation, Existing Conditions, has been clarified to include the status of Bartlett Road.

Response to Comment 3:

The District appreciates receipt of the information from Caltrans regarding U.S. Highway 395, Post Mile 50.52. The conditions regarding Caltrans encroachment permits have been acknowledged and documented in the regulatory framework sections of the Land Use and Planning and Traffic and Transportation sections of the Draft EIR, Sections 3.6.1 and 3.8.1, respectively. The requirements for the Caltrans encroachment permits are specified in Table 2.8-1, *Permit Requirements*. Section 3.8.2, Traffic and Transportation, Existing Conditions, has been clarified to include the status of U.S. Highway 395, Post Mile 50.52. Mitigation measure Traffic-1 described in the Executive Summary and Section 3.8.5, Traffic and Transportation, Mitigation Measures, of the EIR shall be modified to reflect the information provided by Caltrans District 9.

Response to Comment 4:

The District appreciates receipt of the information from Caltrans regarding U.S. Highway 395, Post Mile 53.27. The conditions regarding Caltrans encroachment permits have been acknowledged and documented in the regulatory framework sections of the Land Use and Planning and Traffic and Transportation sections of the Draft EIR, Sections 3.6.1 and 3.8.1, respectively. The requirements for the Caltrans encroachment permits are specified in Table 2.8-1, *Permit Requirements*.

Section 3.8.2, Traffic and Transportation, Existing Conditions has been clarified to include the status of U.S. Highway 395, Post Mile 53.27 and to indicate that there is no permit on for the paved access. Mitigation measure Traffic-1 described in the Executive Summary and Section 3.8.5, Traffic and Transportation, Mitigation Measures, of the EIR shall be modified to reflect the information provided by Caltrans District 9.

Response to Comment 5:

Thank you for the comment. The conditions regarding access improvements for State Route 136 have briefly been acknowledged and documented in Section 3.8.2, Traffic and Transportation, Existing Conditions, Roadway Design Configurations.

Response to Comment 6:

The District appreciates receipt of the information from Caltrans regarding State Route 190, Post-Mile 14.58, Dirty Socks Springs Road. The conditions regarding Caltrans encroachment permits have been acknowledged and documented in the regulatory framework sections of the Land Use and Planning and Traffic and Transportation sections of the Draft EIR, Sections 3.6.1 and 3.8.1, respectively. The requirements for the Caltrans encroachment permits are specified in Table 2.8-1, *Permit Requirements*.

Section 3.8.2, Traffic and Transportation, Existing Conditions has been clarified to include the status of State Route 190, Post-Mile 14.58, Dirty Socks Springs Road, specifically that the paved road is in poor condition and that a road number is needed if it is part of the County road system, and if it is not part of the County road system, an encroachment permit would be needed. Mitigation measure Traffic-1 described in the Executive Summary and Section 3.8.5, Traffic and Transportation, Mitigation Measures, of the EIR shall be modified to reflect the information provided by Caltrans District 9.

Response to Comment 7:

The District appreciates and shares Caltrans' concerns related to traffic safety during construction, operation, and maintenance of the DCMs. A traffic study was performed and included as Appendix G to the EIR. The Traffic Work Safety Plan requirements in mitigation measure Traffic-1 requires the City to work with Caltrans to determine the necessity for traffic safety equipment to be installed and maintained on U.S. Highway 395, State Route 136, and State Route 190 in order to ensure traffic safety during construction of the proposed project.

Response to Comment 8:

The District appreciates the importance of compensating for roadway damage resulting from the proposed project. As indicated in the comment, mitigation measure Traffic-3 provides for the use of in-lieu fees as a means of compensating for construction-generated damages to roadways. Section 3.8.5, Traffic and Transportation, Mitigation Measures, mitigation measure Traffic-3 has been modified to reflect the input provide by Caltrans.

Response to Comment 9:

Thank you for providing the contact person for access points and their improvement along with the Traffic Safety Work Plan discussed in the EIR. At least 10 days prior to the EIR being considered by the District Governing Board, a copy of the Caltrans letter of comment will be provided to Inyo County and the City.

Response to Comment 10:

Thank you for providing the contact person for overweight vehicle permits.

Response to Comment 11:

Thank you for the comment. Coordination with Caltrans is acknowledged as part of the CEQA process.

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA STATE LANDS COMMISSION
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October 29, 2007

File Ref: PRC 8079.9

Mr. Theodore Schade
Great Basin Unified Air Pollution Control District
157 Short Street
Bishop, CA 93526

OCT 29 2007

**SUBJECT: Public Notice of Availability Draft 2008 Owens Valley Pm10 Area
Demonstration of Attainment State Implementation**

Dear Mr. Schade:

California State Lands Commission (CSLC) staff has reviewed the subject document. The Great Basin Unified Air Pollution Control District (District) is the Lead Agency under the California Environmental Quality Act and the CSLC is a responsible agency. The CSLC would consider projects under its jurisdiction being governed under this EIR after the District has certified the EIR and approved such projects. Based on CSLC staff's review of the subject document, the following comments are provided.

The State 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 the people of the State for statewide Public Trust purposes which include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The landward boundaries of the State's sovereign interests in areas that are subject to tidal action are generally based upon the ordinary high water marks of these waterways as they last existed prior to fill or artificially-induced accretions. In non-tidal navigable waterways, the State holds a fee ownership in the bed of the waterway between the two ordinary low water marks. The entire non-tidal navigable waterway between the ordinary high water marks is subject to the Public Trust. The State's sovereign interests are under the jurisdiction of the CSLC.

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The CSLC has jurisdiction over the historic lakebed of Owens Lake. The CSLC has authorized several leases at Owens Lake: PRC 5464.1, and PRC 3511.1 to Rio Tinto Minerals, formerly U.S. Borax, and several public agency leases (PRC 8079.9 to LADWP and PRC 8277.9 to the District). The proposed project would require CSLC consideration of an amendment to LADWP's existing Lease PRC 8079.9.

2

CSLC's interests in the subject environmental document include, but are not limited to, ensuring that uses of the Lake bed are compatible with the natural and public trust resource values.

3

LADWP has submitted an application to the CSLC to consider amending PRC 8079.9 to include Phase 7 of the dust control measure project that is a component of the subject environmental document. One of the dust control alternative designs being considered within this document is the Moat and Row construction technique. Because this is a new dust control concept, LADWP has applied for and has received a short-term lease from the CSLC to study the feasibility of this technique. CSLC staff has concerns that this technique may significantly modify the habitat and visual quality of the Owens Lake dry lake bed and therefore suggests that the results of the actual impacts and effectiveness of the test project be provided prior to considering a final action on the next phase of dust control measure requirements to be imposed upon LADWP.

4

CSLC staff wishes to clarify that it desires to be included in the review and comment on specific plans to be implemented as mitigation on lands under its jurisdiction, but does not want to approve such plans.

5

Mitigation Measure – Hydrology 3

The FEIR should clarify that the design of flood protection berms is subject to CSLC staff approval. CSLC staff anticipates that this review will be accomplished through the review of LADWP's application for lease amendment to construct, implement and maintain additional dust control measures on the bed of Owens Lake within the jurisdiction of the CSLC.

6

Moat and Row and Enhancements

The EIR should restate the reasons for concluding that Aesthetic Impacts would not be discussed, particularly for the proposed Moat and Row method for dust control. The project description indicates that soil will be pushed into mounds up to five feet in height. Additionally, this design method includes adaptive measures that include the possibility of placement of a five-foot sand fence that would be placed on top of the mound, for a total height of ten feet.

7

Air Quality - Greenhouse Gases

Due to the evolving guidance and legislation surrounding the analysis of Greenhouse Gas emissions, the CSLC is currently conducting some additional reviews

8

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of the Greenhouse Gases section and may be providing additional comments in the near future. | 8

Mitigation Measure Biology 1 - Lake Bed Worker Education Program
The CSLC would also like to be provided with a copy of the worker education program. | 9

Mitigation Measure Biology 7 - Toxicity Monitoring Program
The CSLC would like the opportunity to review and possibly comment on the long term monitoring program referenced in this mitigation measure. | 10

Mitigation Measure Biology 14 – While CSLC staff believe that the proposed environmental document should discuss and analyze the potential impacts resulting from the modifications to wildlife habitat by LADWP and the need for the preparation of a wildlife area management plan, CSLC staff wish to clarify that it did not request such a plan, but rather suggested that consultation and guidance of this need be sought from the California Department of Fish and Game (CDFG). This mitigation measure should be amended to require the CDFG to oversee the preparation of this wildlife plan. CSLC should be consulted for comments on the Plan and as land owner, be provided copies of all monitoring and compliance reports. | 11

Existing Conditions 3.4.2 – Routine Transport, Use, or Disposal of Hazardous Materials – Page 3.4-4. CSLC staff are concerned that the existing operations include a fertilizer injection system located at four locations (turnouts T5 through T8), consisting of seven above ground storage tanks. The CSLC has not authorized these improvements and if proposed to CSLC staff, would recommend that this would be a significant impact for which alternative site locations for hazardous materials should be included and evaluated within the EIR. This use is not compatible with the public trust resources and values within Owens Lake. | 12

Effectiveness Monitoring Program – CSLC staff recommend that the final environmental document include a summarization of and a copy of the existing effectiveness monitoring program. | 13

Fence construction – CSLC staff are uncertain whether fences will be constructed on locations other than for the Moat and Row design and if so, what are the locations where fences are proposed to be constructed and what are the resultant impacts to wildlife from fence construction. | 14

Mitigation Measure Air -1 – The DEIR should include a discussion and analysis of the quantity, use and storage of chemical soil stabilizers and the impacts that may result from the use of such stabilizers including whether approval by the Regional Water Quality Control Board would be necessary for such proposed use. | 15

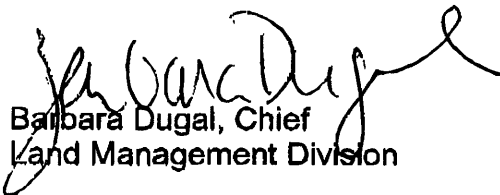
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Page 3.3-25 – The last sentence in the first paragraph of Phase I, CSLC should be mentioned as an additional contact if human remains are found; however, the environmental document should be amended to reflect that the County Coroner is the appropriate first contact.

16

You may contact Judy Brown at (916) 574-1868, or by email at brownj@slc.ca.gov if you have any questions pertaining to this comment letter.

Sincerely,



Barbara Dugal, Chief
Land Management Division

cc: Judy Brown, CSLC
Sarah Mongano, CLSC

Denyse Racine
Brad Henderson
California Department of Fish and Game
407 W. Line Street
Bishop, CA 93514

Judy Kier
California Regional Water Quality Control Board
14440 Civic Drive, Suite 200
Victorville, CA 92392

Richard Harasick
Los Angeles Department of Water and Power
111 N. Hope Street
Los Angeles, CA 90012

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

Response to Comment 1:

The District appreciates the explanation of the role of the CSLC as a Responsible and Trustee Agency at Owens Lake. Corresponding changes have been made to the EIR, Section 3.6.1, Land Use, Regulatory Framework.

Response to Comment 2:

The District appreciates information provided by the CSLC. Revisions have been made to the EIR, Section 2.4.2, Local Environmental Setting; Table 2.8-1, *Permit Requirements*; and Section 3.6.2, Land Use, Existing Conditions.

Response to Comment 3:

The District understands and appreciates the role of the CSLC as a Trustee and Responsible Agency in relation to the proposed installation of DCMs at Owens Lake and the related public trust benefits. The CSLC concerns related to the compatibility of the proposed DCMs with the natural and public trust resource values will be taken into consideration by the District Governing Board during their decision-making process related to the 2008 SIP.

Response to Comment 4:

Thank you for the comment. All available information regarding the experimental Moat & Row DCM put forth by the City is incorporated in Section 12, Clarifications and Revisions to the Draft Environmental Impact Report. The District shall take into account CSLC's concerns regarding the potential incompatibility of the Moat & Row DCM with public trust habitat and visual quality values and CSLC's request for the provision of additional data from the Moat & Row test area during their decision-making process related to the 2008 SIP.

Response to Comment 5:

Thank you for the comment. The District understands that CSLC wishes to be included in the review and comment process on specific plans, but will not be required to approve such plans.

All mitigation measures identified in the Executive Summary have been reviewed for consistency with CSLC comments.

Response to Comment 6:

Thank you for the comment. The District understands that the design of flood protection berms is subject to CSLC staff approval and would be undertaken in conjunction with the review of the City's application for lease amendment to construct, implement, and maintain additional DCMs on the bed of Owens Lake within the jurisdiction of the CSLC. Mitigation measure Hydrology-3 has been modified accordingly.

Response to Comment 7:

Thank you for the comment. The EIR states in Section 3.0 that impacts to aesthetics would not be significant based on the analysis in the Initial Study. In addition, the description of the Moat & Row DCM was clarified to ensure that the sand fencing shall be treated with fences in neutral tones that respect the visual character of the area.

Response to Comment 8:

Thank you for expressing interest in additional review for greenhouse gas emissions. The District shares the concerns of the CSLC regarding the need to ensure that project planning and regulatory oversight comply with the legislature's goals and objectives articulated in Assembly Bill (AB) 32.

Response to Comment 9:

Thank you for the comment. The District understands the importance of CSLC having copies of all programs being used to ensure the protection of public trust values at Owens Lake. The District will provide CSLC with a copy of the worker education program at least 10 day prior to presenting the EIR to the District Governing Board for certification of technical and procedural adequacy.

Response to Comment 10:

Thank you for the comment. The District understands the importance of CSLC having copies of all programs being used to ensure the protection of public trust values at Owens Lake. The District has revised mitigation measure Biology-7 to include submittal of the long-term monitoring program to CSLC for review and comment.

Response to Comment 11:

Thank you for the comment. The District is in receipt of CSLC's comments regarding mitigation measure Biology-14, and the corresponding clarifications and revisions have been undertaken.

Response to Comment 12:

Revisions have been made to the Project Description included in Section 12, Clarifications and Revisions to the Draft Environmental Impact Report. In the previously certified 2003 SIP EIR, fertilizers were stored in tanks within concrete secured berm areas.

Based on comments submitted by the CLSC on the 2008 Draft EIR, additional storage of four tanks is not seen as compatible with public trust values. The provision for additional storage shall not be provided by the CSLC. The use of any chemicals requiring the provision of additional tanks would require additional impact analyses and site alternative evaluations.

Response to Comment 13:

Thank you for the comment. The CSLC shall be given information regarding the existing effectiveness monitoring program and be given the opportunity to provide input to the District and the City in order to improve the program.

Response to Comment 14:

Thank you for the comment. The analysis undertaken for the inclusion of sand fencing was conducted only in conjunction with the proposed Moat & Row DCM.

Response to Comment 15:

Thank you for the comment. Mitigation measure Air-1 has been modified to remove the use of chemical soil stabilizers as a material to aid in the control and minimization of fugitive dust. Regular monitoring reports submitted by the City to CSLC and the District will ensure proper adherence to the mitigation measure. This measure helps to ensure that the basic objective of dust control is achieved.

Response to Comment 16:

Thank you for the comment. The EIR has been clarified to state that, in the event human remains are found during construction activities, the County Coroner will be the first contact and the CSLC will be an additional contact.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 e-mail: ds_nahc@pacbell.net



SEP 25 2007

September 19, 2007

Mr. Theodore D. Schade
Great Basin Unified Air Pollution Control District
 157 Short Street, Suite 6
 Bishop, CA 93514

Re: SCH#2007021127: CEQA Notice of Completion; draft Subsequent Environmental Impact Report (SEIR) for the 2008 Owens Valley PM Planning Area Demonstration of Attainment State Implementation Plan; GBUAPCD; Inyo County, California

Dear Mr. Schade:

The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. 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 archaeological 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 (916/653-7278) <http://www.ohp.parks.ca.gov/1068/files/IC%20Roster.pdf> 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 that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
- The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).

✓ Lack of surface evidence of archaeological resources does not preclude their subsurface existence.

- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological 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 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

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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 and implementation

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

Sincerely,

Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

7

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9

10

Native American Contacts

Inyo County

September 19, 2007

Big Pine Band of Owens Valley
David Moose, 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 Western Shoshone
Bishop , CA 93514
dianne@timbisha.org
(760) 873-9003
(760) 873-9004 FAX

Bishop Paiute Tribe
Tilford Denver, Chairperson
50 Tu Su Lane
Bishop , CA 93514
(760) 873-3584
(760) 873-4143

Paiute - Shoshone

Antelope Valley Paiute Tribe
Bill Lovett, Chairperson
874 Camp Antelope Road, #11 Washoe / Paiute
Coleville , CA 96107
(530) 495-2801
(530) 495-2736

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

Ron Wermuth
P.O. Box 168
Kernville , CA 93238
warmoose@earthlink.net
(760) 376-4240 - Home
(916) 717-1176 - Cell

Tubatulabal
Kawaiisu
Koso
Yokuts

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

Bishop Paiute Tribe
Brian Adkins, Environmental Mger
50 Tu Su Lane
Bishop , CA 93514
tcsec@paiute.com
(760) 873-3076

Paiute - 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 Completion; draft Subsequent Environmental Impact Report (SEIR) for the 2008 Owens Valley PM Planning Area Demonstration of Attainment, State Implementation Plan; Great Basin Unified Air Pollution Control District; Inyo County, California.

Native American Contacts

Inyo County

September 19, 2007

Lone Pine Paiute-Shoshone Reservation
Sanford Nabahe, Tribal Administrator
P.O. Box 747 Paiute
Lone Pine , CA 93545 Shoshone
lorjoseph@lpsr.org
(760) 876-1034
(760) 876-8302 fax

Bishop Paiute Tribe THPO
Theresa Stone-Yanez, Tribal Historic Preservation
50 Tu Su Lane Paiute-Shoshone
Bishop , CA 93514
(760) 873-3584, Ext 250
(760) 873-4143 - FAX

Lone Pine Paiute-Shoshone Reservation
Sandy Jefferson Yonge, Cultural Representative
880 Zucco Road Paiute
Lone Pine , CA 93545 Shoshone
hutsie@qnet.com
(760) 876-5658
(760) 876-8302 fax

Timbisha Shoshone Tribe THPO
Barbara Durham, Tribal Historic Preservation Officer
P.O. Box 206 Western Shoshone
Death Valley , CA 92328
dvdurbarbara@netscape.com
(760) 786-2374
(760) 786-2376 FAX

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

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 Completion; draft Subsequent Environmental Impact Report (SEIR) for the 2008 Owens Valley PM Planning Area Demonstration of Attainment, State Implementation Plan; Great Basin Unified Air Pollution Control District; Inyo County, California.

**Native American Heritage Commission
Dave Singleton
915 Capitol Mall, Room 364
Sacramento, California 95814**

Response to Comment 1:

Thank you for the comment. Coordination with the NAHC as a state Trustee Agency for Native American cultural resources is acknowledged as part of the CEQA process.

Response to Comment 2:

Thank you for the comment. An EIR has been prepared according to the State CEQA Guidelines.¹³ The EIR states the potential for significant impacts to cultural resources and provides mitigation measures to reduce the potential effect of the proposed project related to cultural resources.

Response to Comment 3:

Thank you for the comment. The appropriate information center has been contacted. Three record searches were conducted at the Eastern Information Center, located at the University of California, Riverside, which maintains the archaeological and historical records for Riverside, Inyo, and Mono Counties. These records searches were conducted on November 16 and December 6, 2006, and March 14, 2007. The results are summarized in Section 3.3 of the EIR, and fully discussed in the Appendix R.E, *Final Cultural Resources Technical Report*.

Response to Comment 4:

Thank you for the comment. A professional report documenting the results of the cultural resources surveys has been prepared. The final report will be submitted to the Eastern Information Center upon distribution of the Final EIR. All confidential information is presented as appendices of the Final Cultural Resources Technical Report. Due to the sensitivity of the cultural resources, these appendices are not available for public disclosure.

Response to Comment 5:

Thank you for the comment. The NAHC was contacted to conduct a Sacred Lands File (SLF) search. No sacred lands were identified for the proposed project area. The 11 tribes identified by the NAHC were consulted for additional information on cultural resources in the area. Details on the Native American coordination undertaken for the proposed project are provided in Section 4.3 of the Final Cultural Resources Technical Report.

Response to Comment 6:

Thank you for the comment. Mitigation measure Cultural-3 specifies that a qualified archaeologist shall monitor all earthmoving activities in areas that have the potential to contain archaeological and historical resources.

¹³ California Resources Agency. California Environmental Quality Act. Title 14, California Code of Regulations, Chapter 3, Article 5, 15064.5(b)(c): "Determining the Significance of Impacts to Archeological and Historical Resources." Sacramento, CA. Available at: http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html

Response to Comment 7:

Thank you for the comment. Mitigation measures in Section 3.3.5 of the EIR state the required procedures in the event that human remains are encountered during project implementation. These procedures are in accordance with the State CEQA Guidelines, Health and Safety Codes, and Public Resources Code.

Response to Comment 8:

Thank you for the comment. Please refer to Response to Comment No. 7.

Response to Comment 9:

Thank you for the comment. The preferred method of mitigation under CEQA is avoidance of cultural resources. Appendix R.E, *Final Cultural Resources Technical Report*, Section 5.3 provides an evaluation of each of the DCMs identified for the proposed project area and the potential for avoiding the archaeological sites recorded during the current survey.

Response to Comment 10:

Thank you for the comment. The District recognizes the importance of consultation with the NAHC and will continue to have the NAHC on the distribution list.

13.2.3 Regional Agencies

California Regional Water Quality Control Board Lahontan Region
Mack Hakakian
14440 Civic Drive, Suite 200
Victorville, California 92392



**California Regional Water Quality Control Board
Lahontan Region**



Linda S. Adams
Secretary for
Environmental Protection

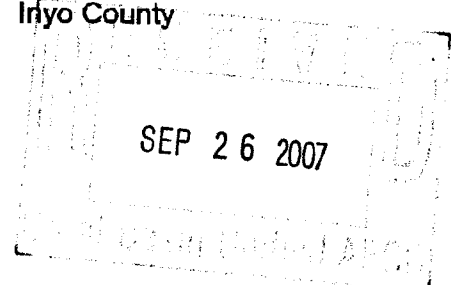
Victorville Office
14440 Civic Drive, Suite 200, Victorville, California 92392
(760) 241-6583 • Fax (760) 241-7308
<http://www.waterboards.ca.gov/lahontan>

Arnold Schwarzenegger
Governor

Date: September 25, 2007

File: Environmental Doc Review
Inyo County

To: Mr. Theodore D. Schade
Great Basin Unified Air Pollution Control District
157 Short Street, Suite B
Bishop, CA 93514
Fax (760) 872-6109



COMMENTS ON THE PROPOSED DUST CONTROL MEASURE TO BE CONSTRUCTED ON THE DRY OWENS LAKE BED AT THE SOUTHERN END OF OWENS VALLEY IN INYO COUNTY, EASTERN-CENTRAL CALIFORNIA

Please refer to the items checked for staff comments on the above-referenced project:

- [X] The site plan for this project does not specifically identify features for the post-construction period that will control stormwater on-site or prevent pollutants from non-point sources from entering and degrading surface or ground waters. The foremost method of reducing impacts to watersheds is "Low Impact Development" (LID), the goals of which are maintaining a landscape functionally equivalent to predevelopment hydrologic conditions and minimal generation of nonpoint source pollutants. LID results in less surface runoff and potentially less impacts to receiving waters. Principles of LID include:
- Maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge,
 - Reducing the impervious cover created by development and the associated transportation network, and
 - Managing runoff as close to the source as possible.

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We understand that LID development practices that would maintain aquatic values could also reduce local infrastructure requirements and maintenance costs, and could benefit air quality, open space, and habitat. Planning tools to implement the above principles and manuals are available to provide specific guidance regarding LID.

We request you require these principles to be incorporated into the proposed project design. We request natural drainage patterns be maintained to the extent feasible. Future development plans should consider the following items:

- [X] The project requires development of a Stormwater Pollution Prevention Plan and
- a NPDES General Construction Stormwater Permit and/or
 - a NPDES General Industrial Stormwater Permit

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These permits are accessible on the State Board's Homepage (www.waterboards.ca.gov). Best Management Practices must be used to mitigate

California Environmental Protection Agency



project impacts. The environmental document must describe the mitigation measures or Best Management Practices.

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Other

Please include both pre-construction and post construction stormwater management and best management practices as part of planning process.

4

Please note that obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required.

5

Sincerely *Mack Hakakian*
 Print Name Mack Hakakian
 Title Engineering Geologist
 Phone No. (760) 241-7376
 E-Mail mhakakian@waterboards.ca.gov

MH/rc/CEQA comments/Owens Valley Dust Control Measure Plan

California Environmental Protection Agency



California Regional Water Quality Control Board Lahontan Region
Mack Hakakian
14440 Civic Drive, Suite 200
Victorville, California 92392

Response to Comment 1:

Thank you for requesting the use of low-impact development principles in the design of the proposed project. The project as described in Section 2.0, Project Description, and in Section 3.5, Hydrology and Water Quality, includes best management practices for reducing impacts to storm water and water quality on site to below the level of significance.

Response to Comment 2:

Thank you for the comment. As included in Section 3.5, Hydrology and Water Quality, the City shall attain a National Pollution Discharge Elimination System (NPDES) permit as a requirement for this proposed project.

Response to Comment 3:

Thank you for the comment. Section 3.5, Hydrology and Water Quality, includes best management practices as mitigation measures to reduce impacts to below the level of significance.

Response to Comment 4:

Thank you for the comment. Section 2.0, Project Description, and Section 3.5, Hydrology and Water Quality, include best management practices for reducing impacts to storm water and water quality on site to below the level of significance.

Response to Comment 5:

Thank you for the comment. Section 3.5, Hydrology and Water Quality, includes mitigation measures to reduce impact to storm water and water quality on site to below the level of significance.

13.2.4 Native American Tribes

Lone Pine Paiute-Shoshone Reservation
Marjianne Yonge
P.O. Box 747
975 Teya Road
Lone Pine, California 93545



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

OCT 26 2007

October 25, 2007

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

Re: Draft 2008 Owens Valley PM10 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 Draft 2008 Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan (SIP).

On September 21, 2007 LPPSR received a copy of the Draft 2008 Owens Valley PM10 Planning area Demonstration Attainment State Implementation Plan. 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 PM10. After thorough review of the Draft SIP LPPSR feels that this Revised Study includes the necessary components for a successful Attainment Plan. With this being said, LPPSR does have a few comments.

LPPSR is concerned with the Cultural Resources Technical Report regarding the impacts related directly to the disturbance and destruction of human remains given the ground-disturbing activities that include, but are not limited to, drilling, excavation, trenching and grading. Native American sacred sites continues to be of significance to Native American people and is an area that is central to our origins, not only on the Lake Bed itself, but the entire surrounding areas. Given that previous monitoring efforts have demonstrated that there is a high potential for unanticipated discovery of cultural resources, 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”.

1

Secondly, LPPSR is concerned with the SIP providing for the City of Los Angeles (City) to possibly implement a new type of DCM known as “Moat & Row”. LPPSR requests that GBUAPCD apply its regulatory authority in order to ensure that the City completes a sufficient analysis and hopes that the current demonstration project in T12 & T32 does provide enough data to validate this type of mitigation measure on the proposed 3 square miles. LPPSR also requests that GBUAPCD apply its regulatory authority if the “Moat & Row” measure is unsuccessful, by mandating that a proven mitigation measure be used on the 3 square miles proposed for “Moat & Row”.

2

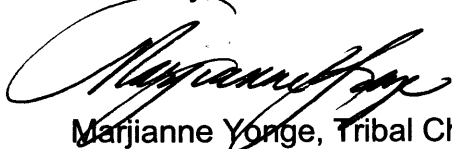
3

Lastly, given the abundance of equipment needed to construct the mitigation measures, LPPSR would appreciate the Final Environmental Impact Report 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.

4

Once again, LPPSR would like to thank GBUAPCD for the opportunity to comment on the Draft 2008 Owens Valley PM10 State Implementation Plan. LPPSR commends GBUAPCD for all its continued work to bring Owens Dry Lake into attainment by 2010. LPPSR looks forward to supporting GBUAPCD in all its future endeavors.

Sincerely,



Marjianne Yonge, Tribal Chairwoman
Lone Pine Paiute-Shoshone Reservation

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

**Lone Pine Paiute-Shoshone Reservation
Marjianne Yonge
P.O. Box 747
975 Teya Road
Lone Pine, California 93545**

Response to Comment 1:

The EIR and Appendix R.E, *Final Cultural Resources Technical Report*, address the potential impacts to cultural resources that were not identified during survey, testing and evaluation, and/or data recovery and that may be encountered as a result of construction activities in the lake. Mitigation measure Cultural-3 recommends a monitoring program be implemented in areas determined to have the potential for unanticipated discovery of cultural resources.

Response to Comment 2:

The EIR describes the scope of the District's regulatory authority to order the City to undertake actions.

Response to Comment 3:

The EIR describes the scope of the District's regulatory authority to order the City to undertake actions.

Response to Comment 4:

The District is the governing authority as it relates to air quality for the area. The analysis of greenhouse gas emissions and feasible mitigation measures is provided in the EIR.

13.2.5 County Agencies

There were no letters of comment received from county agencies.

13.2.6 City Agencies

City of Los Angeles Department of Water and Power
William Van Wagoner
111 North Hope Street
Los Angeles, California 90012-2607



ANTONIO R. VILLARAIGOSA
Mayor

Commission
H. DAVID NAHAI, *President*
EDITH RAMIREZ, *Vice President*
MARY D. NICHOLS
NICK PATSAOURAS
FORESCEE HOGAN-ROWLES
BARBARA E. MOSCHOS, *Secretary*

RONALD F. DEATON, *General Manager*

October 30, 2007

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

Dear Mr. Schade:

Subject: 2008 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan - Draft Subsequent Environmental Impact Report

Thank you for the opportunity to provide comments on the Great Basin Unified Air Pollution Control District's (GBUAPCD) 2008 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan Draft Subsequent Environmental Impact Report (DSEIR).

The Los Angeles Department of Water and Power's (LADWP) comments are outlined below:

As a lead agency preparing an Environmental Impact Report, GBUAPCD's determination that the project may have one or more significant effects on the environment must be based upon substantial evidence in the record in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15064. Significantly, "substantial evidence" is not argument, speculation, unsubstantiated opinion, or evidence that is clearly inaccurate, erroneous, or not credible. As to the following identified impact areas in DSEIR, there is no substantial evidence in the record that the environmental impact is "substantial":

- Measure Air-2 (Low Emission Tune-ups Schedule), Measure Air-3 (Low Emission Equipment Utilization), Measure Air-4 (Low-Sulfur Fuel Utilization), and Measure Air-5 (Low Emission Mobile Vehicle Utilization during Construction) – The DSEIR states on Page 3.1-14 that "[n]o air district in California, including the Great Basin Unified Air Pollution Control District, has identified a significance threshold for Green House Gas emissions", and "no standards have yet been

Water and Power Conservation . . . a way of life

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adopted quantifying 1990 emission targets” in the Assembly Bill 32 (AB32) for stationary source emissions. The DSEIR further states on Page 3.1-14 that targets for vehicles’ Green House Gas emissions are not quantified in the Assembly Bill 1493 (AB1493).

No standards or thresholds for analyzing the level of significance for Green House Gas emissions are proposed in the DSEIR. Therefore, since no standards or thresholds have been established, adopted, or proposed, and no evidence has been provided that emissions during LADWP’s construction and/or operations activities at Owens Lake would exceed such standards or thresholds resulting in significant air quality impacts, the above-mentioned mitigation measures’ are without merit. Additionally, the DSEIR has not provided any substantial evidence in support of the measure’s stringent reporting requirements.

However, LADWP will include in its construction specifications’ provisions which would require its contractors and subcontractors during the construction phase of the Project to maintain their vehicles properly by performing regular tune-ups as well as to utilize low emission equipment and low sulfur fuel, whenever commercially available. LADWP will also require its contractors and subcontractors during the construction phase of the Project to maintain records and logs of their tune-up schedules and to make such records available for review on a monthly basis. Therefore, the project description should be changed to reflect these contractor and subcontractor requirements, and Measure Air-2 through Measure Air-6 should be removed.

- Measure Biology-7 (Toxicity Monitoring Program), Measure Biology-10 (Long-Term Monitoring Program for Western Snowy Plover), and Measure Biology-11 (Corvid Management Plan) – The DSEIR has not provided any substantial evidence that would warrant the above-mentioned measures. The DSEIR inappropriately speculates that the Project has a negative or direct impact on Western Snowy Plover population and incorrectly references the Migratory Bird Treaty Act (MBTA)¹ as support for mandating these measures.

¹The purpose of the MBTA is to implement the four conventions on migratory birds to which the United States is a party. [*United States v. Engler*, 806 F.2d 425, 431 (3rd Cir. 1986)]. A review of these conventions discloses that their purpose was not to prevent any killing of migratory bird, but rather for the purpose of saving them from indiscriminate slaughter, ensuring their preservation and preventing their extermination. The courts have collectively held that the MBTA definition of “take” describes physical conduct of the sort engaged in by hunters and poachers and thus refused to apply the statute to timber harvesting that modified or destroyed bird habitat. [*Seattle Audubon Society v. Evans*, 952 F.2d 297, 302 (9th Cir. 1991); *Newton County Wildlife Association v. United States*, 113 F.3d 110, 115 (8th Cir. 1997),

Any migratory bird death would be unintended consequences of LADWP's compliance activities that are not directed at or related to birds.² The activities of laying pipeline, building berms and rows, excavating trenches, discharging water to create shallow flooding, creating irrigated grassland fields, and installing sand fences are far and apart from the activities considered by Congress when it passed the MBTA in 1918. In certain circumstances, unintended injury to the birds cannot be avoided except by discontinuing the activity for an extended period, interfering with LADWP's dust control operations and exacerbating the region's air quality. Additionally, despite the DSEIR statement the Project may have indirect impacts to the Western Snowy Plover resulting from bioaccumulation of naturally occurring toxic substances, LADWP's action cannot reasonably be characterized as creating a nuisance that is attractive and hazardous to birds.

The records reflect that the population of the Western Snowy Plovers has significantly increased since the initiation of the Owens Lake Dust Mitigation Program in 2000 by LADWP.³ Therefore, the DSEIR does not appear to provide any substantial evidence justifying implementation of the above-mentioned mitigation measures.

The evidence provided in the DSEIR may support a measure that would require development of dust mitigation operational plan with input from GBUAPCD and the California Department of Fish and Game if the overall population of Western Snowy Plovers is reduced below the baseline population of 272 for Owens Lake as a result of LADWP's dust mitigation activities in order to comply with baseline conditions. LADWP is amenable to such a measure with 5 years of bird population monitoring provision which would commence upon completion of the construction activities in March 2010.

cert. denied, 522 U.S. 1108 (1998); *Citizens Interested in Bull Run, Inc. v. Edrington*, 781 F. Supp. 1502, 1509-10 (D. Or. 1991); *Mahler v. United States Forest Service*, 927 F. Supp. 1559, 1573-74 (S.D. Ind. 1996); *Curry v. United States Forest Service*, 998 F. Supp. 541, 549 (W.D. Penn. 1997)].

²Actions that indirectly result in deaths of migratory birds do not violate the MBTA. [*Seattle Audubon Society*, 952 F.2d at 302-03; *Newton*, 113 F.3d at 114-115; *Citizens Interested in Bull Run*, 781 F. Supp. at 1509-10; *Mahler*, 927 F. Supp. at 1573-74; *Curry*, 988 F. Supp. at 549; *Portland Audubon Society v. Lujan*, 1991 U.S. Dist. LEXIS 6224, at *16-20 (D. Or. 1991)]. The courts have consistently held that the Endangered Species Act (ESA) concept of "take" (e.g. harm) is not part of the MBTA. [*Seattle Audubon Society*, 952 F.2d at 303; *Citizens Interested in Bull Run*, 781 F. Supp. at 1510; *Mahler*, 927 F. Supp. at 1573-74; *Portland*; 1991 U.S. Dist. LEXIS at *17-18].

³Some courts have recognized that to apply the MBTA in an overly-strict fashion would lead to ludicrous results, given the vast number of species that are protected by the MBTA. [*United States v. Rollins*, 706 F. Supp. at 744 (D. Idaho 1989)]. For example, the following could constitute violation of the MBTA: bird flying into towers or tall buildings; being hit by automobiles or sucked into commercial aircraft jet engines; being killed by one's pet cat; being injured or killed by fishing hooks.

In any event, the mitigation measures from 2003 Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan Environmental Impact Report are in effect and are currently being implemented by LADWP to maintain the bird population.

2

- Measure Biology-13 (Wildlife Movement Gaps) – The DSEIR mandates the installation of wildlife movement gaps at no more than 100 feet apart. After discussions with GBUAPCD on October 17, 2007, it is our understanding that this measure is for Western Snowy Plover. The DSEIR has not provided any substantial evidence for mandating this measure nor provided any details or justification for how the required spacing was established.

However, LADWP will design and install sand fences with sufficient gaps for passage of Western Snowy Plover chicks adjacent to Shallow Flooding and Managed Vegetation Dust Control Areas. In general, the sand fence posts may be installed up to 20 feet on center. The sand fence post diameters may range from 2 to 10 inches as structurally required. The sand fence fabric and posts will be designed to prevent perching by Western Snowy Plover predators. The sand fence details will be provided to you under a separate cover letter. Therefore, there is no further need for this measure and it should be removed from the environmental document.

3

- Measure Cultural-1 (Paleontological Resources Construction Monitoring) – The DSEIR has not provided any substantial evidence for mandating this measure.

To date, LADWP has excavated, trenched, graded, and disturbed the surface of the Owens Lake floor, including but not limited to, the installation of approximately 21,648,000 linear feet of drip irrigations and pipelines ranging from 5/8 inches to 72 inches in diameter and construction of approximately 73 miles of berms and roads to mitigate dust emissions from 29.8 square miles of Owens Lakebed. During these construction activities, LADWP has employed monitors to comply with past paleontological mitigation measures. No unique fossils or geological features have been discovered on Owens Lake during these construction activities. The fossil remains that have been discovered were of small mammals and invertebrates. These remains were not unusual nor in short supply. The remains did not meet the criteria established by CEQA for unique paleontological resources. Therefore, if there were any unique fossils or geological features in and around Owens Lake, it is highly likely that they would have been discovered as a result of LADWP's previous construction activities on Owens Lake. Hence, the evidence does not support further monitoring for impacts to paleontological resources.

4

- Measure Hazards-4 (Fire Protection Services) – The DSEIR has not provided any substantial evidence for mandating this measure.

The Project mainly consists of constructing shallow flooding and moat and row dust control measures on 15.1 square miles of Owens Lake. There is no evidence to suggest that these facilities will contribute to wildland fires. In fact, the DSEIR states on Page 3.4-10 that “the proposed project would not be expected to expose people or structures to a significant risk of loss, injury, or death involving wildland fires where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.” Hence, the evidence does not support mandating this measure.

5

- Measure Hydrology-3 (Berm Failure Prevention) – The DSEIR does not provide any substantial evidence for mandating this measure. This measure is also in conflict with LADWP’s Waste Discharge Requirements as issued by Lahontan Regional Water Quality Control Board (Monitoring and Reporting Program No. R6V-2006-0036 and WDID No. 6B140003003). LADWP is permitted to discharge flooding caused by storm or maintenance events from shallow flooding areas and operation ponds to the lakebed surface. The DSEIR has not provided any substantial evidence for mandating this measure and/or justification for overwriting LADWP’s Waste Discharge Requirements issued by the Lahontan Regional Water Quality Control Board.

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LADWP will design down gradient berms to reduce leakage. Additional information regarding the berm design element will be provided to you under a separate cover letter. The proposed Project description should be changed accordingly and the mitigation measure removed.

- Measure Hydrology-4 (Reduction of Flash Flood Potential) – The DSEIR has not provided any substantial evidence to support its assessment that the Project will lead to increased flash flood potential from the construction of Moat and Row Dust Control Measures. The majority of the lakebed within the Moat and Row Dust Control Areas has sandy soils, and will remain undisturbed and unaffected by the construction of the moats and rows. Hence, the infiltration rates for these areas will remain unchanged, and will not lead to potential increase in flash flooding rates. Furthermore, the construction of the moats will not lead to potential increase in flash flooding rates. In fact, the moats will function like retention basins by storing stormwater versus channeling the water to the brine pool because the moats are not continuous. There are intermittent breaks (10 to

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12 feet wide) in the moats to accommodate LADWP's operations and maintenance activities.

To avoid any further misunderstanding, LADWP will submit a revised description for the moat component of the Moat and Row Project element indicating the impacts of stormwater and how such flows will be handled along with a hydrology report under a separate cover letter to your attention.

- Hydrology-5 (Berm Failure Emergency Management Plan) – The DSEIR has not provided any substantial evidence for mandating this measure and/or how this measure relates to hydrology and water quality analysis. The preparation of a berm failure emergency management plan to protect the mineral extraction operations on Owens Lake and associated notifications are safety issues and should be addressed as part of LADWP's lease negotiations with the California State Lands Commission.

LADWP will provide you with an amended Project description which will include the preparation of a berm failure emergency management plan for the Project.

- Measure Land Use and Planning-1 (Resident Insect Control Program) – The DSEIR has not provided any substantial evidence demonstrating which communities have been impacted by the biting insects and mosquitoes resulting from LADWP's operations at Owens Lake.

LADWP has provided screens or insect control devices to the communities of Keeler and Swansea as a mitigation measure for construction of the Owens Lake Dust Mitigation Program Phase 5 project. The DSEIR fails to account for LADWP's past mitigation and/or whether this potential impact has already been mitigated for the stated communities.

Additionally, the DSEIR has not provided any substantial evidence for mandating that LADWP to "continue to pay for Inyo County Vector Control treatments on the dust control measure areas" in lieu of making its own arrangement for vector control treatments.

- Measure Minerals-1 (Borax Lease Area Approval and Compensation) – The DSEIR states on Page 3.7.-5 that "[t]he U.S. Borax operation will provide for the extraction of a mineral resource and the proposed project will not include the loss of such resource." The DSEIR further states on Page 3.7-5 that "In sum, the mineral resources impact of the proposed project would not be considerable when viewed in connection with the related effects of the past, current, and

reasonably future projects listed in Section 2.9.” Hence, there is no substantial evidence in the DSEIR for mandating this measure.

- Measure Traffic-3 (Regional Transportation Network Damage Repair) – The measure would require LADWP to “retain a qualified pavement consultant engineer to document the existing condition of all regional transportation network roadways used for access, egress, and haul routed by the construction activities required for the 2008 Revised State Implementation Plan,” and “following the completion of construction activities, the City of Los Angeles Department of Water and Power shall retain a qualified pavement consultant engineer to revisit the documented roadway sections and delineate physical damages that directly attributed to construction activities required for the 2008 Revised State Implementation Plan.” This is an unattainable mandate because there is no practicable means for LADWP to comply with this measure. The routes are used by others and not solely by LADWP. In fact, U.S. Highway 395 is a major transportation corridor for hauling significant amount of goods and materials to and from southern California. Therefore, it is impossible to determine whether damage to the roadway pavement is due to LADWP’s construction activities or is simply due use of the routes by others. The DSEIR has not provided any substantial evidence for mandating this unattainable measure. Furthermore, traffic impacts on a major highway relates to an impact not within the discretion of GBUAPCD to correct.
- Utilities and Service Systems – The DSEIR mandates the implementation of the Measure Hydrology-3 (Soil Berm Construction) and Measure Hydrology-4 (Reduction of Flash Flood Potential) to reduce impacts to the utilities and service systems on Owens Lake without providing any substantial evidence since the stated justification on Page 3.9-7 for these measures is to reduce to below the level of significance impacts to the “storm drain system on the lake.”

The DSEIR reaches the following conclusions:

- Page 3.9-4 – “The proposed project area does not utilize the storm drain infrastructure in the adjoining communities, nor does it use an on-site storm drain system that conveys storm water off site to a water treatment facility.”
- Page 3.9-5 – “Solid waste generated at the site would be disposed of at a permitted landfill with sufficient capacity.”
- Page 3.9-6 – “Therefore, the proposed project would not be expected to result in significant impacts to utilities related to wastewater treatment

requirements, to utilities related to environmental effects from the expansion or construction of new water or wastewater facilities, or to utilities related to the projected capacity of the wastewater treatment provider.”

- Page 3.9-7 – “Therefore, the proposed project would not be expected to result in significant impacts to utilities related to water supplies.”
- Page 3.9-7 – “Therefore, the proposed project would not be expected to result in significant impacts related to solid waste.”
- Page 3.9-7 – “Based on existing capacities, cumulative impacts from storm drain systems, water supply, and wastewater treatment would not be expected to occur.”

Based on these conclusions, no substantial evidence has been provided to support these measures. In fact, substantial evidence exists supporting the conclusion these measures are not required. Additionally, there is no storm drain system on the lakebed. Furthermore, as stated above, the Project would not result in increased flash flooding potential due to the construction of Moat and Row Dust Control Areas. LADWP is also allowed under its waste discharge permit to discharge flooding caused by storm or maintenance events from shallow flooding areas and operation ponds to the lakebed surface.

Further, an EIR must propose mitigation measures designed to minimize the project's significant impacts by substantially reducing or avoiding them. [Public Resources Code (PRC) Sections 21002 and 21100.] As in the determination of the significance of an impact, the agency's conclusion that a particular measure would mitigate a particular impact must be based upon substantial evidence in the record. Sacramento Old City Association v. City Council (1991) 229 Cal. App. 3d 1011, 1027. As to the following identified impact areas and related mitigation measure(s), there is no substantial evidence in the records that the identified measure(s) would effectively mitigate the identified impact:

- Measure Air-2 (Low Emission Tune-ups Schedule), Measure Air-3 (Low Emission Equipment Utilization), Measure Air-4 (Low Sulfur Fuel Utilization), Measure Air-5 (Low Emission Mobile Vehicle Utilization During Construction), and Measure Air-6 (Low Emission Mobile Vehicle Utilization During Operation) – The DSEIR requires the implementation of the above-mentioned measures without any evaluation or analysis of how these measures, individually or collectively, would effectively mitigate the potential impacts to Green House Gas emissions. A statement incorporated in the text of each mitigation measure or in

Section 3.1.6 (Level of Significance after Mitigation) which simply states that implementation of these mitigation measures “would reduce impacts of the proposed project on global warming” does not appear to meet the standards set forth by the PRC or the courts. Please provide the required analysis, based on substantial evidence, which would clearly demonstrate that the mandated measures, individually and/or collectively, will reduce or avoid significant impacts on global warming.

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- Measure Biology-1 (Lake Bed Worker Education Program), Measure Biology-2 (Preconstruction Surveys for Western Snowy Plover), Measure Biology-3 (Snowy Plover Nest Speed Limit), Measure Biology-4 (Lighting Best Management Practices), Measure Biology-5 (Toxicity Monitoring Program), Measure Biology-9 (Plover Identification Training), Measure Biology-10 (Long-Term Monitoring Program for Western Snowy Plover), Measure Biology-11 (Corvid Management Plan), and Measure Biology-13 (Wildlife Movement Gaps) – The DSEIR requires the implementation of the above-mentioned measures without any evaluation or analysis of how these measures, individually or collectively, would effectively mitigate the potential impacts to the Western Snowy Plover. A statement incorporated in the text of each mitigation measure or in Section 3.2.6 (Level of Significance after Mitigation) which states that implementation of these mitigation measures “would reduce significant impacts to special status biological resources to below the level of significance” does not appear to meet the standards set forth by the PRC or the courts. Please provide the required analysis, based on substantial evidence, which would clearly demonstrate that the mandated measures, individually and/or collectively, will reduce or avoid significant impacts to the Western Snowy Plover.

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- Measure Biology-5 (Marking of Non-Emissive Wetland and Upland Scrub Areas), Measure Biology-6 (Wetland Mitigation Program), and Measure Biology-8 (Exotic Pest Plant Control) – The DSEIR requires the implementation of the above-mentioned measures without any evaluation or analysis of how these measures, individually or collectively, would effectively mitigate the potential impacts to sensitive habitats and protect wetlands. A statement incorporated in the text of each mitigation measure or in Section 3.2.6 (Level of Significance after Mitigation) which states that implementation of these mitigation measures “would reduce significant impacts to biological resources related to sensitive habitats and federally protected wetlands to below the level of significance” does not appear to meet the standards set forth by the PRC or the courts. Please provide the required analysis, based on substantial evidence, which would clearly demonstrate that the mandated measures, individually and/or collectively, will

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reduce or avoid significant impacts to the sensitive habitats and protected wetlands.

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- Measure Cultural-1 (Paleontological Resources Construction Monitoring), Measure Cultural-2 (Cultural Resources Investigations), and Measure Cultural-3 (Cultural Resources Monitoring Program) - The DSEIR requires the implementation of the above-mentioned measures without any evaluation or analysis of how these measures, individually or collectively, would effectively mitigate the potential impacts to cultural resources. A statement incorporated in the text of each mitigation measure or in Section 3.3.5 (Level of Significance after Mitigation) which states that implementation of these mitigation measures “would reduce impacts to cultural resources related to an adverse change in the significance of a paleontological resources, and archaeological resources, historical resources, or human remains to below the level of significance” does not appear to meet the standards set forth by the PRC or the courts. Please provide the required analysis, based on substantial evidence, which would clearly demonstrate that the mandated measures, individually and/or collectively, will reduce or avoid significant impacts to cultural resources.
- Measure Hazards-1 (Hazardous Materials Transport), Measure Hazards-2 (Spill Prevention Control and Countermeasure Program), Measure Hazards-3 (Emergency Response Business Plan), and Measure Hazards-4 (Fire Protection Services) - The DSEIR requires the implementation of the above-mentioned measures without any evaluation or analysis of how these measures, individually or collectively, would effectively mitigate the potential impacts related to hazards and hazardous materials into the environment. A statement incorporated in the text of each mitigation measure or in Section 3.4.6 (Level of Significance after Mitigation) which states that implementation of these mitigation measures “would reduce significant impacts related to hazards and hazardous materials to below the level of significance” does not appear to meet the standards set forth by the PRC or the courts. Please provide the required analysis, based on substantial evidence, which would clearly demonstrate that the mandated measures, individually and/or collectively, will reduce or avoid significant impacts related to hazards and hazardous materials.
- Measure Hydrology-3 (Berm Failure Prevention), Measure Hydrology-4 (Reduction of Flash Flood Potential), and Measure Hydrology-5 (Berm Failure Emergency Management Plan) – The DSEIR requires the implementation of the above-mentioned measures without any evaluation or analysis of how these measures, individually or collectively, would effectively mitigate the potential impacts to surface water quality, mineral extraction operations, mineral

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resources, or Owens Lake storm drain system. A statement incorporated in the text of each mitigation measure or in Sections 3.5.6, 3.7.5, and 3.9.5 (Level of Significance after Mitigation) which states that implementation of these mitigation measures “would be expected to reduce impacts related to surface water quality and levels to be below the level of significance” does not appear to meet the standards set forth by the PRC or the courts. Please provide the required analysis, based on substantial evidence, which would clearly demonstrate that the mandated measures, individually and/or collectively, will reduce or avoid significant impacts to surface water quality, mineral extraction operations, mineral resources, and/or Owens Lake storm drain system.

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- Measure Land Use and Planning-1 (Resident Insect Control Program) – The DSEIR requires the implementation of the above-mentioned measure without any evaluation or analysis of how this measure would effectively mitigate the potential nuisance impacts to residents in nearby communities. A statement incorporated in the text of the mitigation measure or in Section 3.6.6 (Level of Significance after Mitigation) which states that implementation of this mitigation measure “would reduce the impacts related to land use and planning to below the level of significance” does not appear to meet the standards set forth by the PRC or the courts. Please provide the required analysis, based on substantial evidence, which would clearly demonstrate that the mandated measure will reduce or avoid significant nuisance impacts to the residents in nearby communities.

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- Measure Mineral-1 (Borax Lease Area Approval and Compensation) – The DSEIR requires the implementation of the above-mentioned measure and compensation of the California State Lands Commission without any evaluation or analysis of how this measure would effectively mitigate the potential impacts on mineral resources. A statement incorporated in the text of the mitigation measure or in Sections 3.7.5 and 3.7.6 (Level of Significance after Mitigation) which states that implementation of this mitigation measure “would reduce the impacts related to mineral resources to below the level of significance” does not appear to meet the standards set forth by the PRC or the courts. Please provide the required analysis, based on substantial evidence, which would clearly demonstrate that the mandated measure will reduce or avoid significant impacts on mineral resources.

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- Measure Traffic-1 (Traffic Work Safety Plan), Measure Traffic-2 (Traffic Work Safety Plan Conformance), and Measure Traffic-3 (Regional Transportation Network Damage Repair) – The DSEIR requires the implementation of the above-mentioned measures without any evaluation or analysis of how these

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measures, individually or collectively, would effectively mitigate the potential impacts related to transportation and traffic. A statement incorporated in the text of each mitigation measure or in Section 3.8.6 (Level of Significance after Mitigation) which states that implementation of these mitigation measures "would reduce significant impacts related to transportation and traffic to below the level of significance" does not appear to meet the standards set forth by the PRC or the courts. Please provide the required analysis, based on substantial evidence, which would clearly demonstrate that the mandated measures, individually and/or collectively, will reduce or avoid significant impacts related to transportation and traffic.

A further problem related to the effectiveness of mitigation measures is the problem arising when the GBUAPCD draft mitigation measures require action by agencies outside the jurisdiction of the GBUAPCD. CEQA confers no independent grant of authority to impose mitigation measures on a project. When imposing measures to mitigate a project's significant impacts, a public agency may exercise only powers provided by legal authority independent of CEQA. (PRC section 21004.) As noted in Sierra Club v. California Coastal Commission (2005) 35 Cal.4th 839, PRC section 21004 was enacted to clarify CEQA's scope in light of contentions that CEQA conferred independent authority on agencies to protect the environment. Thus, CEQA cannot be used to expand the jurisdiction of public agencies; instead, agencies are directed to use their existing powers to mitigate or avoid environmental impacts. (CEQA Guidelines Section 15040(b): "CEQA does not grant an agency new powers independent of the powers granted to the agency by other laws.") The following are not exhaustive, but are examples of mitigation measures crafted by the GBUAPCD requiring action to be taken by agencies and parties outside the jurisdiction of the GBUAPCD. Since they implicate powers not within the jurisdiction of the GBUAPCD, they are legally infirm:

- Measure Air-2 (Low Emission Tune-ups Schedule), Measure Air-3 (Low Emission Equipment Utilization), Measure Air-4 (Low Sulfur Fuel Utilization), Measure Air-5 (Low Emission Mobile Vehicle Utilization During Construction), and Measure Air-6 (Low Emission Mobile Vehicle Utilization During Operation) – The DSEIR requires the California State Lands Commission's approval for these measures. While GBUAPCD can suggest the California State Land Commission should exercised its discretion in approving these measures, GBUAPCD has no jurisdiction to require the California State Land Commission to exercise its discretion in this or any other way.

LADWP staff and California State Lands Commission staff have discussed the approvals currently mandated under the DSEIR. The California State Land Commission has informed LADWP that its staff prefers their role to be one of

- review, notification, and consultation on matters outside of its jurisdiction and it will impose appropriated conditions in its leases with LADWP. 22
- Measure Biology-2 (Preconstruction Surveys for Western Snowy Plover), Measure Biology-6 (Wetland Mitigation Program), Measure Biology-7 (Toxicity Monitoring Program), Measure Biology-8 (Exotic Pest Plant Control), Measure Biology-9 (Plover Identification Training), Measure Biology-11 (Corvid Management Plan), and Measure Biology-13 (Wildlife Movement Gaps) – The DSEIR requires the California State Lands Commission, California Department of Fish and Game, and/or United States Army Corps of Engineers’ approval for these measures. The DSEIR should simply state that additional reviews or approvals may be required from these governmental agencies. 23
 - Measure Cultural-2 (Cultural Resources Investigations) – The DSEIR requires the California State Lands Commission’s approval for this measure. The DSEIR should simply state that additional reviews or approvals may be required from this governmental agency. 24
 - Measure Hazards-1 (Hazardous Materials Transport) and Measure Hazards-2 (Spill Prevention and Countermeasure Program) – The DSEIR requires the Inyo County and California State Lands Commission’s approval of these measures. The DSEIR should simply state that additional reviews or approvals may be required from these governmental agencies. 25
 - Measure Hydrology-1 (Acquire and Adhere to National Pollution Discharge Elimination System General Plan), Measure Hydrology-2 (Water Quality Monitoring and Reporting Program), Measure Hydrology-3 (Berm Failure Prevention), Measure Hydrology-4 (Reduction of Flash Flood Potential), and Measure Hydrology-5 (Berm Failure Emergency Management Plan) – The DSEIR requires the California State Lands Commission, Lahontan Regional Water Quality Control Board, and U.S. Borax approval for these measures. The DSEIR has not provided any substantial evidence, justification, or the legality for mandating approvals from U.S. Borax, a private enterprise. The DSEIR should simply state that additional reviews or approvals may be required from the California State Lands Commission and Lahontan Regional Water Quality Control Board. 26
 - Measure Land Use and Planning-1 (Resident Insect Control Program) – The DSEIR requires the Inyo County’s approval for this measure as well as bonding LADWP to “continue to pay for Inyo County Vector Control Treatments on the dust control measure areas as required.” GBUAPCD and/or LADWP can not 27

compel Inyo County to enter into a contract for services if the Inyo County does not wish to do so. Furthermore, GBUAPCD lacks jurisdiction to compel LADWP to exercise its discretion in determining how expenditures and budgets are allocated. The DSEIR should simply states that LADWP shall make arrangements for vector control treatments on dust control areas.

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- Measure Minerals-1 (Borax Lease Area Approval and Compensation) – The DSEIR requires the approval of the California State Lands Commission as well as for LADWP to “compensate the California State Lands Commission for associated staff time to prepare the legal description for any transfer of mineral lease areas to dust control areas.” The DSEIR should simply state that additional reviews or approvals may be required from this governmental agency.
- Measure Traffic-1 (Traffic Work Safety Plan) – The DSEIR requires the approval of the California Department of Transportation for this measure. The DSEIR should simply state that additional reviews or approvals may be required from this governmental agency.

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LADWP’s additional comments on the DSEIR are tabulated and are enclosed.

Please note that clarification on the Project description as stated above will be forwarded to your attention separately.

If you have any questions, please contact me at (213) 367-1138 or Mr. Milad Taghavi at (213) 367-1032.

Sincerely,



William T. Van Wagoner
Manager of Owens Lake
Regulatory Issues

Enclosures

c: Mr. Milad Taghavi

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Page	Section	Title	Comment
		Global - SIP	<p>The requirement for lateral or boundary edge berms or drains was shown by piezometers data collected during the SURF test to be unnecessary. As a result, the requirement for lateral drains was removed by GBUAPCD at that time (before the NSS project). Off-site influence of raised shallow groundwater levels within the site have not translated over long distances. Where management adjustments or facilities are necessary to avoid these impacts, LADWP can apply them at these locations. It appears that these requirements may assume surface irrigation of vegetation. LADWP currently does not have any such facilities. Further, ponded flood areas, which are extensive, retain rather than re circulate water. LADWP requests that these requirements be rephrased to the effect that, "...water applied for dust control should be retained within the dust control area or otherwise lawfully discharged in a manner consistent with applicable Waste Discharge Requirements".</p> <p>LADWP will design down gradient berms to reduce leakage. Additional information regarding the berm design element will be provided to you under a separate cover letter. The proposed Project description should be changed accordingly and the mitigation measure removed.</p>
		Global - SIP	<p>In general, stormwater management planning is for dispersal of concentrated flows up gradient of the site, and then routing of dispersed flood flows over the site. No de-silting is required, and no other facilities are needed. Irrigation and drainage facilities are designed to resist stormwater damage. In shallow flooding, stormwater is generally captured. If the facilities exceed the capture capacity, water is released down gradient through weirs. This approach has proven workable, and is in keeping with existing permits from the Regional Water Quality Control Board. Please alter language to reflect this approach rather than to imply other types of facilities.</p>
		Global	<p>Whenever LADWP is required to obtain approvals from other agencies,</p>

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Page	Section	Title	Comment
			<p>the DSEIR should clearly reference the approval process and submittal requirements. The DSEIR must also indicate whether the required approval is at staff or board level.</p>
	Global		<p>Please remove the Sulfate Well reference from Figures 2.1-3, 2.3-5, 2.3-6, 2.3.1-1, 2.7.1-1, 2.7.1-2, 2.7.1.1-3, 2.7.2-1, 3.2.2-7, 3.2.2-10, 3.4.2-1, 3.6.1-1. This reference is causing confusion among some agencies since LADWP also has a domestic well for Sulfate Yard which is called Sulfate Well.</p>
	Global		<p>LADWP has provided extensive comments on the SIP to GBUAPCD. These comments pertain to all aspects of the SIP, including the control strategy, dust control measure planning and implementation, relationship of project to other permit approvals (e.g., Waste Discharge Requirements), etc. Those comments are therefore pertinent to the project evaluated in this DSEIR, and should be taken into full account by GBUAPCD. Any changes to the proposed project resulting from LADWP comments must be reflected in the DSEIR project description and analysis. All LADWP comments on the project description that were provided for the SIP apply equally to corresponding project description elements in the DSEIR.</p>
	Global		<p>Throughout the project description and discussion of mitigation, stormwater, irrigation runoff, and seepage are repeatedly discussed, along with required performance and engineering. LADWP holds Waste Discharge Requirements for dust control facilities on Owens Lake, and will be required to modify them as these facilities evolve. The Waste Discharge Requirements are reasonably specific with regard to allowable water movement to and from the site, and LADWP is of course obligated to operate in conformance with these requirements. When the Waste Discharge Requirements were developed by the Lahontan Regional Water Quality Control Board, protection of beneficial uses of surrounding waters was the guiding principle. Furthermore, water quality regulatory authority resides with</p>

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			<p>the Lahontan Regional Water Quality Control Board, and other agencies and entities could and did weigh in on the Waste Discharge Requirements during the development and approval processes. Therefore, it is not appropriate for the SIP or associated environmental documentation to further specify design features that are not required by the Waste Discharge Requirements, and which are not part of existing facilities. Rather, concerned citizens and agencies may raise their water quality concerns regarding dust control facilities with the Lahontan Regional Water Quality Control Board as they arise and when new or renewed Waste Discharge Requirements are being considered.</p> <p>Comments on specific sections pertaining to this general issue are also included for your use. A general theme among them is that the requirements are onerous and have been developed without due consideration. The features described do not exist for facilities that have already been constructed, not due to oversight, but rather because alternative water quality management approaches were employed. These approaches protect the beneficial uses that the Lahontan Regional Water Quality Control Board considered during development of the Waste Discharge Requirements. For example, collection and channeling of stormwater have been specifically avoided for a variety of sound, engineering reasons, and a combination of more dispersed capture, beneficial use and attenuation, and dispersed overland flow have been employed instead.</p>
2-2	2.2	Project Purpose and Need	Please remove all references to Mono Lake from the 1 st paragraph since Mono Lake is not part of the Owen Valley Planning Area, and Mono Lake is not covered by the proposed 2008 SIP.
	2.2	Project Purpose and Need	Please indicate when the photos on Figures 2.2-2, 2.3-4, and 2.4.3-1 were taken.
2-6	2.4.3	Existing Dust Control	Please verify the reference to 19.5 square miles in the 2 nd paragraph of

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		Areas	38 this section. Also, please note that all dust mitigation measures have been constructed on 29.8 square miles of Owens Lake per 2003 Revised SIP.
2-10	2.7.1.1	Moat and Row and Enhancements	39 Please note that LADWP will design and install sand fences with sufficient gaps for passage of Western Snowy Plover chicks adjacent to Shallow Flooding and Managed Vegetation Dust Control Areas. In general, the sand fence posts may be installed up to 20 feet on center. The sand fence post diameters may range from 2 to 10 inches as structurally required. The sand fence fabric and posts will be designed to prevent perching by Western Snowy Plover predators. The sand fence details will be provided to you under a separate cover letter. Therefore, there is no further need for this measure and it should be removed from the environmental document.
2-10	2.7.1.1	Moat and Row and Enhancements	40 Final Phase 7 design may not have a serpentine layout. Moat and Row berms may only be oriented perpendicular to the primary wind vector.
2-10	2.7.1.1	Moat and Row and Enhancements	41 Paragraph 1, Line 13: The serpentine layout is only one of several possible configurations. Significant non-principal wind vectors can be addressed by other means, including the placement of perpendicular Moat and Row, sand fences, or other sand breaks.
2-11	2.7.1.1	Enhancements	42 Please revise this section by replacing "Managed Vegetation" by "Vegetation." LADWP will not be constructing Managed Vegetation BACM within the Moat and Row Dust Control Areas.
2-11	2.7.1.1	Augmentation	43 Please revise the 1 st sentence of this section to read: This method involves addition of Moat & Row lines or only sand fence component of Moat & Row in between those originally constructed, either in a parallel or different direction. Please revise the 3 rd and 4 th sentences of this section to read: This method would be limited in placement of additional Moat & Row or only sand fence component of Moat & Row to less than a 25-

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2-12	2.7.1.1	Managed Vegetation	percent increase in Moats & Rows Dust Control Areas . If greater than 25 percent of additional Moat & Rows or sand fence component of the Moat & Rows will be required then additional environmental review will be required for that addition.
			44
2-12	2.7.1.1	Application of Brine	The title of this section is misleading. Please revise the title of this section to Vegetation. How does the application of brine between Moat and Row elements differ from enhancement by Shallow Flooding, if the upper limit on Shallow Flooding is 450,000 mg/L TDS? If there is no difference, then the two paragraphs are in apparent disagreement. Since the application of brine is permitted under Shallow Flooding, and since it enhances dust control, then there is little to be gained by forbidding it here. Please see previous comments on water quality mitigation, assuming that is the concern being addressed by this language.
			45
2-12	2.7.1.1	Managed Vegetation	Please revise the 1 st sentence in the 3 rd paragraph to read: According to the information provided to the District by the LADWP, Managed V vegetation would be constructed planted in between....”
			46
2-12	2.7.1.1	Managed Vegetation	Paragraph 3, Line 4: Sensitive resources might either be avoided, or impacts that cannot reasonably be avoided would be mitigated.
			47
2-12	2.7.1.1	Managed Vegetation	Please clarify the approval process as previously requested or remove references to the California State Land Commission and California Department of Fish and Game in the 3 rd paragraph.
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2-13	2.7.1.1	Managed Vegetation	Please revise the 1 st line in the 1 st paragraph to read: “layout of Management V vegetation, which may be modified....” Please revise the 2 nd sentence in the 1 st paragraph to read: “The Management V vegetation areas may include a 16-foot-wide perimeter service road. Similarly, please replace all references in this section to “Managed
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49			Vegetation” with “Vegetation.”
2-13	2.7.1.1.1	Managed Vegetation	Paragraph 5, Line 4: Spacing’s given are for Managed Vegetation BACM. Spacing’s in this context would likely differ, especially if different species are employed. Recommend that this general statement be made. In general terms, spacing’s between rows would range from 10 to 40 feet, and within rows would vary widely depending on the plant species being used.
2-13	2.7.1.1.1	Managed Vegetation	Surface irrigation does not necessarily involve flooding. Low containment berms would only be used if necessary to avoid significant movement of water off-site. In some instances, off-site flow might be acceptable in Waste Discharge Requirements if the area where the flow infiltrates is not sensitive and/or if the flow is deemed beneficial to dust control and/or habitat. Off-site flow should not be precluded unless it violates Waste Discharge Requirements that are in effect at the time.
2-14	2.7.1.1.1	Channel Areas	2 nd Paragraph, 3 rd Line: The sentence should read: “Therefore, because existing vegetation is present within and alongside numerous and extensive Chanel Areas, Managed Vegetation will be used to control dust in the Channel Area.”
2-15	2.7.1.1.1	Channel Areas	Cannot guarantee that the pulse flows will result in wetting of broad areas, or wet the full length of channel. This may occur, but can not be guaranteed.
2-16	2.7.1.2	Other Project Elements	1 st Paragraph, 3 rd Line: The sentence should read: Other project elements include...(mainline , submain, and lateral...
2-17	2.7.1.2	Access Roads	These two access roads would not be constructed in Phase 7 as they already exist. Any improvements to these access roads would be non-permanent and only as required. The Contractor and LADWP would determine the improvements as they mobilize onto the site, during construction, and during O&M to address any equipment traffic use issues along the
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			<p>access routes. Improvements could include, but not be limited to, mats, grading, fill, compaction, and base-course at any "soft spots" encountered. If no "soft spots" are encountered, these improvements would be unnecessary. In addition, it is not anticipated that pipelines and buried power lines would be constructed along these access roads as part of Phase 7.</p>
2-18	2.7.1.2	Water Distribution Facilities	<p>Please note that no improvements will be made to the section of the existing access road to Dust Control Area No. T37-1 which is within the Bureau of Land Management's jurisdiction.</p>
2-18	2.7.1.2	Water Distribution Facilities	<p>2nd Paragraph – The sentence should read: "Water distribution facilities within the irrigation blocks may include..."</p> <p>Please see previous comment on runoff control. In some cases, runoff may be permitted. Please replace most of this paragraph with, "Site runoff will be managed in keeping with applicable water quality permits and leases. In most cases, surface water will be recycled onsite, and seepage will be reasonably minimized. A variety of facilities will be employed for this purpose. Where necessary due to the amount of water and potential rate of flow, berms will be constructed to impound surface water, and/or subsurface drains will be installed to control shallow groundwater surface level at the edge of the site. Pump stations or gravity outflow to down gradient dust control areas will be installed as needed along these facilities so that water can be reused for dust control."</p>
2-22 and 2-23	2.7.1.2		<p>The table number should read: TABLE 2.7.2-2</p>
2-24	2.8	Table 2.8-1	<p>Please delete the following sentence from this table: "The City of Los Angeles Department of Water and Power shall be required to review final plans and specifications with the U.S. Army Corps of Engineers to demonstrate that waters of the United States are being avoided or</p>

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2-24	2.8	Table 2.8-1	obtain discharge of dredge or fill materials pursuant to a nationwide of individual permit.” GBUAPCD does not have oversight authority over USACE and can not mandate what action(s) must be taken by USACE. Please delete BLM permit requirements from this table since LADWP is not required to implement dust mitigation on federal land.
2-25	2.8	Table 2.8-1	Please delete the following sentence for this table; “LADWP shall be required to pay the CSLC staff cost associated with preparing amendments to U.S. Borax’s legal description.” GBUAPCD does not have oversight authority over LADWP’s budget and expenditures.
2-25	2.8	Table 2.8-1	Please clarify stated process for CDFG in this table. GBUAPCD does not have any oversight authority over CDFG, and therefore, can not mandate that the parties reach an agreement.
2-26	2.9	Related Projects	Please revise the 5 th and 6 th Sentence in the 1 st paragraph to read: “The source of water for this proposed project, analyzed in this EIR, is from the Los Angeles Aqueduct and Owens River. However, utilization of water for dust control from sources other than the Los Angeles Aqueduct and Owens River would require ...” Water from the Los Angeles Aqueduct and Owens River through the Lower Owens River Pump Back Station are being used to meet the daily demands of the Owens Lake Dust Mitigation Program. This fact has been acknowledged in the Water Supply and Conveyance section on page 2-17.
3.1-2	3.1.1	Federal	Please remove references to the National Environmental Policy Act since no such action(s) are required by BLM. LADWP has been issued a right-of-way grant by BLM in order to access the T37-1 Dust Control Area.
3.1-24 and 3.1.25	3.1.5	Measure Air-2 through Measure Air-6	Please note that LADWP staff and California State Lands Commission staff have discussed the approvals currently mandated under the DSEIR. The California State Land Commission has informed LADWP that its staff prefers their role to be one of review, notification, and consultation on matters outside of its jurisdiction and it will impose

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3.2-6	3.2.1	Native Plant Protection Act	appropriated conditions in its leases with LADWP. Please clarify this section by indicating that Dry Transmontane Alkali Meadow (DAM) is not covered by the Native Plant Protection Act.
3.2-6	3.2.1	California Desert Native Plants	Please include the following description for the Act: The California Desert Native Plants Act was passed in 1981 to protect non-listed California desert native plants from unlawful harvesting on both public and private owned lands. Harvest, transport, sale, or possession of specific native desert plants is prohibited unless a person has a valid permit, or wood receipt, and the required tags and seals.
3.2-27	3.2.4	Impact Analysis	Also, please indicate that under the Fish and Game Code Section 1913(b) "performance by a public agency or a publicly or privately owned public utility of its obligation to provide service to the public, shall not be restricted by this chapter because of the presence of rare or endangered plants", except as provided in Section 1913(c). The DSEIR states that "the conversion of vegetated habitats, dry alkali meadow, and shadscale scrub, to Moat & Row, is expected to have a net reduction in habitat value due to loss of native vegetation and the need for ongoing maintenance." This statement is misleading. LADWP is required to mitigate any impact to dry alkali meadow at rate of 2:1. Also, it is in LADWP's interest to avoid impact to vegetations that may grow within the Moat & Row Dust Control Areas. Please provide clarification of what impacts are being analyzed in this section (i.e., pre or post wetland mitigation).
3.2-27	3.2.4	Sensitive Species	Please revise the sentence to read: The proposed project would be expected to result in significant short-term impacts to the western snowy plover, designated as Species of Special Concerns by the CDFG, during the construction and maintenance phases of the proposed project.
3.2-29	3.2.4	Impacts to Federal and State Protected	Please revise the 3 rd sentence in the 2 nd paragraph to read: Impacts to 393.2 acres of USACOE jurisdictional areas will may require the

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		Jurisdictional Areas	project applicant to apply for an individual permit pursuant to Section 404 of the Clean Water Act.
70	3.2-29	3.2.4 Impacts to Federal and State Protected Jurisdictional Areas	Please revise "CDFG shall" to read "CDFG may" in the 3 rd paragraph of this section. GBUAPCD has no oversight authority over the CDFG.
71	3.2-33	3.2.5 Measure Biology-5	Please delete the statement about GIS mapping of non-emissive vegetation limit being provided to the contractor during the bidding process.
72	3.2-32	3.2.5 Measure Biology-Global	Please provide justification for frequency of submittals for Biology measures outlined in the DSEIR. Careful consideration should be given to measures that require frequent reporting (daily, weekly, and monthly) to GBUAPCD, or other agencies. The GBUAPCD should consider what would be done with these reports, who would review them and the cost associated with managing this information. Mitigation should not be proposed if it is not essential to reducing significant impacts to below a level of significance. Often times, these additional reports are redundant with some other agency requirement, or are unnecessary to verify compliance with the mitigation measure.
73	3.2-32	3.2.5 Measure Biology-2	The 60 inches height requirement for installation of Nixalite should be revised to 72 inches.
74	3.2-33	3.2.5 Measure Biology-3	The 60 inches height requirement for installation of Nixalite should be revised to 72 inches.
75	3.2-33	3.2.5 Measure Biology-4	The sentence should be read: All lighting, in particular any permanent lighting, on existing and newly built facilities... The DSEIR only covers facilities that are to be constructed not previously constructed facilities. Constructed facilities were not analyzed in this DSEIR.
76	3.2-33	3.2.5 Measure Biology-5	The 60 inches height requirement for installation of Nixalite should be revised to 72 inches.
77	3.2-33	3.2.5 Measure Biology-5	Please clarify – What is meant by approaching in this sentence: "No construction zone buffer is allowed for areas approaching wetland or sensitive areas." What is the length of this distance?
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Page	Section	Title	Comment
3.2-33	3.2.5	Measure Biology-5	<p>Marking vegetated areas near active construction as described in this mitigation measure (every 10 or 100 feet depending on community type) seems excessive. LADWP suggests that vegetated buffers be incorporated into construction during the design phase. Any unavoidable impacts to vegetation as a result of construction activities could be mitigated as described in Biological Mitigation Measure 6. All construction personnel would be briefed as to the importance and purpose of staying within project boundaries during the worker training program of Biological Mitigation Measure 1. A biological monitor would ensure construction activities are not impacting areas outside the project boundaries. Construction drawings would delineate appropriate buffer boundaries to make construction personnel aware of resource concerns.</p>
3.2-33 and 3.2-35	3.2.5	Measure Biology-5 and 6	<p>The measure allows for revegetation within 2 years of any impact to vegetation caused by access routes or construction activities outside the specified areas in the Project Description. The same time frame has been stated in Measure Biology-6 for SAM and MAM. However, Measure Biology-6 requires that all wetlands be constructed and fully functional no later April 1, 2010. Therefore, the deadline for Measure Biology-6 must be revised to April 1, 2012.</p>
3.2-34	3.2.5	Measure Biology-6	<p>The acreage of Transmontane Alkali Meadow (TAM) mitigation installed at Owens Dry Lake by LADWP exceeds the requirements outlined in the 2003 SIP EIR. LADWP strongly suggests that any additional impacts to TAM are already mitigated using this excess acreage as a mitigation bank. If this excess acreage of created TAM is not adequate to offset impacts, LADWP could expand the created TAM.</p>
3.2-34	3.2.5	Measure Biology-6	<p>Please clarify – What is meant by adjacent to or near proximity to in this sentence: “The City of Los Angeles Department of Water and Power shall designate the wetland mitigation area in a Managed Vegetation area that is either directly adjacent to, or in near proximity</p>

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			to, existing natural transmontane alkali meadow areas.” Please clarify whether or not LADWP can still mitigate DAM for the additional Supplemental Control Areas within the existing Managed Vegetation DCA?
3.2-34	3.2.5	Measure Biology-6	<p>Please revise the 1st sentence of the 2nd paragraph to read: The wetlands mitigation program will include mitigation goals, target success criteria, and monitoring plan for determining actual impact area(s), implementation plan, plant species and spacing, irrigation design, post implementation monitoring plan activities, and maintenance requirements.”</p> <p>Please revise the 2 paragraph, 4th sentence to read: A Managed Vegetation area of up to 826 acres, based on actual monitored impact area, shall be designated as wetland mitigation area within the prescribed”</p>
3.2-35	3.2.5	Measure Biology-6	<p>2nd Paragraph, Line 15 – Please revise the sentence to read: “The City of Los Angeles Department of Water and Power shall compensate for all loss of monitored transmontane alkali meadow that occurs.”</p> <p>2nd Paragraph, Line 16 – Please revise the sentence to read: “Mitigation for impacts to all transmontane alkali meadow associated with construction and operation of dust control measures Will be replaced at a ratio of 1 acre of wetland replacement for every actual and monitored acre of wetland impact (1:1 replacement).”</p>
3.2-36	3.2.5	Measure Biology-8	<p>The Noxious Weed Monitoring and Control Program developed in 2005 for Owens Dry Lake has been successfully implemented. Although this program was created due to a mitigation measure in the 2003 SIP EIR, the geographic extent could include any dust control measures constructed during Phase 7. Additionally, the adaptability of the program allows for the incorporation of new weed control methods and technologies as determined by local and state regulations. Therefore,</p>

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3.2-36	3.2.5	Measure Biology-8	LADWP suggests utilizing the previously established noxious weed program and expanding it to cover all dust control activities. Please note that LADWP staff and California State Lands Commission staff have discussed the approvals currently mandated under the DSEIR. The California State Land Commission has informed LADWP that its staff prefers their role to be one of review, notification, and consultation on matters outside of its jurisdiction and it will impose appropriated conditions in its leases with LADWP.
3.2-36	3.2.5	Measure Biology-8	The measure only requires submittal of the program to GBUAPCD, but requires approval from GBUAPCD and the California State Lands Commission. If any approval is needed, it should GBUAPCD.
3.2-37	3.2.5	Measure Biology-9	Although this measure is explicitly associated with operation and maintenance stages, its implementation depends, at least in part, on the continuation of preconstruction snow plover surveys. References to nest buffers should be omitted from this mitigation measure as preconstruction surveys should cease once the construction stages of phase seven are complete.
3.2-38	3.2.5	Measure Biology-10	Delete the last 3 sentences for this measure on Page 3.2-29. The last 3 sentences repeat the same requirements which have been stated on Page 3.2.-38 (3 rd Paragraph).
3.2-39	3.2.5	Measure Biology-11	This requirement seems excessive. Bird deterrent for the larger fence support posts may be appropriate, but having deterrent on every posts and along the top of all the fence material appears unreasonable. This requirement should be removed or should not apply to the sand fences installed on top of the M&R berms. The sand fence fabric and posts will be designed to prevent perching by Western Snowy Plover predators. The sand fence details will be provided to you under a separate cover letter. The Project description should be changed to reflect this requirement; hence, eliminating the

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3.2-39	3.2.5	Measure Biology-11	<p>need for this measure.</p> <p>The Owens Lake Corvid Management Plan that was developed in 2004 has been successfully implemented. Although this plan was created due to a mitigation measure in the 2003 SIP EIR, the geographic extent could include any dust control measures constructed during phase seven. Additionally, the adaptability of the plan allows for the incorporation of new corvid management methods and technologies as discussed in section 3.4 of the plan. It is our opinion, after consulting with the California Department of Fish and Game, that the sand fence is not functional as a corvid perch as it is too thin and flimsy to support a species of such size. Perching deterrents may be necessary on fence posts or other possible perches near shallow flood areas utilized by shorebirds and/or waterfowl.</p>
3.2-40	3.2.5	Measure Biology-11	<p>The measure states that "if after the sixth year of reporting in 2011, the Great Basin Unified Air Pollution Control District determines that the corvid management program is effective, and corvids are not impacting snowy plover populations, the reporting schedule shall phase out in the same time frame as shown on Table 3.2.5-1. Please state how or on what basis GBUAPCD will determine the effectiveness of the program? Also, phase out by 2023 is unreasonable.</p>
3.2-40	3.2.5	Measure Biology-11	<p>Please note that the sand fence fabric and posts will be designed to prevent perching by Western Snowy Plover predators. The sand fence details will be provided to you under a separate cover letter. The Project description should be changed to reflect this requirement; hence, eliminating the need for this measure.</p>
3.2-40	3.2.5	Measure Biology-13	<p>To our knowledge, no observational data exists justifying this mitigation measure. We believe that commenting on wildlife movement difficulties within and surrounding moat and row dust control measures is speculative. The measure does not state what species or suite of species this measure benefits. Nor does this measure acknowledge the multiple alternatives which exist to aid wildlife movement if</p>

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Page	Section	Title	Comment
3.2-40			<p>necessary. These alternatives could include strategically placed culverts and/or passage holes where wildlife could travel under berms or rows. Currently the fences in the demonstration project do not impede travel by small mammals as voids in the fencing mesh provide room for rodent and Western Snowy Plover chicks' passage. Gaps between fence segments and open row corners allows movement of wildlife within the moat and row areas. Moreover, the fencing material itself is easily bendable to allow larger mammals to crawl underneath. Fence fabric will be chosen with adequate openings. Any guide wires used to support sand fencing will be designed to permit wildlife movement underneath. LADWP is perplexed as to the need for wildlife gaps at 100 foot intervals. The proposed project cells where sand fencing is incorporated can be readily traversed around by mobile species such as coyotes. In addition, the moat and row areas do not have small mammal habitat (no vegetation) and thus rodent movement or even their presence is not an issue. LADWP knows of no species that would significantly benefit from this measure. If it is observed that a species is incurring problems from the sand fences, then LADWP should undertake measures to minimize problems. Currently the justification to undertake such expensive actions for wildlife does not seem to be apparent.</p>
3.2-40	3.2.5	Measure Biology-13	<p>This requirement seems excessive. Note that the permanent Phase 7 Moat and Row facilities will not have enclosed cells similar to the two Moat and Row Demonstration sites. Wildlife would be able to move around all Moat and Row facilities. This is no different than wildlife moving around existing Shallow Flood pond areas. This also decreases the effectiveness of the Moat and Row by creating dust producing wind jets. Such requirements may jeopardize the concept of M&R all together.</p>
3.2-41	3.2.5	Measure Biology-14	<p>The measure states that "if after five years of reporting in 2015, the</p>

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			California State Lands Commission determines that the wildlife area management program is effective, then the reporting schedule shall phase out in the same time frame as shown in Table 3.2.5-1." Please state how or on what basis the California State Lands Commission will determine the effectiveness of the program? Also, phase out by 2023 is unreasonable.
96	3.3-2	3.3.1	Section 106 Please be advised that BLM has issued a right-of-way grant to LADWP (in order to access road to T37-1) by amending an existing right-of-way grants. Therefore, there is no NEPA process which must be adhered to as the result of our project. Please delete all references to federal requirements associated with this section.
97	3.3-2	3.3.1	Section 106 Please delete reference to the section since is not applicable. LADWP has been issued a right-of-way grant by BLM to access the T37-1 Dust Control Area.
98	3.3-6	3.3.1	California Historical Landmarks and Points of Historical Interest Having none in the project area, please delete this whole discussion.
99	3.3-9	3.3.2	Paleontological Resources In over 5 years of construction that has been monitored full time by an archaeologist, only very limited amounts of vertebrate fossils have been identified. The majority of fossils that have been observed both during field surveys and monitoring have been fairly recent invertebrate fossils that have not been demonstrated to be unique. In our opinion, it has been shown that the potential for the project to impact significant, unique paleontological resources is very remote.
100	3.3-16	3.3.2.3	Historical Resources 2nd full paragraph the correct term is maker's marks not marker's marks. 3rd full paragraph – This whole paragraph should be stricken. Driftwood is not a resource as defined by either Section 5020.1(k) or Section 5024.1(g) of the Public Resources Code.
101	3.3-28	3.3.5	Measure Cultural-3 The language in the construction monitoring section should be rewritten as to not restrict the measure to unique archaeological resources but also to include historical resources as defined by the
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			California Register of Historical Resources since both Section 5020.1(k) or Section 5024.1(g) of the Public Resources Code are cited in the significance criteria section
3.3-27	3.3.5	Measure Cultural-3	References to BLM and regulations governing BLM should be removed from this measure since they are not applicable (Agreement for Disposition of Recovered Artifacts and Unanticipated Discovery of Human Remains on Federal Lands).
3.5-19	3.5.5	Measure Hydrology-Global Comment	LADWP shall be allowed to capture, retain, and lawfully discharge water from all irrigated blocks without restrictions or limitations.
3.5-20	3.5.5	Measure Hydrology-2	The measures requires that "[m]onitoring reports shall be completed and submitted to the Great Basin Unified Air Pollution Control District, the California State Lands Commission, and the Regional Water Quality Control Board within 60 days of the end of the monitoring period as described in Table 3.5.5-1,...." Table 3.5.5-1 has daily, monthly, quarterly, and annual reporting requirements which is not consist with LADWP's current Water Discharge Requirements such as, but not limited to, daily and monthly reporting requirements. This level of reporting is excessive. Please provide the justification for such reporting schedule and duration.
3.5-21	3.5.5	Measure Hydrology-3	Please clarify what is meant by "to prevent leakage" and "keyed into the core" in this sentence: "These berms will be keyed into the core of the lake bed and will be used to collect excess surface water along the down slope borders of each irrigation block." LADWP will design down gradient berms to reduce leakage. Additional information regarding the berm design element will be provided to you under a separate cover letter. The proposed Project description should be changed accordingly and the mitigation measure removed. Additionally, please note that due to the existence of sensitive resources within the vicinity of Dust Control Area No. T36-3 Addition

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Page	Section	Title	Comment
3.5-21	3.5.5	Measure Hydrology-4	<p>and potential conflict with the Lower Owens River Project agreements and court orders, LADWP will not construct berms along the down gradient and east side of this area. LADWP will work with the Lahontan Regional Water Quality Control Board as we develop a new Waste Discharge Requirements for Phase 7.</p> <p>Need additional clarification on "no increase" in the rate or quantity of flows to the brine pool or mineral lease areas. In general, storm flows are routed into adjacent DCAs for Phase 7. It is not expected that total volume of runoff would significantly change as a result of implementation of the moat and row system. In most locations, there is the potential to actually decrease the peak rate of flow through attenuation through routing through the DCAs. In a few locations, peak flows under extreme events, may crest and could potentially result in an increase in localized concentrated flows. This potential would be minimized by careful attention to erosion protection downstream of spillways.</p>
3.5-21	3.5.5	Measure Hydrology-4	<p>Please provide regulatory justification for CSLC, GBUAPCD, and LRWQCB having approval authority. If CSLC and/or LRWQCB desire to have approval authority such authority must be addressed in their own leasing and/or permitting powers and not as part of this DSEIR.</p>
3.5-22	3.5.5	Measure Hydrology-5	<p>Please provide regulatory justification for CSLC, US Borax, GBUAPCD, and LRWQCB having approval authority. If CSLC and/or LRWQCB desire to have approval authority such authority must be addressed in their own leasing and/or permitting powers and not as part of this DSEIR.</p>
3.5-1	3.5.1	Federal	<p>Please remove references to the National Environmental Policy Act since no such action(s) are required by the Bureau of Land Management. LADWP has been issued a right-of-way grant by the Bureau of Land Management in order to access the T37-1 Dust Control Area.</p>
3.6-2	3.6.1	Federal	<p>Please remove all reference to Federal regulatory framework from this</p>

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Page	Section	Title	Comment
3.6-8	3.6.4	Conflict with Adopted Relevant Plans and Policies in the Proposed Project Area	<p>111</p> <p>section since no such action(s) are required by BLM. LADWP has been issued a right-of-way grant by BLM in order to access the T37-1 Dust Control Area.</p>
3.6-9	3.6.5	Measure Land Use and Planning-1	<p>112</p> <p>3rd Paragraph: Please note that LADWP will not construct any “dust control areas ... located on BLM Land.” Therefore, this paragraph should be deleted. Additionally, GBUAPCD lacks jurisdiction to compel LADWP to exercise its discretion in determining how expenditures and budgets are allocated (“The cost for implementation, including all construction and operation of the mandatory DCMs, on the Owens Lake bed would be borne by the LADWP”).</p> <p>Please clarify what is meant by “nearby” in this sentence: “The City of Los Angeles shall institute a program for nearby resident whereby windows of affected residences will be screened or other insect control devices will be provided to residents to reduce nuisance insect population in the vicinity of their residence.”</p>
3.6-9	3.6.5	Measure Land Use and Planning-1	<p>113</p> <p>The measure does not exclude the residences that LADWP have provided screens or insect control device to in the past.</p> <p>The measure does not provide for sunset provision for terminating screen installation or providing insect control devices.</p>
3.7-5	3.7.5	Measure Minerals-1	<p>114</p> <p>Please delete the requirement for LADWP to continue to “pay” Inyo County Vector Control for treatment since GBUAPCD lacks jurisdiction to compel LADWP to exercise its discretion in determining how expenditures and budgets are allocated.</p> <p>Please delete the requirement for LADWP to “compensate” the California State Lands Commission since GBUAPCD lacks jurisdiction to compel LADWP to exercise its discretion in determining how expenditures and budgets are allocated. Additionally, this measure does not address what would be LADWP’s mandate if the mineral</p>

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			lease areas cannot be transferred to LADWP in timely manner or at all to comply with the April 1, 2010 deadline.
3.7-5	3.7.5	Measure Hydrology-4	Is it necessary to include this impact and mitigation under Mineral Resources since it is already included under Hydrology and Water Quality?
3.9-7	3.9.4 and 3.9.5	Utilities	This section does not provide any basis for linking impacts and mitigating for such impacts below the level of significant. The section states that there is no storm drain system at Owens Lake. It make references to LADWP's Sulfate Yard and Keeler which are not impacted by this Project. This section must be deleted along with its stated mitigation measures.
3.9-7	3.9.5	Measure Hydrology-4	Is it necessary to include this impact and mitigation under Utilities and Service Systems since it is already included under Hydrology and Water Quality?

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**City of Los Angeles Department of Water and Power
William Van Wagoner
111 North Hope Street
Los Angeles, California 90012-2607**

Response to Comment 1:

Thank you for the comment. Under AB 32, CARB has the primary responsibility for reducing greenhouse gas emissions. Regarding the case of the refinery in Contra Costa County in 2007, the State Attorney General indicates that the Lead Agency is obligated to determine significance, even if there is no established threshold in law or regulation. The State Attorney General continued to purport that neither CEQA nor the regulations authorize a lack of agency-adopted standard as the basis for determining that a project's potential cumulative impact is not significant. Furthermore, the Lead Agency should ensure compliance with AB 32 to reduce greenhouse gas emissions to 1990 levels by estimating the greenhouse gas emissions and adopting feasible measures to avoid or reduce those emissions.¹⁴

CEQA requires that Lead Agencies inform decision makers and the public regarding the following:

- Potential significant environmental effects of proposed projects
- Feasible ways that environmental damage can be avoided or reduced through the use of feasible mitigation measures and/or project alternatives
- Reasons why the Lead Agency approved a project if significant environmental effects are involved (State CEQA Guidelines §15002)

Section 3.1.3, Air Quality, Significance Thresholds has been clarified to include the significance threshold that was used for the purpose of this EIR.

In addition, the District is the primary regulatory body for air quality in the area. In the analysis, mitigation measures Air-2 through Air-6 were determined to help reduce the impacts related to greenhouse gas emissions.

Response to Comment 2:

Thank you for the comment. The substantial evidence demonstrating that the proposed project would be expected to adversely affect suitable habitat for western snowy plover, in violation of both the Migratory Bird Treaty Act and the State Fish and Game Code, is provided in Figure 3.2.2-7, *Proposed Project Area: 2007 Western Snowy Plover Nests and Broods*, and Figure 3.2.2-10, *Nursery Locations*, which demonstrate that construction of the DCMs required pursuant to the 2008 SIP is characterized by documented occupied habitat and potentially suitable habitat, thus requiring the consideration of mitigation measures.

The increase in western snowy plover referenced in the comment occurred during conditions that required comparable mitigation measures to those articulated in this EIR as mitigation measures Biology-7, Biology-10, and Biology-11. The success of the western snowy plover in light of the previously required mitigation measures constitutes the substantial evidence on which the District

¹⁴ Association of Environmental Professionals. 29 June 2007. *Alternative Approaches to Analyzing Greenhouse Gas Emissions and Global Climate Change in CEQA Documents*. Sacramento, CA. Available at: http://www.califaep.org/userdocuments/File/AEP_Global_Climate_Change_June_29_Final.pdf

has rendered its finding that the mitigation measures are capable of reducing the impacts of construction and operation of the proposed project to below the level of significance.

The District believes that the monitoring specified for Years 1 through 5 would adequately address the short-term effects of the proposed project. However, given the long-term anticipated life of the proposed project, which is in excess of 50 years, it is important to include additional monitoring that addresses the long-term effects of the project.

Response to Comment 3:

Thank you for the comment. Unlike the Shallow Flooding, Managed Vegetation, and Gravel DCMs that underwent substantial field testing that allowed the development of substantial evidence related to their effects on wildlife movement, the City has provided no documentation regarding the efficacy of the Moat & Row DCM to control dust or the effects of the Moat & Row DCM on wildlife movement. The District has provided clarifications and revisions to Section 2.7.1.1, Dust Control Measures, Moat & Row and Enhancements, of the EIR to delineate clearly the assumptions that were used as the basis for the environmental analysis. In the 1998 SIP, the District required the installation of ramps at 0.25-mile intervals to ensure that wildlife species could pass over infrastructure installed in conjunction with proposed DCMs. Since the Moat & Row DCM is expected to result in recontouring of 33 percent of each square mile to which it is applied, creating alternating moats and rows that would effectively limit visibility in an environment with extensive uninterrupted views, as well as constructing fencing that could potentially trap wildlife species within the DCM, the District believes that mitigation measure Biology-13 is required to ensure that the Moat & Row DCM does not limit wildlife movement across Owens Lake. Mitigation measure Biology-13 has been modified to require the frequency of the gaps or the provisions of openings to decrease from 100-foot intervals to 0.25-mile intervals. Clarifications and revisions have been undertaken to mitigation measure Biology-11 to address specifications for control of corvids.

CEQA allows mitigation to be accomplished through modification to the project or as mitigation measures. Measures Biology-11 and Biology-13 are provided to demonstrate that the ability to reduce impacts to below the level of significance is contingent on the specified design parameters.

Response to Comment 4:

Thank you for the comment. Mitigation measure Cultural-1 has been revised to state that monitoring will be required only for those areas known to have a potential to support unique paleontological resources. In the 2003 EIR, this was identified as areas within 1 mile of the historic shoreline along the edge of the playa, within areas surveyed for paleontological resources, especially near Swansea. Significant vertebrate fossils are known from the area near Swansea and near the Owens River Delta. The 2008 SIP EIR resulted in the same findings. Areas along the eastern shoreline that have been eroded to expose Pleistocene sediments are sensitive for paleontological resources and will require monitoring to reduce potential impacts to these resources.

Response to Comment 5:

Thank you for the comment. The substantial evidence articulated in the EIR for the increased potential for wildland fires is related to changes in the physical environment resulting from construction and operation of the proposed project in close proximity to flammable terrestrial upland plant communities and managed vegetation:

- Increased presence of heavy machinery and construction personnel (Table 2.7.2-2, Anticipated Construction Equipment and Work Crews)
- Increased all-year access road and related operations vehicles (Section 2.7.1.2, Other Project Elements, Access Roads)
- Power supply (Section 2.7.1.2, Other Project Elements, Power Supply)
- Increased storage of chemicals (Section 2.7.1.1, Enhancements, Managed Vegetation, Fertilizer Injection and Water Treatment Systems)

Mitigation measure Hazards-4 provides for reasonable risk management to reduce the potential for wildland fires to below the level of significance.

Response to Comment 6:

Thank you for the comment. The substantial evidence for requiring mitigation measure Hydrology-3 consists of the scoping comments provided to the District by the CSLC and Rio Tinto Minerals (Appendix A, *NOP, Comment Letters, and Response Matrix*). The waste discharge requirements issued by the Lahontan RWQCB do not supersede the requirements pursuant to the lease that must be obtained by the City from the CSLC to install and operate DCMs on Owens Lake.

The District appreciates the commitment of the City to “design down gradient berms to reduce leakage.” That commitment is reflected in clarifications and revision that were undertaken to mitigation measure Hydrology-3 in response to comments received by the District from the CSLC, Rio Tinto Minerals, and the City.

Response to Comment 7:

Thank you for the comment. The EIR indicates that the presence of the Moat & Row DCM, which has the potential to recontour approximately 33 percent of each square mile to which it is applied, could increase the erosive potential of flash-flood events by redirecting flows from a relatively flat surface into the moat between rows. This would have the combined effect of decreasing the channel cross-section and decreasing channel roughness, which according to Manning’s equation would result in increased erosive potential

The District has required mitigation measure Hydrology-4 as a means of ensuring that specifications are provided for a Moat & Row DCM design that does not result in increased storm water discharges above the existing condition at the boundary of the SIP control area.

At the time of preparation of the Final EIR response to comments, the District had not received the revised description of the moat component referenced in the comment.

Response to Comment 8:

Thank you for the comment. As specified in Section 2.7.1.1, Enhancements, Managed Vegetation, Fertilizer Injection and Water Treatment Systems, of the EIR, the City stores chemicals and uses chemicals in conjunction with DCMs. Flood flows, such as those that occurred in winter 2003/2004 have the potential to entrain sediments within DCMs affected by fertilizers and descalents and transport such chemicals to the mineral operation areas. The District has provided mitigation measure Hydrology-5 as a means of minimizing the effects of compromised berms resulting from infrequent high-magnitude storm events. In response to comments received from the CSLC, Rio Tinto Minerals, and the City, mitigation measure Hydrology-5 has been clarified and revised to include the provision for development of an emergency management plan for potential berm failures. The plan shall also include a commitment by the City to take prompt action to repair failed berms and shall set forth the actions to be taken by the City. The plan will include notification of the CSLC and the District, with the requirement that the plan be reviewed and approved by the CSLC prior to the operation of the proposed DCMs.

At the time of preparation of the Final EIR response to comments, the District had not received the revised description of the moat component referenced in the comment.

Response to Comment 9:

Thank you for the comment. The substantial evidence of the issues related to biting insects and mosquitoes consists of comments received by the District during the EIR scoping period. Based on information from residents adjacent to the DCMs regarding insect problems and based on comments from the City, mitigation measure Land Use-1 has been revised to require a study to evaluate the cause of insects in the adjacent communities and to require continued support of treatment methods if the DCMs can be verified to be the cause of the perceived pest problems.

Response to Comment 10:

Thank you for the comment. The potential for significant indirect impacts to trona ore mining operations due to the construction and operation of DCMs adjacent to mining areas and due to the increased erosive potential of flood events, requiring the need for mitigation measures, is described on page 3.7-4 in Section 3.7.4, Mineral Resources, Impact Analysis, of the EIR.

Response to Comment 11:

Thank you for the comment. As requested by Caltrans, Caltrans specifications related to roadway and public safety at existing highway access points were incorporated into Section 3.8.1, Traffic and Transportation, Regulatory Framework and Section 3.8.2, Existing Conditions. The proposed project incorporates all Caltrans standard road safety requirements.

CEQA requires mitigation measures regarding impacts to regional highways deemed appropriate and feasible. Further clarifications and revisions to mitigation measure Traffic-3 have been undertaken in response to comments provided by Caltrans.

Response to Comment 12:

Thank you for the comment. Please refer to Section 3.9.4, Utilities and Service Systems, Impact Analysis, Storm Drain System, Page 3.9-6 and associated clarifications and revisions that describe the potential for the construction of berms and channels in association with DCMs and appurtenant facilities to concentrate overland flow and increase the erosive potential of flood flows crossing Owens Lake.

Please refer to Response to Comment No. 6 and No. 7.

Response to Comment 13:

Thank you for the comment. Please refer to Response to Comment No. 1.

The substantial evidence that the proposed project would generate greenhouse gas emissions is provided in Table 3.1.4-1, *Construction Emissions*, and Table 3.1.4-4, *Construction GHG Emissions*. Additional information is provided in Appendix C, *Air Quality Technical Memorandum*.

CEQA requires that Lead Agencies inform decision makers and the public regarding potential significant environmental effects of proposed projects, feasible ways that environmental damage can be avoided or reduced through the use of feasible mitigation measures and/or project alternatives, and reasons why the Lead Agency approved a project if significant environmental effects are involved (State CEQA Guidelines §15002).

The substantial evidence that mitigation measures Air-3, Air-4, Air-5, and Air-6 are capable of reducing greenhouse gas emissions regulated pursuant to the National Ambient Air Quality Standards is provided in the South Coast Air Quality Management District Air Quality Handbook¹⁵ and the California Climate Action Registry.¹⁶

Response to Comment 14:

Thank you for the comment. The substantial evidence that the proposed project has the potential to result in significant adverse effects to special status biological resources is contained in Table 2.7.1-1, *Comparison of Proposed Project Elements*, which demonstrates that up to 15.1 square miles of the dry lake bed would be subject to disturbance as a result of construction, operation, and maintenance of the proposed DCMs. This disturbance caused by construction, operation, and maintenance of the DCMs would adversely affect biological resources held in trust for the people of California by the CSLC and further regulated by the CDFG and the USACOE, including state-designated sensitive habitats (Table 3.2.2-1, *Plant Communities Present within the Proposed Project Area*), wetlands and other waters of the United States (Table 3.2.2-5, *Jurisdictional Areas*), and federally designated and state-designated sensitive wildlife species (Table 3.2.2-3, *Sensitive Wildlife Species with the Potential to Occur within the Proposed Project Area*; Figure 3.2.2-4, *Current Estimated Snowy Plover Habitat at Owens Lake*; Figure 3.2.2-6, *Proposed Project Area: 2007 Adult Western Snowy Plover Observations*; and Figure 3.2.2-7, *Proposed Project Area: 2007 Western Snowy Plover Nests and Broods*).

¹⁵ South Coast Air Quality Management District. April 1993. *CEQA Air Quality Handbook*. Diamond Bar, CA.

¹⁶ California Climate Action Registry. March 2007. *California Climate Action Registry General Reporting Protocol: Reporting Entity-wide Greenhouse Gas Emissions. Version 2.2* Los Angeles, CA. Available at: http://www.climateregistry.org/docs/PROTOCOLS/GRP%20V2-March2007_web.pdf

The substantial evidence that mitigation measures Biology-1, Biology-2, Biology-4, Biology-5, Biology-6, Biology-8, Biology-10, Biology-11, and Biology-13 are capable of reducing impacts to special status biological resources to below the level of significance is evidenced in the 2007 field data that demonstrate that the implementation of comparable measures in conjunction with the 1998 SIP and 2003 SIP were able to conserve pre-1997 levels of wetlands and state-designated sensitive habitats (Table 2.4.4-1, *Existing Mitigation Areas*) and conserve the habitat and adult and breeding population of the western snowy plover (Section 3.2.2, Biological Resources, Existing Conditions, Sensitive Species, Wildlife, Western Snowy Plover; Figure 3.2.2-3, *Pre-1997 Estimated Snowy Plover Habitat at Owens Lake*; Figure 3.2.2-4, *Current Estimated Snowy Plover Habitat at Owens Lake*; Figure 3.2.2-6, *Proposed Project Area: 2007 Adult Western Snowy Plover Observations*; Figure 3.2.2-7, *Proposed Project Area: 2007 Western Snowy Plover Nests and Broods*; and Figure 3.2.2-10, *Nursery Locations*).

Clarifications and revisions have been made to Section 3.2.6, Biological Resources, Level of Significance after Mitigation.

Response to Comment 15:

Thank you for the comment. The substantial evidence that the proposed project has the potential to result in significant adverse effects to sensitive habitats and protected wetlands is contained in Table 2.7.1-1, *Comparison of Proposed Project Elements*, which demonstrates that up to 15.1 square miles of the dry lake bed would be subject to disturbance as a result of construction, operation, and maintenance of the proposed DCMs. This disturbance caused by construction, operation, and maintenance of the DCMs would adversely affect biological resources held in trust for the people of California by the CSLC and further regulated by the CDFG and the USACOE, including state-designated sensitive habitats (Table 3.2.2-1, *Plant Communities Present within the Proposed Project Area*) and wetlands and other waters of the United States (Table 3.2.2-5, *Jurisdictional Areas*).

The substantial evidence that mitigation measures Biology-5, Biology-6, and Biology-8 are capable of reducing impacts to sensitive habitats and protected wetlands to below the level of significance is evidenced in the 2007 field data that demonstrate that the implementation of comparable measures in conjunction with the 1998 SIP and 2003 SIP was able to conserve pre-1997 levels of wetlands and state-designated sensitive habitats (Table 2.4.4-1, *Existing Mitigation Areas*).

Clarifications and revisions have been made to Section 3.2.6, Biological Resources, Level of Significance after Mitigation.

Response to Comment 16:

Thank you for the comment. The substantial evidence that the proposed project has the potential to result in significant adverse impacts to cultural resources is contained in Table 2.7.1-1, *Comparison of Proposed Project Elements*, which demonstrates that up to 15.1 square miles of the dry lake bed would be subject to disturbance as a result of construction, operation, and maintenance of the proposed DCMs and Section 3.3.4.1, Cultural Resources, Impact Analysis, Paleontological Resources; Section 3.3.4.2, Impact Analysis, Archaeological Resources; and Section 3.3.4.3, Impact Analysis, Historical Resources, as clarified in Section 12, including Figure 3.3.2.3-1, *Historic Period Resources*, and revised Appendix R.E, *Final Cultural Resources Technical Report*.

The substantial evidence that implementation of mitigation measure Cultural-1 would reduce potential adverse impacts to paleontological resources by requiring salvage, recovery, curation, and documentation, thus preserving scientifically valuable information consistent with the requirements of the California Environmental Quality Act, is evidenced in the Guidelines of the Society of Vertebrate Paleontologists.

CEQA [PRC Section 21083,2(b)] requires avoidance of archaeological resources, preservation in place, or, if neither of these are possible, testing and evaluation and data recovery for significant resources. The nature of the proposed project precludes avoidance and preservation, and would in fact destroy these resources. Therefore, implementation of mitigation measure Cultural-2, which requires testing and evaluation, and data recovery, if appropriate, is required.

The 2003 SIP EIR,¹⁷ certified by the GBUAPCD and approved by all regulatory authorities, imposed monitoring as a means of mitigating impacts to previously unidentified archaeological and historical resources that would otherwise be destroyed. The proposed project area has a demonstrated high likelihood of containing significant archaeological resources, and monitoring is an approved method for locating, evaluating, and salvaging unanticipated resources.

Clarifications and revisions have been made to Section 3.3.6.

Response to Comment 17:

CSLC has not approved the provision of additional storage tanks to be used for the Managed Vegetation DCM. CSLC has taken the position that the use of such hazardous materials is a significant impact for which alternative site locations should be evaluated and that such use is not compatible with the public trust resources and values within Owens Lake. Such evaluations were not conducted as part of the analyses for this EIR. Therefore, mitigation measures Hazards-1 through Hazards-3 have been reworded to be only applicable if additional storage of hazardous materials is undertaken. The substantial evidence that the proposed project would have the potential to result in significant impacts related to hazards is provided in Section 2.7.1.1, Dust Control Measures, Moat & Row and Enhancements, Fertilizer Injection and Water Treatment Systems, which specifies the potential storage and use of chemicals in conjunction with the potential use of Managed Vegetation as an enhancement to Moat & Row. The transport and storage of chemicals and fuel are described in EIR Section 3.4.4, Hazards, Impact Analysis, Routine Transport, Use or Disposal of Hazardous Materials. Mitigation measure Hazards-1 would require that the routine transport, use, or disposal of hazardous materials conform to regulations and guidelines established by the California Code of Regulations.

The substantial evidence that an Operations Plan is an effective means of reducing risk to people and property is provided pursuant to 40 CFR 262.34(d)(3), which requires such plans be in place. Specifically, the City would be required to obtain a Certified Unified Program Agency permit from the Inyo County Health Services Department and would disclose to the local fire emergency services any stored/handled/disposed hazardous materials wastes prior to construction. All combustible materials would be handled in accordance with fire and safety requirements. All unused construction materials would be removed from the proposed project site upon completion of improvements. Solid waste generated during construction or operation of the proposed project would be transported to a permitted solid waste disposal facility. The proposed project site would

¹⁷ Great Basin Unified Air Pollution Control District. 11 July 2003. *2003 Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan EIR*. Prepared by: Sapphos Environmental, Inc., Pasadena, CA.

be monitored for excessive erosion as documented in the proposed project's Waste Discharge Permits with the Regional Water Quality Control Board. If such erosion is observed, the City would take immediate corrective action, including implementation of best management practices.

The substantial evidence that design and implementation of a Spill Prevention and Countermeasure Control Program reduces risks to people and property through the specification of preventative measures to prevent unanticipated oil spills from reaching navigable waters is contained in research undertaken by the U.S. Environmental Protection Agency.

Prior to the 1998 SIP, the 2008 SIP project area was undeveloped and therefore had no designated primary and secondary responder for wildland fires within Owens Lake. The ability to minimize loss of life and property from wildland fires requires the availability of fire protection and response services. Mitigation measure Hazards-4 would ensure the availability of fire protection and response services. The City proposes to install substantial infrastructure (irrigation, roadways, berms, and fencing) to support the DCMs required pursuant to the 2008 SIP. For the purposes of this EIR and the possible use of vegetation to enhance and/or augment the PM₁₀ control effectiveness in Moat & Row DCM areas, the filtering of vegetation irrigation waters is an included project component, but the fertigation and/or treatment of irrigation waters with hazardous chemicals is specifically not a component of the proposed project. The use of any such chemicals would require additional impact analyses and site alternative evaluations. However, pending approval from CSLC for the provision of additional storage tanks, mitigation measures Hazards-1 through Hazards-3 shall be used for reducing the potential impacts related to these tanks to below the level of significance.

Response to Comment 18:

Please refer to Response to Comment No. 6 to 8.

Response to Comment 19:

The potential for significant indirect impacts to the surrounding residents as a result of the implementation of addition DCMs in the area, requiring the need for mitigation measures, is described in Section 3.6, Land Use and Planning, Impact Analysis, page 3.6-7.

The substantial evidence that mitigation measure Land Use and Planning-1 would be capable of reducing potential impacts to below the level of significance is provided by the Center for Disease Control.

Clarifications and revisions have been made to mitigation measure Land Use and Planning-1 and to Section 3.6.6, Land Use and Planning, Level of Significance after Mitigation.

Response to Comment 20:

The potential for significant, indirect impacts to trona ore mining operations due to construction and operation of DCMs adjacent to mining areas within U.S. Borax's lease and due to the increased erosive potential of flood events that would adversely affect trona ore mining operation areas within U.S. Borax's lease, requiring the need for mitigation measures, are described in Section 3.7.4, Mineral Resources, Impact Analysis. , page 3.7-4.

The substantial evidence of the ability of mitigation measure Mineral-1 to reduce the potential for significant impacts to existing grading operations consists of letters of comment provided by Rio Tinto Minerals and the CSLC in response to the EIR scoping period and circulation of the Draft EIR for public review.

Clarifications and revisions have been made to Section 3.7.5, Mineral Resources, Mitigation Measures, and to Section 3.7.6, Level of Significance after Mitigation.

Response to Comment 21:

CEQA requires mitigation measures regarding impacts to regional highways deemed appropriate and feasible. Further clarifications and revisions to mitigation measure Traffic-3 have been undertaken in response to comments provided by Caltrans. The substantial evidence demonstrating that the proposed mitigation measures Measure Traffic-1, Traffic Work Safety Plan; Measure Traffic-2, Traffic Work Safety Plan Conformance; and Measure Traffic-3, Regional Transportation Network Damage Repair, would effectively mitigate the potential impacts related to traffic and transportation is provided in the Traffic Study prepared by Linscott, Law & Greenspan Engineers on June 22, 2007. This study is included as Appendix H of the EIR. The data in this study demonstrate that the specified mitigation measures would reduce or avoid significant impacts related to traffic and transportation. Additional substantial evidence is provide in the Caltrans letter of comment in response to the circulation of the Draft EIR for public review indicating their concurrence, as a Responsible Agency, of the efficacy of mitigation measure Traffic-1, Traffic Work Safety Plan; Traffic-2, Traffic Work Safety Plan Conformance; and Traffic-3, Regional Transportation Network Damage Repair.

Clarifications and revisions have been made to Section 3.8.5, Traffic and Transportation, Mitigation Measures, and to Section 3.8.6, Level of Significance after Mitigation.

CEQA requires the Lead Agency to seek input from Responsible and Trustee Agencies. As documented in Section 11, Distribution List, of the EIR, the Notice of Preparation and the Draft EIR were provided to Caltrans for review and comment. The mitigation measures provided in the EIR have been reviewed and approved, consistent with the clarifications and revisions provided in Section 12. The City incorrectly asserts that the District may not include mitigation measures in the EIR where those measures may require the assertion of legal authority by another government agency and is not solely within the unilateral authority of the District. CEQA is not so limited. The District may, in consultation with other government agencies, reach a consensus regarding appropriate mitigation measures to address environmental impacts from the proposed project. Through the process of EIR review and participation, those agencies may provide their approval of those mitigation measures to the District or to the City, and thereby exercise the assertion of the necessary authority vested within those agencies, as specifically provided for by CEQA.

Response to Comment 22:

The District provided the Draft EIR to the CSLC for review and comment. Please see their letter of comment for requested modifications to mitigation measures.

Mitigation measures Air-4, Air-5, and Air-6 do not specify CSLC approvals; rather, the measures require either demonstrated compliance by the City or submittal of documentation to the Lead Agency, the District, and the landowner, the CSLC, of substantial evidence demonstrating the

social, environmental, economic, or technical infeasibility of accomplishing the specified measures.

Response to Comment 23:

The District has reviewed the City's request to delete the Responsible and Trustee Agency approval of management plans as specified in mitigation measures Biology-2, Biology-6, Biology-7, Biology-8, Biology-9, Biology-11, and Biology-13. Clarifications and revisions have been made to Section 3.2.5, Biological Resources, Mitigation Measures. The clarifications and revisions provide for the review of plans by the appropriate Responsible and Trustee Agencies and submittal to the Lead Agency, the District, and the property owner, CSLC.

Response to Comment 24:

The District appreciates the clarification of the role of the CSLC with respect to future archaeological investigations. Mitigation measure Cultural-2 has been clarified to indicate that the CSLC will review and comment on mitigation measure Cultural-2, but will not be required to approve specific plans for this mitigation measure. The District also recognizes that a valid CSLC permit is required prior to Phase II test and evaluation and/or Phase III data recovery operations.

Response to Comment 25:

Mitigation measure Hazards-1 does not comment on requirements for approval from Inyo County and CSLC. Rather, the mitigation measure requires the City to provide documentation of compliance with the measure.

Mitigation measures Hazards-2 correctly states that the Spill Prevention and Countermeasure Control Program is to be submitted to Inyo County, the specified Certified Unified Program Agency for review and approval, with documentation of approval provided to CSLC and the District.

Mitigation measure Hazards-3 has been clarified to indicate that annual reports are to also to be submitted to the California State Lands Commission."

Response to Comment 26:

Please refer to Response to Comment No. 6 to 8.

Response to Comment 27:

Mitigation measure Land Use and Planning-1 has been refined in response to comments received from community members, CSLC, and the City. Clarifications and revisions have been made to Section 3.6.5, Land Use and Planning, Mitigation Measures, mitigation measure Land Use and Planning-1.

Response to Comment 28:

The mineral lease is under the jurisdiction of the CSLC. Mitigation measure Minerals-1 was not deleted. Instead, clarifications and revisions have been made to Section 3.7.5, Mineral Resources, Mitigation Measures, mitigation measure Minerals-1.

Response to Comment 29:

Please refer to Response to Comment No. 11 and 21.

Response to Comment 30:

There is no assumption by the District on the method of irrigation of Managed Vegetation. Surface waters have been observed on the existing Managed Vegetation area during periods of heavy irrigation, as well as during heavy precipitation events. The language accounts for this and reasonably requires their control and either recirculation or lawful discharge.

With respect to lateral berms for the Shallow Flooding areas, both the 2003 SIP (Board Order page 8–7) and the 2008 SIP (Board Order 15.H., page 8–10) have identical language:

The dust control measure areas shall have lateral boundary edge berms and/or drains as necessary to contain excess waters in the control areas and to isolate the dust control measure areas from each other and from areas not controlled. If drains are used, they shall be designed and constructed so that they may be regulated such that groundwater levels, surface water extent and wetlands in adjacent uncontrolled areas are not impacted.

The District never removed the requirement for lateral drain from the Shallow Flood areas. No changes to these provisions of the 2003 SIP were addressed in the Settlement Agreement. Therefore, no change is required.

The District's Shallow Flood research project known as the Shallow Unconfined Recirculated Flooding (SURF) test, conducted by the District in 1999–2000, showed that there was a lateral effect of about 250 feet away from the side boundaries from the Shallow Flood area. This was also observed in shallow piezometer data from the District's North Flood Irrigation Project (NFIP) test in 1994–1995. The down-slope edge of the SURF test area had three drains (two open drains and one tile drain) to prevent water loss down-gradient of the test area. The lower end of the NFIP test did not have any drains, and the monitored effect of the flooding on the down-slope edge extended well below the lower end of the flooded area.

Shallow groundwater monitoring sites, operated by the District since 1992 and located adjacent to City Shallow Flooding areas, have shown that there are clear effects from upslope Shallow Flooding. Monitoring sites located near Shallow Flooding boundaries with operational drains are observed to have water levels that are lower than those measured before the flood areas began operation. Other monitoring sites that are located adjacent to Shallow Flooding boundaries without drains have observed water levels that are consistently higher than before flooding operation. In some areas downstream of existing Shallow Flood areas (e.g., T-11), the berms themselves leak and there are significant overland flows across the lake bed toward the brine pool. Therefore, no change to the SIP or EIR is required.

Response to Comment 31:

The 1997, 1998, and 2003 SIPs contained identical requirements to protect DCM areas from damage caused by flooding and alluvial deposits. In addition, this issue was not addressed in the Settlement Agreement; therefore, no change is required. However, over the past few decades, District staff has observed significant changes to the lake bed caused by storm water flows and

material deposition. The SIP requires DCMs to be protected from such damage. If such protection is not adequately provided and the DCMs are subsequently damaged, such that they are rendered inoperable, District staff is unlikely to support any variance request from the City.

The SIP must require the City to design protection measures into the DCMs—it does not need to specify how the City is to provide such protection. The SIP (Paragraph 16.C.vi. of the Order) will be modified to remove reference to specific methods of protection or types facilities.

Response to Comment 32:

The District agrees that the EIR should “clearly reference the approval process and submittal requirements.” All mitigation measures have been reviewed to ensure that this is the case. However, it is generally not the District’s place to specify whether approvals by other agencies should take place at the staff or board level. That is the responsibility of the approving agency.

Response to Comment 33:

The Sulfate Well on the lake bed has been located there since the 1940s. It has had the name “Sulfate Well” for at least the past three decades. If the City has a new well at their Sulfate Yard facility, they should give it another name. No change to the EIR is required.

Response to Comment 34:

This comment is not specific as to any changes to the EIR being requested by the City. However, the District has carefully considered and reviewed all 103 SIP comments submitted by the City, and appropriate modifications have been made to both the SIP and the EIR.

Response to Comment 35:

Lahontan RWQCB issues permits for protection of water quality and preservation of beneficial uses. The CSLC and Rio Tinto / Borax are concerned about quantities of discharge and contamination of the brine pool mineral deposit. These are issues typically outside the Waste Discharge Requirements. The 2008 SIP imposes no more or less requirements with regard to storm water and site water control than the 1997, 1998, and 2003 SIPs. The Settlement Agreement is also silent on this issue. Recent communications with Rio Tinto / Borax and the CSLC staff indicate that they remained concerned about off-site water impacts on the brine pool and the mineral deposit.

The District will carefully evaluate and respond to any following specific comments raised on this issue. As this is not strictly an air quality issue, if the City, the CSLC, and the downstream lessee agree on alternative solutions, the District will consider modifications to the SIP requirements.

Response to Comment 36:

The information provided on page 2-2 of the Draft EIR is factually correct.

Response to Comment 37:

Please note that the dates for Figure 2.2-2, *Owens Valley Dust Storms*; Figure 2.3-4, *Sources of PM₁₀ Emissions*; and Figure 2.4.3-1, *Existing Dust Control Measures: Shallow Flooding*, are

uncertain, but these photographs have been utilized and taken primarily by the District for a number of previous environmental documentation purposes.

Response to Comment 38:

Thank you for the comment. The description of the dust control areas has been updated to reflect the amount of DCMs constructed as a result of the 2003 SIP.

Response to Comment 39:

Please refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report, for the revised Project Description that incorporates the sand fencing specifications provided by the City.

Response to Comment 40:

Please refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report, for the revised Project Description, which indicates that the rows would generally be parallel to the direction of the wind and may be serpentine in nature.

Response to Comment 41:

Please refer to Response to Comment No. 40.

Response to Comment 42:

Please refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report, for the revised subhead in Section 2.7.1.1 of the Project Description.

Response to Comment 43:

Please refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report, for the incorporation of the requested change to Section 2.7.1.1 of the Project Description.

Response to Comment 44:

Please refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report, for the revised subhead in Section 2.7.1.1 of the Project Description.

Response to Comment 45:

Shallow Flooding controls emissions by keeping the area between Moat & Row elements wet and nonemissive. Application of brine is to keep the Moat & Row elements themselves in a nonemissive state. When brine is sprayed onto a surface, it dries and forms a crust. The sentence will remain in Section 2.7.1.1, Project Description, Proposed Project, Project Elements, Dust Control Measures, Application of Brine, which states "Brine will not be applied in between Moat & Row elements." Refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report, for clarification of the application of brine in Section 2.7.1.1 of the Project Description.

Response to Comment 46:

Please refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report, for the requested revisions in Section 2.7.1.2 of the Project Description.

Response to Comment 47:

The requested change was not made because there is no means of evaluating the feasibility of the “mitigation and avoidance” strategy as articulated in the comment.

Response to Comment 48:

Please refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report, for revisions to the Project Description.

Response to Comment 49:

Please refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report, for revisions to the Project Description.

Response to Comment 50:

Please refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report, for revisions to the Project Description.

Response to Comment 51:

Please refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report, for revisions to the Project Description.

Response to Comment 52:

Please refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report, for revisions to the Project Description.

Response to Comment 53:

Thank you for the comment stating that pulse flows resulting in wetting of broad areas may occur but cannot be guaranteed.

Please refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report, for revisions to the Project Description.

Response to Comment 54:

Please refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report, for revisions to the Project Description.

Response to Comment 55:

Please refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report, for revisions to Section 2.7.1.2, Project Description, Proposed Project, Project Elements, Other Project Elements, Access Roads.

Response to Comment 56:

Please refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report for revisions to Section 2.7.1.2, Project Description, Proposed Project, Project Elements, Other Project Elements, Water Distribution Facilities.

Response to Comment 57:

Please refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report for revisions to Section 2.7.1.2, Project Description, Proposed Project, Project Elements, Other Project Elements, Water Distribution Facilities.

Response to Comment 58:

Please refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report, for the corrected labeling of the continuation of Table 2.7.2-2.

Response to Comment 59:

This coordination with the USACOE was approved in previous EIR documentation for DCMs for Owens Lake. The information regarding permits contained in the EIR has been reviewed and refined to indicate the agency with jurisdictional responsibility. The District has carefully reviewed this information regarding permit requirements and the applicable agency responsible for approval. No substantive evidence has been provided to accept the suggested deletion.

Response to Comment 60:

Please refer to response to comment No. 59.

Response to Comment 61:

Please refer to response to comment No. 28.

Response to Comment 62:

Please refer to response to comment No. 59.

Response to Comment 63:

Please refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report, for revisions to Section 2.9, Project Description, Related Projects.

Response to Comment 64:

References to the National Environmental Policy Act (NEPA) were approved in previous Owens Lake EIR documentation for DCMs. The information regarding actions contained in the EIR has been reviewed and refined to indicate the agency with jurisdictional responsibility. The District has reviewed this information regarding proposed actions and the applicable agency responsible for approval. No substantive evidence has been provided to accept the suggested deletion.

Response to Comment 65:

Please refer to Section 12.0, Clarifications and Revision to the Draft Environmental Impact Report, for revisions to Section 3.1.5, Air Quality, Mitigation Measures, mitigation measures Air-2 through Air-6, where appropriate to reflect consultation with CSLC on matters outside its jurisdiction.

Response to Comment 66:

The District appreciates the comment regarding the Native Plant Protection Act. Within the explanatory text for the Native Plant Protection Act, the language is explicit in the protection of rare and endangered plants, not to habitat types; therefore, no clarification is necessary.

Response to Comment 67:

The District appreciates the suggested inclusion of the California Desert Native Plant Act in the Regulatory Framework. As suggested, language discussing the California Desert Native Plant Act has been added to Section 3.2.1, Biological Resources, Regulatory Framework, page 3.2-6. Language that refers to Section 1913(b) of the State Fish and Game Code was not included since implementation of the proposed project does not include the provision of service to the public on behalf of the City.

Response to Comment 68:

The District appreciates the concern of the City with respect to the analysis of impacts to vegetated areas anticipated as a result of implementation of the Moat & Row DCM. Impacts being addressed are pre-wetland mitigation.

Section 3.2.4, Biological Resources, Impact Analysis, makes a distinction between the Shallow Flooding DCM and the Moat & Row DCM and states the assumption on which the impact analysis for implementation of the Moat & Row DCM is based.

For the Shallow Flooding DCM, data are available to support the statement that the DCM is expected to result in a net benefit to wildlife resources; however, for the Moat & Row DCM, which is currently in the study phase of development, a conservative approach was used for the purpose of the analysis, with the analysis resulting in an expected net reduction in habitat value. Language has been added to the EIR stating that it is anticipated that every effort to avoid and/or minimize impacts to vegetated areas would be undertaken.

Response to Comment 69:

The District appreciates the concerns of the City with respect to impacts to the western snowy plover during construction. However, short-term impacts to western snowy plover can be

anticipated during both the construction and maintenance phases of the proposed project. Routine maintenance has the potential to disrupt nesting western snowy plover through activities associated with maintenance. Therefore, no change to the EIR is required.

Response to Comment 70:

The District appreciates this comment received from the City. The sentence has been modified to say “may” instead of “will.”

Response to Comment 71:

The District appreciates the concerns of the City with respect to the District’s authority over the CDFG. The language present does not imply that the District has oversight authority over the CDFG. Therefore, no change to the EIR is required. However, in Section 3.2.4, Biological Resources, Impact Analysis, page 3.2-29, clarifications and revisions have been made to change “will” to “would” in two instances: the first sentence of the third paragraph and the last sentence of the third paragraph.

Response to Comment 72:

The District appreciates the concerns of the City with respect to providing geographic information system (GIS) mapping of nonemissive vegetation to the contractor. The statement regarding GIS mapping of nonemissive vegetation limit being provided to the contractor during the bidding process has been deleted in the clarifications and revisions to Section 3.2.5, Biological Resources, Mitigation Measures, mitigation measure Biology-5.

Response to Comment 73:

The District appreciates the concerns of the City with respect to the frequency of reporting. The frequency of reporting throughout the proposed project process is necessary to ensure compliance with all stipulated mitigation measure throughout the proposed project duration. The District understands that reporting requirements for separate agencies may require additional information not required by other agencies. However, it is important to the District to ensure compliance with all regulatory agency reporting requirements. Therefore, no change to the EIR is required.

Response to Comment 74:

The District appreciates the concerns of the City with respect to the height restrictions for stakes. Mitigation measure Biology-2 deals with a height restriction for stakes marking a snowy plover nest, and so the height restriction shall remain at 60 inches. Therefore, no change to the EIR is required.

Response to Comment 75:

The District appreciates the concerns of the City with respect to height restrictions for stakes. The height restriction of 60 inches remains for signs posted in active snowy plover nest areas, but it is increased to 72 inches for signs at the entry points to the lake. The height requirement for lake entrance signs has been changed in Section 3.2.5, Biological Resources, Mitigation Measures, mitigation measure Biology-3, to reflect the 72-inch height requirement.

Response to Comment 76:

The District appreciates the concerns of the City with respect to permanent lighting. Section 3.2.5, Biological Resources, Mitigation Measures, mitigation measure Biology-4 has been modified to only refer to newly built facilities.

Response to Comment 77:

The District appreciates the concerns of the City with respect to height restrictions for stakes. The height restriction for stakes marking nonemissive areas has been raised in Section 3.2.5, Biological Resources, Mitigation Measures, mitigation measure Biology-5, from 60 inches to 72 inches.

Response to Comment 78:

The District appreciates the concerns of the City with respect to construction zone buffers. Construction areas bordering wetlands or sensitive areas will not be allowed a construction zone buffer to prevent impact to these areas from construction activity. Section 3.2.5, Biological Resources, Mitigation Measures, mitigation measure Biology-5, has been clarify with regard to the meaning of the word "approaching."

Response to Comment 79:

The District appreciates the concerns of the City with respect to the demarcation of vegetated areas. The distances have been reviewed and have not been found to be excessive. Although the District appreciates that the City is willing to include vegetated buffers during the construction design phase, this would not offset the requirement for demarcating vegetated areas from construction activity. Marking of vegetation will be required to protect vegetated areas close to construction activities from incursion by construction activities and to ensure construction worker awareness of these areas, as construction drawings are not carried by all construction workers at all times. Therefore, no change to the EIR is required.

Response to Comment 80:

The District appreciates the concerns of the City with respect to the deadline for mitigation measure Biology-6. Mitigation for permanent loss of wetlands can occur concurrently with construction activities. However, revegetation of areas impacted by activities outside of areas specified in the Project Description can only occur after construction activities are completed in those areas. Therefore, no change to the EIR is required.

Response to Comment 81:

The District appreciates the concerns of the City with respect to the excess acreage of created TAM. Revisions have been made to include the current 53.9 acres delineated as a mitigation bank. However, it is the District's opinion that potential impacts to TAM as a result of proposed project elements may exceed the capacity of the mitigation allotted through the 53.9 acres.

Response to Comment 82:

The District appreciates the concerns of the City with respect to mitigation measure Biology-6. The language in Section 3.2.5, Biological Resources, Mitigation Measures, mitigation measure Biology-

6, has been removed and modified to be more explicit in nature as to where mitigation measures are to be implemented.

Response to Comment 83:

The District appreciates the concerns of the City with respect to mitigation measure Biology-6. The language in Section 3.2.5, Biological Resources, Mitigation Measures, mitigation measure Biology-6 has been modified as requested. However the phrase "identification of impact areas" is used in place of the phrase "monitoring plan for determining actual impact acres," since the term "monitoring plan" is used to determine compliance with a specific standard or success pursuant to a specific criteria. The phrase "based on actual impact area identified" has been added to the sentence regarding mitigation acres.

Response to Comment 84:

The District appreciates the suggested language change to mitigation measure Biology-6. However, the additional language does not provide additional clarification. Therefore, no change to the EIR is required.

Response to Comment 85:

The District appreciates the suggested language change to mitigation measure Biology-8. Mitigation measure Biology-8 states that the previously established Exotic Pest Plant Control Program will be used. The language in Section 3.2.5, Biological Resources, Mitigation Measures, mitigation measure Biology-8, has been altered to state that the program will cover all DCMs.

Response to Comment 86:

The District appreciates the comment by the City clarifying the role of CSLC and their preferred role to be one of review, notification, and consultation on matters outside of its jurisdiction and that the CSLC will impose appropriated conditions in its leases with the City. Section 3.2.5, Biological Resources, Mitigation Measures, mitigation measure Biology-8, has been modified to include submittal to both the District and CSLC, but approval by only the District.

Response to Comment 87:

The District appreciates the suggested language change to mitigation measure Biology-8. Language has been inserted in Section 3.2.5, Biological Resources, Mitigation Measures, mitigation measure Biology-8, to clarify the District's role with respect to the approval of the Exotic Plant Species Control Program.

Response to Comment 88:

The District appreciates the suggested language change to mitigation measure Biology-9. Language has been modified in Section 3.2.5, Biological Resources, Mitigation Measures, mitigation measure Biology-9, to state that in the event of the discovery of a nest by a crew, a biologist will be called to place markers around the nest.

Response to Comment 89:

The last three sentences of the third paragraph are intended as a summary of mitigation measure Biology-10. Therefore, no change to the EIR is required.

Response to Comment 90:

The requirement to place bird deterrent at individual posts will remain. However, the Project Description has been modified to include language regarding sand fencing specifications and installation parameters to deter perching on the sand fencing. Section 3.2.5, Biological Resources, Mitigation Measures, mitigation measure Biology-11 has been modified to acknowledge that the sand fencing is not able to support perched predators, but that posts will require predator deterrents.

Response to Comment 91:

Please refer to Response to Comment No. 90.

Response to Comment 92:

The District has included language in Section 3.2.5, Biological Resources, Mitigation Measures, mitigation measure Biology-11, related to the factors the District will consider when evaluating the effectiveness of the plan.

Response to Comment 93:

Please refer to Response to Comment No. 90.

Response to Comment 94:

The District has included language in Section 3.2.5, Biological Resources, Mitigation Measures, mitigation measure Biology-13, clarifying which species and suite of species' movements are expected to be impacted from the implementation of this measure. A description of available methods for aiding wildlife movement will be provided and subject to CDFG approval.

Response to Comment 95:

Please refer to Response to Comment No. 94.

Response to Comment 96:

The Wildlife Area Management Plan goals and objects will be established by the CSLC with CDFG approval. It is expected that benchmarks and goals will be clearly defined by the respective agencies with evaluation criteria provided in the Wildlife Area Management Plan. As the document has not been prepared, no further estimation of the evaluation criteria can be provided. Therefore, no change to the EIR is required.

Response to Comment 97:

There are two portions of the proposed project area that involve lands administered by the BLM, DCA T37-1 and DCA T5-1 Addition. Rights-of-way on BLM land do not nullify requirements for compliance with federal laws and regulations; compliance would be necessary in the right-of-way if ground disturbance were involved. However, federal compliance is required for DCA T5-1 Addition, located in the southeastern portion of the lake bed. Based on the site plan for the proposed project area, the Shallow Flooding DCM would be implemented in this approximately 19-acre area, of which 11.44 acres lies under the jurisdiction of the BLM.

Response to Comment 98:

Please refer to Response to Comment No. 97.

Response to Comment 99:

There are designated California Historical Landmarks and Points of Historical Interest in the vicinity of the proposed project area (see Section 3.3.2.3 of the EIR). They are considered relevant in the discussion of the historic context for cultural resources.

Response to Comment 100:

The fact that little significant fossil material has been recovered in the five years that monitoring has been required does not preclude the presence of these resources in the new impact areas. Significant vertebrate fossils are known from the area near Swansea, and near the Owens River Delta, both near and within sediments similar to the current impact areas (see Section 3.3.2.1 of the EIR). This provides evidence of the continued potential for paleontological resources within the proposed project area, thus requiring monitoring to reduce impacts to below the level of significance, as discussed in Response to Comment No. 4.

Response to Comment 101:

The term “marker’s mark” has been replaced with “maker’s mark” as appropriate. The paragraph related to driftwood has been deleted from the EIR.

Response to Comment 102:

Measure Cultural-3 has been revised to include reference to Public Resources Code Sections 5020.1(k) and 5024.1(g), which define an historical resource under CEQA.

Response to Comment 103:

Please refer to Response to Comment No. 97.

Response to Comment 104:

Please refer to Response to Comment No. 6 to 8.

Response to Comment 105:

Clarifications and revisions have been made to Section 3.5.5, Hydrology, Mitigation Measures, mitigation measure Hydrology-2, to require reporting to CSLC and RWQCB in accordance with their lease/permit requirements. However, in no case shall the reporting to either the agency or the District be done less frequently than quarterly.

Response to Comment 106:

Please refer to Response to comment No. 6.

Response to Comment 107:

Please refer to Response to Comment No. 7.

Response to Comment 108:

Please refer to Response to Comment No. 7.

Response to Comment 109:

Please refer to Response to Comment No. 8.

Response to Comment 110:

Please refer to Response to Comment No. 64.

Response to Comment 111:

Please refer to Response to Comment No. 64.

Response to Comment 112:

References to NEPA were approved in previous EIR documentation for DCMs for Owens Lake. The information regarding BLM land contained in the EIR has been reviewed and refined to indicate the agency with jurisdictional responsibility. The District has carefully reviewed this information regarding BLM and the applicable agency responsible for approval. No substantive evidence has been provided to accept the suggested deletion.

Response to Comment 113:

CEQA requires a Lead Agency to make determination of significant impacts to those who are directly affected by implementation of a proposed project.

Response to Comment 114:

Thank you for the comment. The mineral lease is under the jurisdiction of CSLC. Mitigation measure Minerals-1 was not deleted. Instead, clarifications and revisions have been made to Section 3.7.5, Mineral Resources, Mitigation Measures, mitigation measure Minerals-1.

The role of the District is to ensure adherence to all permits and requirements contingent on the lease through CSLC.

Response to Comment 115:

Mitigation measure Hydrology-4 is applicable for mitigation needed for issues related to mineral resources; hence, it is part of the required mitigation in Section 3.7.

Response to Comment 116:

Section 3.9 provides the analysis for potential significant impacts related to utilities and service systems. The analysis in the EIR found that water has the potential to be channelized from the upper wetland areas into the brine pool. Water must be conveyed in a manner that does not impact the brine pool. Mitigation measures ensure that water quality and quantity remain comparable to the existing conditions that are in conformance with the applicable standards and regulations regarding acceptable water quality. Mitigation measures Hydrology-3 and Hydrology-4 apply to protection of the existing DCMs in relation to soil berm construction and reduction of flash flood potential. No substantive evidence has been provided to accept the suggested deletion of the measures.

Response to Comment 117:

Mitigation measure Hydrology-4 is applicable for mitigation needed for issues related to utilities and service systems; hence, it is part of the required mitigation in Section 3.9.

13.2.7 Private Organizations

Rio Tinto Minerals Owens Lake Operations
Paul Lamos
209 North Main Street
P.O. Box 37
Lone Pine, California 93545

Sierra Club
Wilma Wheeler
Range of Light Group
Toiyabe Chapter
P.O. Box 1973
Mammoth Lakes, California 93546



OCT 11 2007

Thursday, October 04, 2007

Mr. Theodore D. Schade, PE APCO
Great Basin Unified Air Pollution Control District
157 Short Street Suite 6
Bishop CA 93514-3537

Re: DSEIR 2008 Owens Valley PM10 Planning Area Demonstration of Attainment SIP

Dear Mr. Schade,

Thank you for the opportunity to review and comment on your documents. As you know I represent the company mining the mineral Trona on Owens Lake. Thank you for recognizing the importance of the mineral resource located in the low center of Owens Lake. This is reflected throughout the document including the use of down gradient keyed berms for shallow flood areas, sediment traps for moat and row areas, alerts for berm failures and payment for necessary lease amendments. I have a few comments which I am writing now as I will be out of the area when you have your meeting in Independence.

1

Our name is referenced about three different ways in the document. We have had several names over the years and it is somewhat confusing. Our parent company Rio Tinto combined some industrial mineral operations and formed Rio Tinto Minerals. Our official name is now Rio Tinto Minerals, Owens Lake Operations; yet our legal identity (the ownership of the land and leases from the State of California) has not changed and is U.S. Borax Inc.

2

There is mention of using chemicals for stabilization of roads. The State and our operation have always been cautious about the use of chemicals on the lake due to their potential to migrate down gradient and affect the quality of the mineral deposit. Could you characterize the chemicals to be used, their quantity and their likelihood of migrating down gradient?

3

You describe pulse flows in the channel areas. Please identify if these are expected to reach the brine pool area, their timing and quantity.

4



DSEIR 2008 Owens Valley PM₁₀ Planning Area Demonstration of Attainment SIP Cont. | 4

In previous discussions with our operation about lease modification for our minerals extraction lease PRC 5464.1, it was identified that the dust control measures would require rerouting our access road to the mineral area (State of California PRC 3511.1). This lease amendment and road construction and design criteria are not mentioned in this document. | 5

A very minor point in figure 3.3.2.3-1 Ferguson's Landing is incorrectly identified as a soda ash manufacturing industry and Kaiser Permanente at Permanente Point is not identified. There was soda ash produced there after World War II. | 6

I apologize for the haste in my comment letter, I will be away for the next three weeks. As always, it is a pleasure working with the District. Please don't hesitate to contact me if you have any questions. | 7

Sincerely,

For

Paul Lamos
Superintendent

Cc: Bob Deal RTM
Jim Good GNST
Greg Pleka SLC
Judy Brown SLC

Rio Tinto Minerals Owens Lake Operations
Paul Lamos
209 North Main Street
P.O. Box 37
Lone Pine, California 93545

Response to Comment 1:

Coordination with Rio Tinto Minerals is acknowledged as part of the CEQA process.

Response to Comment 2:

The District appreciates this information. The EIR and Appendix R.E, *Final Cultural Resources Technical Report*, have been revised to use the name "U.S. Borax" in discussions of the company's mining operations at Owens Lake.

Response to Comment 3:

Section 3.1.5, Air Quality, Mitigation Measures, mitigation measure Air-1, has been modified to remove the use of chemical soil stabilizers as a material to aid in the control and minimization of fugitive dust. Regular monitoring reports submitted by the City to the CSLC and the District will ensure proper adherence to the mitigation. This measure helps to ensure that the basic objective of dust control is achieved.

Response to Comment 4:

As indicated in the revised Project Description, the effectiveness of pulse flows will be maximized where necessary using diversions (i.e., sandbags or rock checks) to overbank surface flows toward existing vegetation stands or seeded areas. Use of intense pulsed flows and diversion techniques are in lieu of mass grading in the Channel Area. Precautions to protect the mineral lease areas were taken into consideration with mitigation measures Hydrology-3 and Hydrology-4 to the maximum extent practicable.

Response to Comment 5:

The reference to the mineral extraction lease PRC 5464.1 has be updated as is the reference to PRC 3511.1 for the access road. Section 3.7.5, Mineral Resources, Mitigation Measures, mitigation measure Minerals-1, includes revisions to the mineral lease.

Response to Comment 6:

The District appreciates this information. Figure 3.3.2.3-1, *Historic Period Resources*, has been modified to appropriately indicate the Ferguson Landing as a transportation feature rather than part of the manufacturing industry. The Permanente Plant has been added to the figure.

Response to Comment 7:

Coordination with Rio Tinto Minerals is acknowledged as part of the CEQA process.



*Range of Light Group
Toiyabe Chapter, Sierra Club
Counties of Inyo and Mono, California
P.O. Box 1973, Mammoth Lakes, CA, 93546*

October 31, 2007

OCT 30 2007

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

Draft Owens Valley PM10 Planning Area Demonstration of Attainment SIP

Please accept the following comments submitted on behalf of the Sierra Club Range of Light Group, Toiyabe Chapter.

Draft 2008 Owens Valley PM10 Planning Area

5.2.6 Shallow Flooding for PM10 Control:

The document states "runoff and ponding have created...habitat conditions for insects and shorebirds." This statement acknowledges that shallow flooding has created habitat throughout the project. This habitat now supports a large public trust wildlife resource. This resource is a great benefit to wildlife and to the public.

5.2.6 Shallow flooding Habitat

Tamarisk has invaded T29 and T36 dust control cells adjacent to the Lower Owens River Delta. Tamarisk invasion is a troublesome issue. A nearby seed source is in the Lower Owens River Delta Waterfowl Area (State Lands area). Removal of that tamarisk colony would alleviate the threat of tamarisk invasion into the dust control zone and would lessen the expense of future removal of invasive seedlings.

5.2.7 Shallow Flooding Operation and Maintenance

The document states drains installed near naturally occurring wetlands would be operated to not cause significant water drawdown or loss of surface water. Explain how the operation would not affect the naturally occurring wetlands. Will monitoring wells be installed? Will the vegetation be monitored?

5.5 Moat and Row

The document states that this is not an approved method of dust control. There are many unanswered questions and concerns about this method. How will it affect wildlife? It could be devastating for wildlife. What monitoring is proposed during the tests?

*Range of Light Group – Toiyabe Chapter – Sierra Club
2008 Owens Valley PM Planing Area SIP*

Draft Subsequent EIR Volume I

Page 2-7 Existing Mitigation Areas

Zone 2 Habitat Shallow Flood Area, the largest bird habitat mitigation at Owens Lake is not shown I Table 2.4.4-1 and Figure 4.4.4-1. LADQP prepared “Zone 2 Shallow Flood Shorebird Habitat Management Plan, July 2004.” That document is meant to be the management document for the largest wildlife mitigation at Owens Lake. Will it be used for wildlife mitigation?

1

Page 2-14 Channel Areas

This is an excellent dust control component that enhances native vegetation and habitat along natural drainages from two shoreline wetlands: Cartago Springs (204 acres owned by California Dept. of Fish and Game) and the Cabin Bar Ranch (owned by Anheiser-Busch). The Cartago Springs property is being considered for wildlife enhancement and visitor interpretation. The view shed in this area is important and should be seriously considered. Near-by work on dust control—particularly the moat and row proposal-- would significantly affect the view shed.

2

p. 3.2-41 Measure Biology 14, Wildlife Management Plan

This proposal by the California State Lands Commission should be implemented. It is an excellent method of dust control. It recognizes the value of the large public trust wildlife resource that has returned to Owens Lake because of the shallow flooding dust control measures. The plan should be implemented as soon as possible. A deadline for the plan’s completion should be closely monitored. The plan should also incorporate the Shallow Flood Habitats in Zone 2 and at Dirty Socks, the channel area as well as any other appropriate areas.

3

Biological Resources Technical Report

Page 1.2 – Project Objectives

“Be consistent with the State of California’s obligation to preserve and enhance the public trust values associated with Owens Lake”

This is very important for wildlife and esthetics. Thousands of birds, waterfowl and shorebirds, are using the lake as a food resource, especially during migration and the winter. Owens Lake is the largest nesting site for snowy plovers in California. The National Audubon Society has designated Owens Lake as an Important Bird Area. Audubon-California plans to devote resources to this Important Bird Area. We need public access for wildlife viewing and interpretation. Funding grants are being sought for interpretative sites in and around Owens Lake.

4

Public Trust wildlife values at Owens Lake can and should be enhanced and provided additional protection. Creation of islands for waterfowl and shorebirds in the pond area where there are no such protection and where existing soil islands are being eroded by wave action is needed.

5

Schedule discussions between CSLC, CDFG and LADWP to negotiate balancing the Public Trust wildlife values at Owens Lake with the water needs of the City of Los Angeles. Planning such discussions could avoid uncertainty, future delays and expense.

6

As the moat and row dust control proposal poses a hazard to chicks of birds species which nest on the ground (eg. poor water quality in the moats, chicks being trapped in the moats; reptiles could also be harmed), Another problem with moat and row is its unnatural appearance and visual impact. It seems this method should not be used.

7

*Range of Light Group - Toiyabe Chapter - Sierra Club
2008 Owens Valley PM Planning Area SIP*

Page 3

Protecting the snowy plovers is very important and that should include corvid management, as ravens are the primary predator of snowy plover nests. Corvid management should be continued indefinitely. It must include education of citizens and businesses in local communities. Stress how important it is to protect wildlife by keeping all dumpsters and garbage containers closed and inaccessible to ravens at all times. School children could effectively be involved through various means.

8

There are many good and excellent provisions in the Plan and others that need improvement and or more detail.

Thank you for the opportunity to comment.

Sincerely,



Wilma Wheeler

Conservation Committee

Range of Light Group

Toiyabe Chapter of the Sierra Club

P.O. Box 1975

Mammoth Lakes, CA 93546

**Sierra Club
Wilma Wheeler
Range of Light Group
Toiyabe Chapter
P.O. Box 1973
Mammoth Lakes, California 93546**

Response to Comment 1:

The Zone 2 Habitat Shallow Flood Area of 1,000 acres pursuant to Lakebed Alteration Agreement No. R6-2001-060 has been added to Table 2.4.4-1, *Existing Mitigation Areas*, and Figure 2.4.4-1, *Existing Mitigation Areas*, adjacent to T23E and T23W on the lake bed.

Response to Comment 2:

A revision has been made to the Project Description regarding the Moat & Row DCM fencing to ensure that the color will match with the surrounding landscape to reduce the visual impact.

Response to Comment 2:

Thank you for supporting mitigation measure Biology-14 for the development of a Wildlife Area Management Plan. The EIR describes the scope of the District's regulatory authority to order the City and CSLC to undertake actions.

Response to Comment 4:

Thank you for supporting the project objective to preserve and enhance public trust values related to Owens Lake.

Response to Comment 5:

Habitat islands have been created in some Shallow Flood areas incidentally. Although new Shallow Flood areas may result in islands being created, it is outside of the scope of the project to intentionally create habitat islands.

Response to Comment 6:

Thank you for the comment. Planning of discussions among the CSLC, the CDFG, and the City is outside of the scope of this EIR.

Response to Comment 7:

Language has been added to Section 3.2.5, Biological Resources, Mitigation Measures, mitigation measure Biology-13, to ensure that the slopes of the moats will allow wildlife to escape.

Response to Comment 8:

The corvid management program will remain as is written as a mitigation measure. This measure would adequately address the corvid issue on the proposed project site.

13.2.8 Individuals

Dan and Carol Dickman
Keeler, California

Michael Prather
Drawer D
Lone Pine, California 93545

Peter Pumphrey
128 Ronda Lane
Bishop, California 93514

Julie Robinson
Keeler, California

Samuel Wasson
P.O. Box 223
385 Laws Avenue
Keeler, California 93530



"Ted Schade" <tschade@gbuapcd.org>
10/30/2007 02:48 PM

To "Shirley Ono" <sono@gbuapcd.org>, <TBarranda@sapphosenvironmental.com>
cc
bcc

Subject FW: Draft Subsequent E1R/Vol.1

EIR comment letter.

-----Original Message-----

From: Wendy Sugimura [mailto:wendy@gbuapcd.org]
Sent: Tuesday, October 30, 2007 8:45 AM
To: Ted Schade
Subject: FW: Draft Subsequent E1R/Vol.1

-----Original Message-----

From: dickman@qnet.com [mailto:dickman@qnet.com]
Sent: Tuesday, October 30, 2007 7:50 AM
To: wendy@gbuapcd.org
Subject: Draft Subsequent E1R/Vol.1

Attn: Ted Schadz

2008 Owens Valley Pm 10 Planning Order Demonstration of Attainment State
Implementation Plan.

We would like to complain about the smell coming off of the Owens Lake
directly south of Keeler, California. This smell only seems to occur when they stop
flooding. It is unacceptable. Can this problem be addressed somehow since
this problem did not exist before the flood mitagation.

Thank you for your time,
Dan and Carol Dickman
Keeler Residents

**Dan and Carol Dickman
Keeler, California**

Response to Comment 1

Thank you for the comment regarding the smell coming from Owens Lake directly south of Keeler when the flooding is stopped. This information will be taken into consideration by the District Governing Board during their decision-making process.

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

October 20, 2007

The comments below address the:

- 1.) Draft 2008 Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan
- 2.) Draft Subsequent Environmental Impact Statement
- 3.) Biological Resources Technical Report, Appendix D

DRAFT 2008 SIP

p.5-2 Shallow flooding for PM10 Control

The document's statement that, "[runoff and ponding have created]...habitat conditions for insects and shorebirds." is important. This statement recognizes that habitat has been created throughout the project that supports a large public trust wildlife resource.

p.5-8 Shallow Flooding Habitat

Tamarisk has invaded T29 and T 36 dust control cells adjacent to Lower Owens River Delta. Much of the nearest seed source is on State Lands in the Lower Owens River Delta Waterfowl Area. Removal of that tamarisk population would lessen the invasion threat into the dust control zone and lessen the future expense of continual removal of invasive seedlings.

p.5-8 Shallow Flooding Operation and Maintenance

An observation is made here that "Drains installed near naturally occurring wetlands would be operated so as not to cause significant groundwater drawdown or loss of surface water extent in the adjacent areas." Please specify how drains near naturally occurring wetlands around the lake will not impact those resources. How will operations be managed to prevent impacts? How will "significant" be defined? Will there be monitoring to ensure no impacts? If so, what sorts of observations will be made, what thresholds will be set, what actions will be taken – and how often – to prevent such impacts? Are there monitoring wells? If so, where? Will vegetation be monitored? If so, how? What measurements will be used to determine impacts on surface water extent? What level of damage will require a response, and how rapid will the response be?

p.5-15 Moat and Row

Moats near naturally occurring wetlands around the lake may impact those resources. Where are monitoring wells, what are the 'triggers' and what vegetation monitoring will govern the operation of moats.

Moats represent a potential hazard to ground nesting bird chicks and mammals and herpetofauna. Moats have the potential to be 'pit traps' that physically trap chicks and other animals. Water quality in the ditches may be a hazard and therefore a fatal attraction to wildlife. What monitoring is proposed during the test to look for wildlife impacts and the prevention of those impacts?

DRAFT SUBSEQUENT EIR VOLUME 1

p.2-7 Existing Mitigation Areas

Table 2.4.4-1 and Figure 4.4.4-1 do not show the large Zone 2 Habitat Shallow Flood Area, the largest bird habitat mitigation at Owens Lake. LADWP and CDFG can provide a copy of *Zone 2 Shallow Flood Shorebird Habitat Management Plan, July 2004* (prepared by LADWP). Preparation of this document was a previous requirement for LADWP during their request for a Stream Alteration permit. LADWP was provided a

deadline by CDFG which was not met. CDFG granted a one year extension to LADWP that was also not met. An Inyo County Superior Court order, on a complaint brought by the Owens Valley Committee and Sierra Club, caused the plan to be completed. It is meant to be the management document for the largest wildlife mitigation project at Owens Lake.

1
cont.

p.2-14 Channel Areas

This is an excellent dust control component for 0.5 square mile that enhances native vegetation and habitat along natural drainages from two shoreline wetlands - Cartago Springs (204 CDFG owned acres) and the Cabin Bar Ranch (owned by Anheiser-Busch). This control measure is immediately adjacent to the Cartago Springs CDFG property and Cabin Bar Ranch. Careful mapping of property lines should be undertaken. The Cartago Springs property is being considered for wildlife enhancement and visitor interpretation. This should be taken into consideration in relation to nearby work on the dust control project – particularly with regard to the proposal of moat and row nearby which is a visual impairment in an area where the view shed is important.

2

p.3.2-41 Biology 14, Wildlife Management Plan

This request by CSLC is an excellent component of the dust control project as a whole. It recognizes the large public trust wildlife resource that has returned to Owens Lake as a result of the shallow flooding dust control measures.

Deadlines for the plan's completion should be carefully monitored and enforced in order to avoid delay as experienced in the efforts to complete the *Zone 2 Shallow Flood Shorebird Habitat Management Plan*. The plan should incorporate the Shallow Flood Habitats in Zone 2 and at Dirty Socks, the channel area and the Sulfate Well wetlands as well as any others. The delta can be included, at least by reference, due to its physical and biological connection to Owens Lake. Options should be left open for CSLC to lease Owens Lake lands to CDFG for a wildlife management area if so decided in the future.

3

BIOLOGICAL RESOURCES TECHNICAL REPORT

p.1.2 – Project Objectives

- Be consistent with the State of California's obligation to preserve and enhance the public trust values associated with Owens Lake.

This objective is critically important in regard to wildlife and esthetics.

- a. Wildlife populations, particularly birds, at Owens Lake have re-established themselves to historic levels. Tens of thousands of waterfowl and shorebirds are intensively using the lake's food resources in enormous numbers during migration and wintering. Owens Lake is the largest nesting site for snowy plovers in California. The National Audubon Society has designated Owens Lake an Important Bird Area. Audubon-California plans to direct resources on its behalf. Public access for wildlife viewing and interpretation are needed and plans are underway seeking funding through grants for interpretation sites within the dust control areas and elsewhere around the lake.

4

Public Trust wildlife values at Owens Lake can be enhanced and provided additional protection with the following measures:

- i. Adoption of alternatives for the Moat and Row dust control method, or establishment of a protocol that includes monitoring and immediate responses to reduce the impacts of the method. The Moat and Row dust control method poses biological hazards which include the exposure of particularly low quality water in the open moats and the danger to chicks of birds species which nest on the ground and can fall into the moats and be trapped or harmed by the poor quality water. Reptiles are also vulnerable to the 'pit trap' nature of the moats.

5

- ii. Creation of islands for waterfowl and shorebirds in the ponded areas where there are currently no such protections and where the existing soil islands are quickly being eroded by wave action. 5
- iii. Provisions for balancing the Public Trust wildlife values at Owens Lake with the water needs of the City of Los Angeles should be provided for within the SIP and EIR and discussions between CSLC, CDFG and LADWP should be scheduled rather than postponing the inevitable negotiations. This will save time, uncertainty and much future expense. cont.

- b. Esthetics of Moat and Row control method (currently not an approved dust control method)–
 - i. Moat and Row control methods should not be used within sight of Hwy 395 due to their unnatural appearance and the visual dissonance created when contrasted with the natural lake bed and the use of water or vegetation for dust control. In particular, moat and row should not be permitted next to the channel area and adjacent to the CDFG Cartago Springs property where enhancement and visitor facilities are currently being planned. 6
 - ii. If, after testing, Moat and Row becomes an approved dust control method, then the color of fencing should be matched to surroundings, and predator perch deterrents should be installed on fencing.

Figure 2.1-1

DVNP boundaries should show the 1994 Desert Protection Act additions of Eureka and Saline valleys and Inyo Mountains Wilderness (BLM and Inyo NF). 7

Coso Mountains, Malpais Mesa Wilderness and White Mountains name labels are incorrectly placed.

p.2-3 The SIP says ~2.5 AF for dust control and the EIR says 4 AF. Which is the correct value? 8

p.4-22 Thousands of horned larks are found at Owens Lake. However, the subspecies that is sensitive in California is not present. 9

p.5-2 Wildlife Corridors

Moat and Row creates potential barriers to herpetofauna moving on the lake bed as well as ground nesting bird chicks. 10

p.5-2 Noxious Weeds

- i. Removal of tamarisk infestations on State Lands at Ash Creek, Cottonwood Creek delta and Bartlett/Carroll Creek that will result in more flowing water into native habitat and also reducing the potential invasion of the dust project by tamarisk (an aggressive invader). Requiring this as a mitigation for vegetation and wildlife impacts should be considered. 11

p.5-3 Federal Wetlands

The project proposes to allow natural flows and vegetation to control dust emissions at the Sulfate Well area, thus allowing habitat values to continue there. Excellent idea. 12

p.5-4 Mitigation Measures

The enhancement of the ‘channel’ area in Cartago is an excellent plan that treats dust emissions and promotes habitat and wildlife. Moat and Row should not be permitted in the future on lands adjacent to this site because of visual impacts and potential wildlife impacts. 13

p.5-22

Speed limit – Limiting speed limits in snowy plover nesting areas is critical. The 15 mph limit is appropriate and reasonable. An increase to 30 mph in non-nesting areas should apply only to the Mainline Road and not to any of the lateral routes. 14

Lighting – Shielding lights at permanent facilities such as the Sulfate Road LADWP HQ and Dirty Socks Yard help protect the night sky in the southern Owens Valley. | 15

p.5-25 Corvid monitoring – Ravens are the primary predator of snowy plover nests. The corvid management plan should be continued indefinitely and should include education of citizens and businesses in local communities asking them to help preserve wildlife by keeping all dumpsters and garbage containers closed at all times. Try a local school art project to, “Protect the Plovers.” | 16

p..5-27 Resident or Migratory Birds

Thank you for stating that Owens Lake is an Audubon Important Bird Area and that it is part of the U.S. Shorebird Conservation Plan. Please research the nearly complete list of birds to be found in the Owens Lake area at [www.ovcweb.org /Owens Valley/Owens Valley.html](http://www.ovcweb.org/OwensValley/OwensValley.html) | 17

p.5-29 The text for Resident or Migratory Birds refers to herpetofauna, not to resident or migratory birds. Was this a cut and paste mistake? (please correct) | 18

p.5-30 Habitat Conservation Plans and Natural Community Conservation Plan

Does the Owens Valley Multi-species Recovery Plan (USFWS) which covers the western portion of Owens Lake extend into some of the project area? If so, how is it being dealt with? | 19

ADDITIONAL COMMENTS

The Great Basin Unified Air Pollution district is the lead agency for this environmental impact report. Others agencies such as California State Lands Commission and California Department of fish and Game may ‘tier’ off of this document in the future. | 20

1.) Provisions for future anticipated public access for wildlife viewing must be described and drafted immediately. Waiting until the project construction is completed by April 1, 2010 prevents meaningful planning for public access and for seeking grant ahead of the 2010 completion date. At a minimum public access for wildlife viewing should be allowed along the entire Mainline Road from Highway 395 to the Lower Owens River Project pump station and along the entire Sulfate Road the three miles to the Sulfate Well. In addition access should be allowed along the Dirty Socks Yard haul road to where it connects with the Mainline Road. This access will allow the public to view wildlife in most of the dust control area and to specifically visit the wildlife habitat mitigation at Dirty Sock Habitat Shallow Flood Area, Sulfate Well and the Zone 2 Habitat Shallow Flood Area along both sides of the Sulfate Road. Access along lateral road from the Mainline should be considered. All of the roads in the project are of similar or better quality than roads in National Wildlife Refuges. Public safety should only be a problem when large maintenance work is being conducted and at which time roads can be temporarily closed and visitors rerouted. Speed limits can be as they are on the lake currently. | 21

Seasonal closures of access will be needed during snowy plover nesting. As part of the Wildlife Management Plan, biologists can be employed as they are now to locate nests and to temporarily close those routes. Presently a crew works from March through August each year surveying for nests. | 22

2.) Insects in Keeler are mentioned as a problem each year and LADWP has provided window screens to citizens who asked for them. The Inyo Mosquito Abatement Office has not found mosquitoes to be a problem in the dust control areas. If biting insects of any type are a problem in Keeler then a rigorous survey should be conducted to determine the nature of the problem – what species are present? What | 23

are the sources of the insects? Recommendations for control should be proposed and adopted, if necessary.

23
cont.

This concludes my comments,
Michael Prather
Drawer D
Lone Pine, CA 93545
760.876.5807
mprather@lonepinetv.com

Michael Prather
Drawer D
Lone Pine, California 93545

Response to Comment 1:

The Zone 2 Habitat Shallow Flood Area of 1,000 acres pursuant to Lakebed Alteration Agreement No. R6-2001-060 has been added to Table 2.4.4-1, *Existing Mitigation Areas*, and Figure 2.4.4-1, *Existing Mitigation Areas*, adjacent to T23E and T23W on the lake bed.

Response to Comment 2:

The potential visual impact of the Moat & Row DCM would be minimized by the use of fencing that matches the color of the surrounding landscape.

Response to Comment 3:

Language has been added to Section 3.2.5, Biological Resources, Mitigation Measures, mitigation measure Biology-13, to ensure that the slopes of the moats will allow wildlife to escape.

Response to Comment 4:

Thank you for the comment regarding the public trust purposes that include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. This is addressed in the Project Description. The State of California sovereign interests are under the jurisdiction of the CSLC.

Response to Comment 5:

The proposed project includes the evaluation of public trust doctrines. In addition, all potential impacts to biological resources have been addressed, and mitigation measures have been included in the EIR.

Response to Comment 6:

The Moat & Row DCM would be visible from U.S. Highway 395. However, earthen structures, earth-colored fencing, and serpentine shapes will be used to minimize the visual impact. Predator deterrents would be installed on posts higher than 72 inches.

Response to Comment 7:

Figure 2.1-1, *Regional Vicinity Map*, has been revised to show the 1994 Desert Protection Act additions and to correct the placement of the labels for Coso Mountains, Malpais Mesa Wilderness, and White Mountains.

Response to Comment 8:

The correct acre-feet (AF) value is as described in the SIP, ranging from 2.2 to 2.7 AF. The modification has been made in the EIR to reflect this range of AF.

Response to Comment 9:

The language on page 4-22 was clarified in regards to horned larks at Owens.

Response to Comment 10:

The language on page 5-2 was modified to acknowledge that the Moat & Row DCM would create potential barriers to herpetofauna and ground nesting bird chicks moving on the lake bed.

Response to Comment 11:

Mitigation measures that meet the nexus requirement of the State CEQA Guidelines are provided.

Response to Comment 12:

Thank you for supporting the enhancement of the Sulfate Well area.

Response to Comment 13:

Thank you for supporting the Channel Area habitat enhancement.

Response to Comment 14:

The 30 MPH speed limit will apply to all areas outside of snowy plover nesting areas, as stated, due to a lack of evidence that an increased speed limit to 30 MPH will significantly impact wildlife.

Response to Comment 15:

Existing buildings are outside of the scope of this proposed project.

Response to Comment 16:

Thank you for the comment.

Response to Comment 17:

The District appreciates the comment and has visited the Web site as indicated by the comment.

Response to Comment 18:

This was a mistake and has been corrected to refer to resident and migratory birds rather than herpetofauna.

Response to Comment 19:

The Owens Basin Wetland and Aquatic Species Recovery Plan is not a habitat or natural community plan and so it is discussed in the Section 3.6.2.2. None of the species dealt with in the plan were found in the proposed project site.

Response to Comment 20:

Thank you for the comment that the District is the Lead Agency for this project. The CSLC is a Responsible and Trustee Agency, and the CDFG is a Trustee Agency.

Response to Comment 21:

Thank you for the comment regarding public access. The proposed project would not hinder existing access to the proposed project site.

Response to Comment 22:

The proposed project includes provisions for continuing the snowy plover management as included in mitigation measures Biology-1, Biology-2, Biology-3, Biology-9, Biology-10, Biology-11, and Biology-12.

Response to Comment 23:

Thank you for the comment regarding biting insects. Section 3.6.5, Land Use and Planning, Mitigation Measures, mitigation measure Land Use-1, has been revised to include the provision for a study to evaluate the cause of insects in the adjacent communities and to require continued support of treatment methods if the DCMs have been found to cause pest problems.

October 29, 2007

OCT 30 2007

Theodore D. Schade
Air Pollution Control Officer
Great Basin Unified Air Pollution Control District
157 Short St.
Bishop, Ca 93514

Re: Draft Subsequent Environmental Impact Report

Dear Mr. Schade:

I wish to offer the following comments relative to the Draft Subsequent Environmental Impact Report: State Clearing House No. 2007021127.

My concerns center on the fact that the dust mitigation program has resulted in the creation/restoration of a habitat of major significance to wild bird populations. The value of this resource is reflected in the designation of Owens Lake as an Important Bird Area by the National Audubon Society. Runoff, ponding and other water applications have fostered bird populations which have reestablished at historical levels with tens of thousands of shorebirds and water fowl using Owens Lake for migration and wintering. Maintenance of this habitat is of paramount importance.

1

A Wildlife Management Plan should be established which addresses the shallow flood habitats in Zone 2, the Dirty Sox area, the Channel areas and the Sulfate Well wetlands.

2

The proposals to use natural flows and vegetation for dust emission control at the Sulfate Well area, Cartago Springs and Cabin Bar Ranch should be incorporated as a part of a permanent plan for Owens Lake.

3

Careful consideration should be given to potential deleterious effects of moat and row control measures. These effects include hazards posed to nesting chicks, mammals and reptiles due to the moats themselves and the quality of the water therein and viewshed degradation in areas such as Catago and within sight of U. S. 392. There would be a need for monitoring wells and vegetation and nesting monitoring.

4

There should be specified means by which assurances that "[d]rains installed near naturally occurring wetlands would be operated so as not to cause significant groundwater drawdown or loss of surface water in the adjacent areas" will actually be realized.

5

Lastly, Tamarisk removal should be undertaken at T29, T36, Ash Creek, the Cottonwood Creek delta, Bartlett/Carrol Creek and the Lower Owens River Delta to encourage more natural flows into wetland habitats and reduce potential invasion of dust project areas.

6

Operation of the dust project has brought forth a valuable natural habitat. The significance of this consequence should be recognized and a process begun to bring all involved parties to an agreement for the permanent protection of the Owens Lake wildlife habitat.

7

I appreciate the opportunity to submit these thoughts.

Sincerely,



Peter Pumphrey

128 Ronda Ln
Bishop, CA 93514

Peter Pumphrey
128 Ronda Lane
Bishop, California 93514

Response to Comment 1:

Thank you for the comment regarding the maintenance of the habitat created by the DCMs on the lakebed for wildlife. Maintenance of habitat created by dust mitigation will continue to exist due to the need to control dust on the lake bed.

Response to Comment 2:

Thank you for the comment regarding the establishment of a Wildlife Area Management Plan addressing shallow flood habitats in Zone 2, the Dirty Socks area, the Channel Areas, and the Sulfate Well wetlands. Mitigation measure Biology-14 provides for a Wildlife Area Management Plan and may include areas such as Sulfate Well, Cartago Springs, and Cabin Bar Ranch, as well as Zone 2, Dirty Socks, and the Channel Areas.

Response to Comment 3:

Thank you for the comment regarding the use of natural flows and vegetation for dust emission control. Use of natural flows and vegetation for dust emission control will be utilized within the proposed project site and will likely include Sulfate Well.

Response to Comment 4:

Thank you for the comment regarding the hazards that the Moat & Row DCM would pose to wildlife, as well as the visual impacts of Moat & Row DCM. The Moat & Row DCM would be visible from U.S. Highway 395. However, earthen structures, earth-colored fencing, and serpentine shapes will be used to minimize the visual impact. The toxicity monitoring program would determine if water quality is an issue in the moats.

Response to Comment 5:

Potential impacts to wetlands are covered in mitigation measures Biology-5, Biology-6, and Biology-8, and impacts are shown to be reduced to below the level of significance.

Response to Comment 6:

Thank you for the comment regarding tamarisk removal. Mitigation measures that meet the nexus requirement of the State CEQA Guidelines are provided.

Response to Comment 7:

Thank you for the comment regarding the valuable natural habitat resulting from the dust control. The EIR process was an opportunity to continue to bring involved parties to an agreement regarding dust control for the Owens lake bed and to help pave the way for a path for permanent protection of Owens habitat.

From: [Julie Robinson](#)
To: tschade@gbuapcd.org;
Subject: Keeler bug problem
Date: Saturday, September 15, 2007 6:37:22 AM

Dear Ted Schade:

The problem with the insects in Keeler was talked about at the water board meeting last Tuesday evening and we were told you were the one to address concerns to.

When we bought our house in 2004 at the north end of Keeler, I never would have thought that I'd be prisoner inside the house for virtually most of the warm weather. I have been familiar with Keeler since 1987 spending time in and around Keeler and NEVER did Keeler have a bug problem like it does now. There was maybe a few weeks when there were little black flies or gnats but they really did not hamper outdoor activities. In 3 years time, I have experienced the problem of insects increase to the point where I can't work or enjoy time out doors. The screens proposed did not work out and we still would have had the problem with the outdoor environment. The bug machines that LADWP purchased for us did not prove to be effective. Perhaps they work for mosquitoes but not the biting black flies or the deer flies.

When the weather warms up in the spring, we get a terrible infestation of tiny black flies, possibly several varieties but the ones I'm talking about want to crawl into the hair, ears and neck area and leave welts that don't go away for several weeks. Just when those seem to be waning, the deer flies take over. They attack in packs and also suck blood and leave nasty welts and red areas for up to a month.

I understand that the bugs breed in the increased muddy areas in and around the lake bed that is now kept constantly wet. I heard that by increasing the salt content, perhaps the problem might be somewhat alleviated. I don't know if this is so and that might create other problems. I do know that something needs to be done whether it be to increase the salt content on the lake or some other method.

I implore you to look into this problem and possible solutions. In my opinion, the dust from the dry lake bed was much better because that was not a constant daily threat. Blowing lake dust might have been harmful but it wasn't a daily hostile presence and didn't leave welts on the skin or

have the threat of carrying disease as blood sucking insects do.

I appreciate your attention to this matter.

Julie Robinson

**Julie Robinson
Keeler, California**

Response to Comment 1

Thank you for the comment regarding biting insects. Section 3.6.5, Land Use and Planning, Mitigation Measures, mitigation measure Land Use-1, has been revised to include the provision for a study to evaluate the cause of insects in the adjacent communities and to require continued support of treatment methods if the DCMs have been found to cause pest problems.

Samuel R. Wasson
P.O. Box 223
385 Laws Ave.
Keeler, CA 93530

Mr. Theodore D. Schade, APCO
157 Short Street
Bishop, CA 93514

OCT 30 2007

October 29, 2007

Dear Mr. Schade,

Hopefully the draft "Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan" will be the last major draft SIP regarding the Owens Valley Planning Area. There have been tremendous air quality improvements in the vicinity of the Owens Dry Lake over the last few years. However, I would like to bring to your attention a few air quality issues that negatively impact the daily lives of Keeler residents.

5.2: Shallow Flooding

I am concerned that on the shallow flooding project for PM10 Control, both the shallow flooding and pond flooding methods are significantly impacting air quality, particularly in the Keeler town site. I am referring to a putrid, stinky, swampy odor that begins to impact the air quality in Keeler shortly after the waterflows are reduced and/or stopped—between July 1 and September 30 when the City is not required to apply water for dust control. The time when the odor is at its worst is during the month of July, when it can last up to 24 hours-a-day. During the months of August and September, it continues but not as often as during July. Breezes from the west bring the odor from the shallow flood area into town.

Specifically, what is causing the odor? What areas in the shallow flood zones are creating the odor? What is the odor chemically composed of? What measures can be implemented to mitigate or eliminate the odor?

5.2.6: Shallow Flooding Habitat

Abatement of mosquitoes and other biting flies and gnat populations must continue to be an absolute requirement to protect nearby residents from Vector born disease.

7.5: Dust Control for Keeler Dunes

I feel that if the Keeler Dunes continue to be emissive in 2009 and 2010, then the suggested multi-agency group needs to develop a plan to control dust emissions from the dunes. Control methods need to be implemented several years sooner than the proposed implementation date of December 31, 2013. If the dunes continue to be emissive, mitigation should be moved forward by two or three years so that the town of Keeler does not have to endure this last known air pollutant any longer. The attainment of the federal standard by 2017 is 10 years away—**too long to wait.**

Sincerely,

Samuel R. Wasson

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**Samuel Wasson
P.O. Box 223
385 Laws Avenue
Keeler, California 93530**

Response to Comment 1:

The comment regarding objectionable odors affecting Keeler residents that occur after the flooding has been reduced or stopped will be taken into consideration by the District Governing Board during their decision-making process.

Response to Comment 2:

Thank you for the comment regarding biting insects. Section 3.6.5, Land Use and Planning, Mitigation Measures, mitigation measure Land Use-1, has been revised to include the provision for a study to evaluate the cause of insects in the adjacent communities and to require continued support of treatment methods if the DCMs have been found to cause pest problems.

Response to Comment 3:

Thank you for the comment regarding the Keeler Dunes. This concern is outside the scope of the EIR for Owens Lake.

13.2.9 Community Meeting

Independence, California
October 17, 2007

**2008 OWENS VALLEY PM₁₀ PLANNING AREA
DEMONSTRATION OF ATTAINMENT STATE IMPLEMENTATION PLAN
DRAFT ENVIRONMENTAL IMPACT REPORT
OCTOBER 17, 2007, COMMUNITY MEETING PUBLIC COMMENTS**

COMMENTS MADE DURING PRESENTATION

1. Commenter asked if the Moat & Row method has to be proven prior to implementation and if the California State Lands Commission (CSLC) has seen these plans. Commenter expressed concern regarding the “recklessness” of the design. Commenter expressed that it is unclear “how many tries they get” to correct Moat & Row if it is not successful at controlling dust. There was 20 years of studies for the three dust control measures (DCMs) identified, and now a very short time period of the Moat & Row measure is being proposed, which is cause for much worry in Owens Valley. Commenter expressed that snowy plover chicks may have problems navigating as current study areas have steep-sided berms. Commenter also expressed concern regarding water quality and shear drop-offs in moats for young snowy plover chicks.
2. Commenter expressed confusion over what will be done in the Channels Areas.
3. Commenter expressed concern regarding grant money for interpretive signs/kiosks, etc. that could be expanded out into the lake.
4. Commenter expressed that Zone 2 Shallow Flood Shorebird Habitat Management Plan (July 2004) prepared for the California Department of Fish and Game (CDFG) and the CSLC, prepared by the City of Los Angeles Department of Water and Power (City) and CH2MHill, should be included in the EIR.
5. Commenter expressed that there is an insect problem in Keeler and that a study needs to be completed to determine the cause of the problem.
6. Commenter expressed concern regarding exotic plants (delta between Zone 1 and 2, which is outside of the proposed project area, where tamarisk has taken hold).
7. Commenter asked about the status of the Wildlife Area Management Plan and if it is required and by whom.
8. Commenter asked where the idea for the Moat & Row measure came from, if it has been tried anywhere else, and if there is supporting data that it works. Commenter also asked if impacts to resources from digging the trenches for Moat & Row were considered.
9. Commenter expressed that there is a catastrophic loss of waterfowl in the delta due to the drying of Owens Lake and that it is everyone’s duty to restore the waterfowl.

COMMENTS MADE AT COMMENT STATIONS

Air Quality

10. Commenter expressed concern regarding changes to sand.
11. Commenter expressed that the Death Valley National Park boundary and Inyo National Wilderness on the graphics must be corrected.
12. Commenter asked that the ownership of the Cartago Springs Ponds parcel (20 acres) be checked.
13. Commenter requested that the Land Use section text be described.

Biological Resources/Hydrology

14. Commenter expressed concern regarding Moat & Row impacts to juvenile snowy plover (water quality and physical trap) in the enhanced Channel Area.
15. Commenter asked if the moats near wetlands potentially drain nearby wetlands.
16. Commenter expressed that the Zone 2 Habitat Shallow Flood should be indicated on the map and considered.
17. Commenter asked if there is public participation in the development of the Wildlife Area Management Plan and if there will be public scoping and public comments.
18. Commenter asked if the tamarisk in the delta between Zones 1 and 2, which is outside of the proposed project area, could this be part of future mitigation for invasive plant species.
19. Commenter asked if fencing on top of rows would be considered above the height requirement for predator management (Nixalite).
20. Commenter expressed concern regarding the Keeler biting insects and requested a project/monitoring study to examine whether the problem is really due to the DCMs on the lake.
21. Commenter expressed concern regarding the visual impact of the Moat & Row near the Cartago Spring CDFG area, a future interpretive area.
22. Commenter requested that the tiger beetle found in the channel be revisited.

**Community Meeting
Independence, California
October 17, 2007**

A community meeting was conducted by the District with technical assistance by Sapphos Environmental, Inc., on October 17, 2007, at the Inyo County Administrative Center, 224 North Edwards (U.S. Highway 395), in Independence, California 93526, to address public and agency comments on the Draft EIR. A summary of the comments provided by meeting participants and responses to those comments is provided.

Response to Comment 1:

The use of Moat & Row as a DCM is contingent on the ability to prove its effectiveness at controlling dust. Therefore, a process has been established for testing the capability and effectiveness and determining next steps in the Settlement Agreement between the City and the District, which is included in Appendix B, *2006 Settlement Agreement*. The analysis of this proposed project includes alternatives that do not include the use of Moat & Row as a DCM. The CSLC is a Responsible and Trustee Agency; the CSLC has been consulted and has provided comment on this EIR. The EIR has evaluated the impacts to biological resources, including snowy plovers, and included mitigation measures to reduce potential impacts to below the level of significance.

Response to Comment 2:

Section 2.7.1.1, Project Description, Project Elements, Dust Control Measures, provides a description of the activities to be used in the Channel Areas.

Response to Comment 3:

The mitigation measures in CEQA must have a nexus to potential impacts from the proposed project. Grant money is outside of the scope of this proposed project.

Response to Comment 4:

The Zone 2 Habitat Shallow Flood Area of 1,000 acres pursuant to Lakebed Alteration Agreement No. R6-2001-060 has been added to Table 2.4.4-1, *Existing Mitigation Areas*, and Figure 2.4.4-1, *Existing Mitigation Areas*, adjacent to T23E and T23W on the lake bed.

Response to Comment 5:

Thank you for the comment regarding biting insects. Section 3.6.5, Land Use and Planning, Mitigation Measures, mitigation measure Land Use-1, has been revised to include the provision for a study to evaluate the cause of insects in the adjacent communities and to require continued support of treatment methods if the DCMs have been found to cause pest problems.

Response to Comment 6:

Potential impacts from invasive species is addressed in Section 3.2, Biological Resources. Mitigation measure Biology-8, Exotic Pest Plant Control Program, is included to reduce impacts from invasive and exotic plants in the proposed project area.

Response to Comment 7:

Mitigation measure Biology-14, includes the development of a Wildlife Area Management Plan, which will be developed with input from the CDFG and the CSLC.

Response to Comment 8:

The procedure for testing the effectiveness of the Moat & Row DCM is included in the Settlement Agreement between the City and the District. The EIR evaluates the potential impacts and mitigation measures to reduce impacts to below the level of significance of the proposed project, including the use of the Moat & Row DCM.

Response to Comment 9:

Thank you for the concern regarding avian species on Owens Lake. Implementation of the proposed project includes increases in potential habitat for birds and other wildlife.

Response to Comment 10:

Based on the analysis in the Initial Study, the EIR concluded that the proposed project would not have significant effects to geology or soils.

Response to Comment 11:

Boundaries for Death Valley National Park and Inyo National Wilderness have been reviewed, and corrections have been made to Figure 2.1-1, *Regional Vicinity Map*.

Response to Comment 12:

Description of land ownership is provided in Section 3.6.2, Land Use and Planning, Existing Conditions, and Figure 3.6.2-1, *Land Ownership in the Owens Lake Area*.

Response to Comment 13:

The description of existing land uses is provided in Section 3.6.2, Land Use and Planning, Existing Conditions.

Response to Comment 14:

Potential impacts to snowy plovers and mitigation measures to reduce impact have been included in Section 3.2, Biological Resources.

Response to Comment 15:

Potential impacts of the proposed project on hydrology are evaluated in Section 3.5, Hydrology and Water Quality, which includes mitigation measures to reduce impacts to below the level of significance.

Response to Comment 16:

The Zone 2 Habitat Shallow Flood Area of 1,000 acres pursuant to Lakebed Alteration Agreement No. R6-2001-060 has been added to Table 2.4.4-1, *Existing Mitigation Areas*, and Figure 2.4.4-1, *Existing Mitigation Areas*, adjacent to T23E and T23W on the lake bed.

Response to Comment 17:

It is possible that public participation and a scoping/comment period may be incorporated into the development of the Wildlife Area Management Plan, but it will be at the discretion of the regulatory agency after goals and management objectives have been defined. The EIR includes the provision of a Wildlife Area Management Plan in mitigation measure Biology-12.

Response to Comment 18:

Potential impacts from invasive species is addressed in Section 3.2, Biological Resources. Mitigation measure Biology-8, Exotic Pest Plant Control Program, is included to reduce impacts from invasive and exotic plants in the proposed project area.

Response to Comment 19:

Clarifications and revisions have been undertaken to Section 3.2.5, Biological Resources, Mitigation Measures, mitigation measure Biology-11, to address specifications for control of corvids.

Response to Comment 20:

Thank you for the comment regarding biting insects. Section 3.6.5, Land Use and Planning, Mitigation Measures, mitigation measure Land Use-1, has been revised to include the provision for a study to evaluate the cause of insects in the adjacent communities and to require continued support of treatment methods if the DCMs have been found to cause pest problems.

Response to Comment 21:

The EIR states in Section 3.0 that impacts to aesthetics would not be significant based on the analysis in the Initial Study.

In addition, the description of the Moat & Row DCM was clarified to ensure that the sand fencing will be in neutral tones that respect the visual character of the area.

Response to Comment 22:

Based on extensive coordination, Section 3.2, Biological Resources, provides information as to the species identified during field site visits and the likelihood for sensitive species to occur on site.

