

**City of Los Angeles acting by and through its Department of
Water and Power (LADWP) Objections to Proposed Findings of
Fact and Determining the Origin and Development of the
Keeler Dunes in Proposed Resolution No. 2012-02**

December 13, 2012

The proposed Resolution is fatally flawed for several reasons, including but not limited to the following:

1. The Resolution is based on the false premise that the attainment strategy in the District's 2008 State Implementation Plan (SIP) requires emissions to be controlled at the Keeler Dunes in order for the Owens Valley Planning Area (OVPA) to demonstrate attainment of the PM10 National Ambient Air Quality Standards (NAAQS). The 2008 SIP demonstrated attainment without controls at Keeler Dunes.

The 2008 SIP is the District's attainment demonstration required by the federal Clean Air Act (CAA) for the entire OVPA, which includes the Keeler Dunes. (2008 SIP, 1-1 [Attachment A].) The SIP is required by the CAA to describe the emissions inventory and control strategy for attaining the PM10 NAAQS. (CAA, § 110(a).) The SIP attainment strategy must demonstrate that the PM10 NAAQS can be achieved by the proposed control strategy by achieving at least a 5 percent reduction in PM10 emissions per year. The 2008 SIP must demonstrate that the NAAQS can be attained by March 23, 2012, unless the EPA grants an extension which could make the deadline March 23, 2012." (2008 SIP, 1-1 [Attachment A].) The 2008 SIP's attainment strategy provides that, by achieving 11 percent reduction in PM10 emissions per year, the installation of controls on 43 total square miles (Phases 1-7) will bring the Owens Valley Planning Area into attainment with the PM10 NAAQS by March 23, 2017. (2008 SIP, 1-1 [Attachment A].)

According to the 2008 SIP and Board Order 080128-01, no controls beyond the 43 square-mile 2008 Total Dust Control Area (Phases 1-7) are needed in order for the OVPA to reach attainment. (2008 SIP, 1-1, 8-5 [Attachment A].) Importantly, the 2008 Total Dust Control Area does not include the Keeler Dunes. The Resolution's reference to the District's commitment in the 2008 SIP to merely develop a plan to control emissions at the Keeler Dunes does not make it part of the 2008 SIP attainment demonstration. **Attainment of the PM10 NAAQS was demonstrated without controls at Keeler Dunes.** (2008 SIP, 6-6 to 6-8, Figure 6.5 [Attachment A].)

Moreover, District Staff's representations that the emissions at Keeler Dunes are extensive and need to be controlled are inconsistent with its own air quality modeling results. Indeed, District staff advised the Bureau of Land Management that "the results [of the modeling] are encouraging and it appears that less than

200 acres need to be controlled to meet the standard....” (Email from Grace Holder to Gregory Haverstock, dated March 12, 2012 [Attachment B].) This 200-acre area is approximately 0.31 square miles. Importantly, LADWP has already committed in Phases 7a and 8 to controlling approximately two (2) square miles more (a total of 45 square miles) than the 43 square miles of area that is necessary to achieve attainment as demonstrated in the 2008 SIP.

2. The Resolution findings are not supported by substantial evidence in the record. The reports by District’s consultants do not “conclusively” determine that the Keeler Dunes formed in the last 70 years because of LADWP’s water gathering activities or that the Dunes were not “emissive” until recently. The evidence shows that the current Keeler Dunes are approximately 2000 years old and were naturally created as the result of abandoned shorelines as the lake level naturally fluctuated over time, and that over the last 60 years the Keeler Dunes are being destroyed by berms constructed by the California Department of Transportation (Caltrans) to divert water away from highway 136. There is no evidence as to the emissivity of the Keeler Dunes before ambient monitoring of PM10 concentrations began.

The reports by the District’s consultants do not support the finding that “the current active and emissive Keeler Dune deposits are not natural, but instead are anthropogenic in origin and are the result of the disruption of the natural and hydrologic environment in the Owens Valley due to the City of Los Angeles’ activities in the production, diversion, storage and conveyance of water.” The Resolution itself admits the District’s consultants’ conclusion that the dunes “existed in the area as early as about 1,700 years ago....” Emissions from natural sources are not required to be controlled under the CAA and instead are removed from the attainment determination under the EPA Exceptional Events Rule.

3. The Resolution proposes to have the Board exceed its statutory authority by making a finding that “the PM10 emissions from the anthropogenic Keeler Dunes are caused by the City of Los Angeles’ activities in the production, diversion, storage and conveyance of water” without producing substantial evidence establishing that it is the City’s water gathering activities that caused or contributed to violations of the NAAQS as required by Health and Safety Code section 42316 (Section 42316). The District’s consultants’ reports purported to address the origin and development of the Keeler Dunes, not the cause of PM10 concentrations recorded by the ambient monitors.

The District’s authority is limited under Section 42316(a) to imposing requirements upon LADWP only when all of the following criteria are met: (1) LADWP is being asked to undertake reasonable measures; (2) there is *substantial evidence* establishing that the City’s water production, diversion,

storage, or conveyance is causing or contributing to violations of the NAAQS (i.e., substantial evidence of causation); and, (3) the mitigation measures do not affect the City's right to produce, divert, store, or convey water. There is no evidence cited in the resolution to support the finding that the PM10 emissions from the anthropogenic Keeler Dunes are caused by the City of Los Angeles' activities in the production, diversion, storage and conveyance of water. Findings must show, and these do not, the analytical route taken by the decisionmaking body from the evidence in the record to its final decision. (*Topanga Ass'n. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506.) Conclusory findings, such as those presented in this Resolution, are inadequate. (*Village of Laguna, Inc. v. Bd. of Supervisors* (1982) 134 Cal.App.3d 1022.)

Any attempt to use these proceedings related to the Keeler Dunes to order LADWP to "put water back in the lake" to accommodate third parties, would also constitute an unlawful application of Section 42316. (See Email from Gregory Haverstock to Robbie Thomas, dated November 8, 2011 [Attachment C].)

4. The Resolution findings are intended to "rubberstamp" the decision reached by the District staff that LADWP was responsible for all PM10 emissions from Keeler Dunes and would be required to install dust controls before the consultants completed their analysis.

The District staff did not wait until their consultants completed their analysis or the Governing Board had adopted the Resolution to decide that LADWP would be held responsible for Keeler Dunes and a control order issued. District staff has already committed at least \$300,000 and engaged Sapphos Environmental Inc. (Sapphos) to complete an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for installing dust controls on the Keeler Dunes. (See letter from Sapphos to Mr. Schade dated April 27, 2011 [Attachment D]; Notice of Preparation [Attachment E].) Having committed this money and resources to support the issuance of an order to LADWP to install dust controls at Keeler Dunes, the District staff presented a biased report so that the Board will ratify staffs' actions.

5. The District Board cannot delegate the issuance of a subsequent order to LADWP to control dust at the Keeler Dunes to the Air Pollution Control Officer (APCO). The issuance of a control order involves the discretion and the application of law reserved to the District Board.

The issuance of a control order would require compliance with Section 42316 among other laws. The agency's decisionmaking body must adopt the required findings itself. It may not delegate the duty to make findings to agency staff or a subordinate body. (*Vedanta Society of So. California v. California Quartet, Ltd.* (2000) 84 Cal.App.4th 517, 526-529.)

6. The issuance of an order to LADWP to install controls at the Keeler Dunes would constitute an unconstitutional application of Section 421316. This is because the evidence shows Caltrans' construction of berms to divert water away from highway 136 is causing the destruction of the Keeler Dunes and there is no substantial evidence that the City's water gathering activities caused or contributed to violations of the NAAQS.

Section 42316 must be applied consistent with constitutional principles. The United States and California constitutions, and provisions of the California Government Code and California Environmental Quality Act (CEQA) require a "rational nexus" between the impacts generated by the project and the exaction or mitigation that can be imposed (*Nollan v. California Coastal Commission* (1987) 43 U.S. 825). There must also be a "rough proportionality" between the amount or type of exaction and the project's generation of demand for the public facilities that will be paid for by the mitigation payments. (*Dolan v. City of Tigard* (1994) 512 U.S. 374; Govt. Code §§ 66000 *et seq*; CEQA Guidelines § 15126.4, subd. (a)(1)(D)(4).) The courts have also held that, generally, a legislative enactment must be procedurally fair and reasonably related to a proper legislative goal. (*Hale v. Morgan* (1978) 22 Cal.3d 388, 398.) In the context of an entity's exercise of police powers, "[w]here the conditions imposed are not related to the use being made of the property but are imposed because the entity conceives a means of shifting the burden of providing the cost of a public benefit to another not responsible for or only remotely or speculatively benefiting from it, there is an unreasonable exercise of the police power." (*Liberty v. California Coastal Com.* (1980) 113 Cal.App.3d 491, 502-03 [requiring a developer to provide free general public parking as a condition for a development in a commercial area with a pre-existing parking problem was held invalid as an unreasonable imposition of a government burden on a private property owner].)

7. The adoption of the Resolution without CEQA compliance violates the law. The District proposes to conduct CEQA after the Resolution is adopted.

The Resolution is a public agency decision that will have a foreseeable effect on the physical environment because it is intended to commit the District to a course of action requiring the issuance of order to control dust at Keeler Dunes. The Resolution is intended to foreclose the consideration of options that would not result in the imposition of control orders, such as a finding the Dunes are natural sources whose emissions are excluded from an attainment determination under the EPA Exceptional Events Rule. Further, the determination of the origin of the Keeler Dunes and the issuance of an order to control dust constitute a single "project" under CEQA. The District is artificially dividing the decision of origin of the Keeler Dunes from the issuance of a control order to avoid responsibility to consider the environmental impacts of the project as a whole.

ATTACHMENT A

Introduction

This 2008 State Implementation Plan (2008 SIP) has been prepared by the Great Basin Unified Air Pollution Control District (District) in response to a finding by the United States Environmental Protection Agency (USEPA) that the Owens Valley Planning Area did not attain the 24-hour National Ambient Air Quality Standard (NAAQS) for particulate matter of 10 microns or less (PM₁₀) by December 31, 2006, as mandated by the Clean Air Act Amendments of 1990 (CAAA) (USEPA, 2007a). This document includes an analysis of the particulate matter air pollution problem in the Owens Valley and provides a revised control strategy to bring the area into attainment with the federal air quality standard for particulate matter, as soon as practicable by achieving at least a 5 percent reduction in PM₁₀ emissions per year. The 2008 SIP must demonstrate that the NAAQS can be attained by March 23, 2012, unless the USEPA grants an extension which could make the deadline March 23, 2017 (CAAA §179(d)(3)). The 2008 SIP also incorporates provisions of the 2006 Settlement Agreement between the District and the City of Los Angeles Department of Water & Power (City) to expand dust control measures to additional areas at Owens Lake in order to attain the NAAQS as soon as practicable (GBUAPCD, 2006b).

1.1 FEDERAL CLEAN AIR ACT AND THE OWENS VALLEY SIP HISTORY

On July 1, 1987, the USEPA revised the NAAQS, replacing total suspended particulates (TSP) with PM₁₀, a new indicator for particulate matter. PM₁₀ is the term given to airborne particulate matter 10 microns in diameter and smaller. The intent of this health-based standard for particulate matter is to prevent airborne concentrations of suspended particles that are injurious to human health. PM₁₀ can penetrate deep into the respiratory tract, and lead to a variety of respiratory problems and illnesses.

On August 7, 1987, the USEPA designated the southern Owens Valley (known as the Owens Valley Planning Area or OVPA) as one of the areas in the nation that violated the new PM₁₀ NAAQS. Subsequent air quality monitoring by the District has shown that the bed of Owens Lake—most of which is owned by the State of California and managed by the California State Lands Commission (CSLC)—is the major source of PM₁₀ emissions contributing to air quality violations in the Owens Valley Planning Area. The Owens Lake bed is considered an anthropogenic (human caused) source of PM₁₀ because the City of Los Angeles' Aqueduct diverts water sources that historically supplied the lake. In January 1993, the southern Owens Valley was reclassified as "serious non-attainment" for PM₁₀.

The USEPA required the State of California to prepare a state implementation plan (SIP) for the Owens Valley Planning Area that demonstrated how PM₁₀ emissions would be decreased to prevent violations of the NAAQS. The District is the agency delegated by the State to fulfill this requirement. In accordance with Section 189(b) of the CAAA, an Attainment SIP that demonstrates conformance with the federal air quality standards through the implementation of a program of control measures was required to be submitted to the USEPA by February 8, 1997. In November of 1998, the District adopted a SIP, which was approved by USEPA on August 17,

plume size distributions reported by Niemeyer between June 1995 and March 1996 at different locations within the Airshed.

6.3.4 Background PM₁₀ Concentrations

The dispersion model simulations include only wind-blown emissions from the source areas with sand flux activity shown in Figure 6.4 and in Appendix B. During high wind events other local and regional sources of fugitive dust also contribute to the PM₁₀ concentrations observed at the monitoring locations. A constant background concentration of 20 $\mu\text{g}/\text{m}^3$ was added to all predictions to account for background sources. The constant background was calculated from the average of the lowest observed PM₁₀ concentrations for each dust event when 24-hour PM₁₀ concentrations at any of the sites were above 150 $\mu\text{g}/\text{m}^3$. To avoid including impacts from lake bed dust source areas in the background estimate, the procedures used a simple wind direction filter to exclude hours when the lake bed may have directly influenced observed PM₁₀ concentrations. Such hours were removed and daily average background concentrations were recalculated based on the remaining data (Ono, 2002).

6.4 ATTAINMENT DEMONSTRATION

The CALPUFF modeling techniques described in previous sections and in Appendix B were applied to assess control strategies proposed for the 2008 Owens Valley PM₁₀ SIP. These control strategies are described in Chapters 7 and 8. This section of the report describes the methods used to demonstrate attainment of the 24-hour PM₁₀ NAAQS and presents the results of the analysis.

PM₁₀ emissions were simulated using the hourly sand flux data collected during July 2002 through June 2006 based on the area source configuration shown in Figure 6.4 and Appendix B. The characterization of PM₁₀ emissions follows the general techniques discussed above described more fully in Section 4.3.

Emissions from the Keeler dunes were excluded from the simulations to assess attainment. The District believes emissions from the Keeler dunes and several other off-lake sources are primarily caused by deposition from the lake bed sources. As discussed in more detail in Section 7.5, the District will work with the City and other federal, state and local agencies to develop a plan to control dust emissions from the Keeler dunes. Any PM₁₀ control measures necessary for the Keeler dunes will be implemented by or before December 31, 2013 in order to demonstrate attainment of the federal standard by 2017.

The influence of non-lake bed sources is included in the simulations through the use of a background concentration. As discussed in Section 6.3.4, a background concentration of 20 $\mu\text{g}/\text{m}^3$ was added to all model predictions.

Attainment of the NAAQS was assessed using concentration predictions at the historic shoreline in addition to receptors at the monitoring stations. Attainment of the 24-hour NAAQS is achieved when the fifth highest 24-hour PM₁₀ concentration in four years at each receptor is less than 150 $\mu\text{g}/\text{m}^3$. Predictions were obtained at more than 460 receptor locations placed at the historic shoreline (approximately at the 3600 foot elevation) of Owens Lake.

6.4.1 Control Strategy Analysis

The control strategy assessed in this study was developed as part of the 2006 Settlement Agreement between the District and the City. The location of 2003 SIP DCAs and the additional areas for control from the Settlement Agreement are shown in Figure 7.1. The 2003 SIP attainment demonstration evaluated controls for the existing DCAs. The Supplemental Dust Control Areas were identified through the Supplemental Control Requirement provision of the 2003 SIP. The 2008 SIP attainment demonstration evaluates these additional areas: Channel Areas, Supplemental DCAs, and Study Areas.

For the 2008 SIP and the controls in the 2006 Settlement Agreement, the City developed a customized spreadsheet containing the source-receptor contributions for every predicted concentration greater than $50 \mu\text{g}/\text{m}^3$. Control efficiencies were assigned based on control type, but allowed to vary within certain DCAs. The spreadsheet starts with the controls specified in the 2003 SIP and then adds controls to new areas identified in the Settlement Agreement. These additional areas begin with no control and then are repetitively increased until all shoreline receptors are predicted to have PM_{10} concentrations less than $150 \mu\text{g}/\text{m}^3$. The District then checks the resulting set of controls by re-applying the CALPUFF modeling system.

Control efficiencies for the 2008 SIP attainment demonstration are discussed in Section 7.3. Areas with variable levels of control in the Settlement Agreement are shown in Figure 7.2. These same efficiencies were used in the 2008 attainment demonstration, except for the Study Areas (S1, S2, S3, and S4 in Figure 7.1). The Study Areas were assumed to have no controls as none are required by the Settlement Agreement.

PM_{10} emissions from the Keeler dunes (see discussion above) and the 2003 SIP DCAs were not considered in the 2008 attainment demonstration. Dust control measures were not fully implemented in the 29.8 square mile 2003 SIP DCAs during the modeling period from July 2002 through June 2006. Thus it was not known whether emissions from these areas would be representative of future controlled conditions. For the purpose of the 2008 SIP to establish control levels for the supplemental DCAs in the Settlement Agreement, it was assumed that no emissions were coming from the 2003 DCAs. Controls for these 2003 SIP DCAs were considered in the 2003 attainment demonstration.

6.4.2 Attainment Demonstration Results

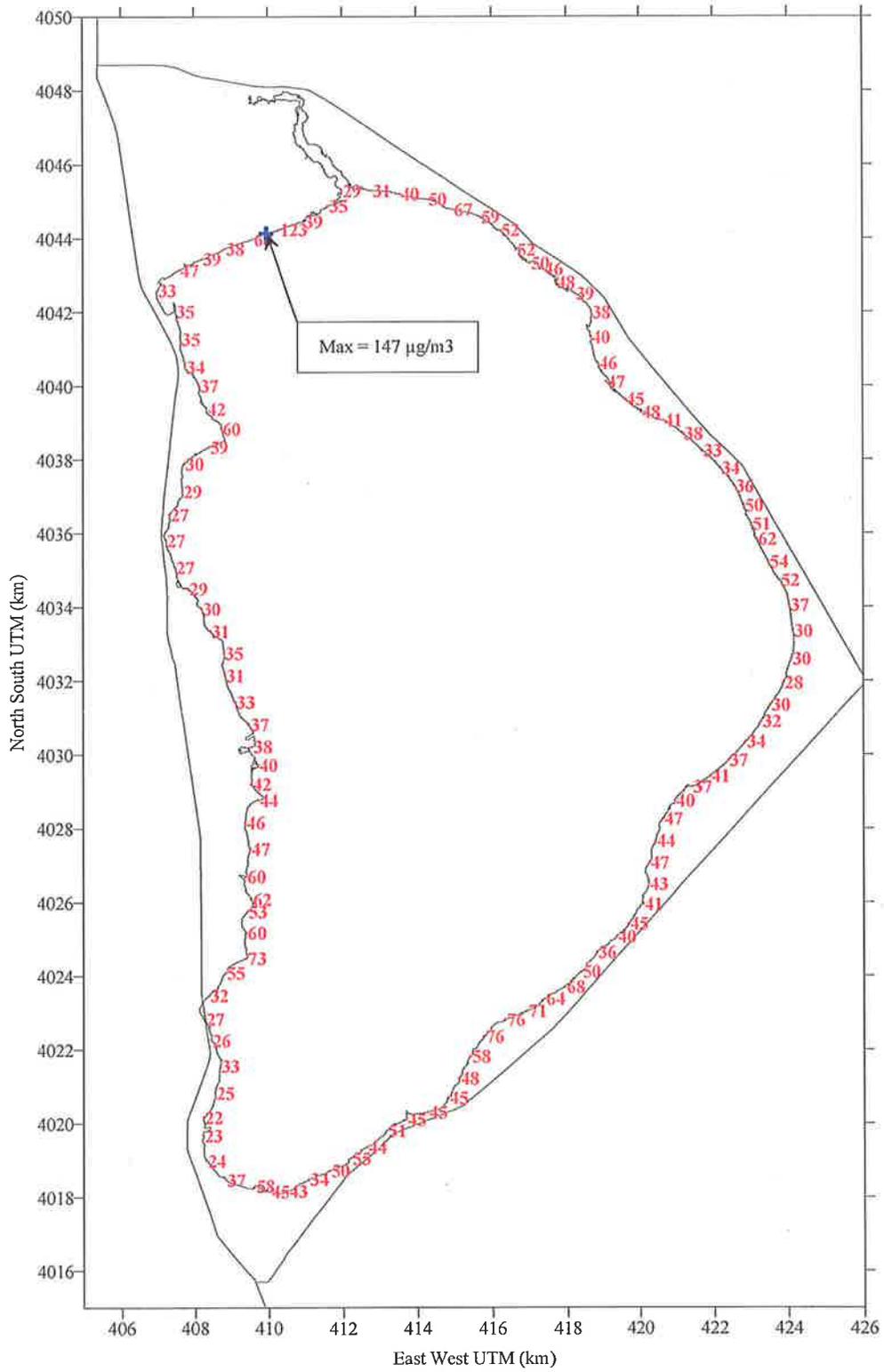
The predicted fifth highest 24-hour PM_{10} concentrations at receptors located along the shoreline are shown in Figure 6.5 based on a CALPUFF simulation of the control strategy discussed above. The numbers of times the PM_{10} predictions are above $150 \mu\text{g}/\text{m}^3$ at shoreline receptors are displayed in Figure 6.6. Although four predictions are above the 24-hour NAAQS, the design or fifth highest concentration at the same receptor was $147 \mu\text{g}/\text{m}^3$ for the four-year simulation. The modeling analysis demonstrates attainment of the 24-hour PM_{10} NAAQS using the Settlement Agreement control strategy.

The highest concentrations are along the shoreline at locations influenced by the Study Areas. These areas are being investigated, but there are currently no plans to control these areas. The Study Areas have relatively high emissions for a few days in the four-year simulations:

However, the frequency of such events from these areas is not high enough to cause violations of the 24-hour PM₁₀ NAAQS.

6.5 REFERENCES

- GBUAPCD, 2006b. Great Basin Unified Air Pollution Control District, Settlement Agreement between the District and the City to resolve the City's challenge to the District's Supplemental Control Requirement determination issued on December 21, 2005 and modified on April 4, 2006, GBUAPCD, Bishop, California, December 4, 2006.
- GBUAPCD, 2007a. Great Basin Unified Air Pollution Control District, Owens Lake Dust ID Field Manual. GBUAPCD, Bishop, California, January 24, 2007.
- Gillette, *et al.*, 2004. Gillette, Dale, Duane Ono, Ken Richmond, *A Combined Modeling and Measurement Technique for Estimating Wind-Blown Dust Emissions at Owens (dry) Lake, CA*, Journal of Geophysical Research, Volume 109, January 17, 2004.
- Niemeyer, *et al.*, 1999. Niemeyer, T.C., D.A. Gillette, J.J. Delisui, Y.J. Kim, W.F. Niemeyer, T. Ley, T.E. Gill, and D. Ono, *Optical Depth, Size Distribution and Flux of Dust from Owens Lake, California*, Earth Surfaces Processes and Landforms, 24: 463-479, 1999.
- Ono, 2002. Ono, Duane, Memo on Owens Lake Background PM₁₀ Calculation Method, Great Basin Unified Air Pollution Control District, Bishop, California, September 13, 2002.
- Ono, *et al.*, 2003a. Ono, Duane, Ellen Hardebeck, Scott Weaver, Billy Cox, Nikolai Barbieri, William Stanley, Ken Richmond, and Dale Gillette, Locating and Quantifying Wind-Blown Dust PM₁₀ Emissions at Owens Lake, California, *A&WMA's 96th Annual Conference & Exhibition*, June 2003, San Diego, California, Paper #69487, Air & Waste Management Association, Pittsburgh, Pennsylvania, June 2003.
- Scire, *et al.*, 2000. Scire, J.S.; Strimaitis, D.G.; Yamartino, R.J. A User's Guide for the CALPUFF Dispersion Model (Version 5). Earth Tech, Inc., 196 Baker Avenue, Concord, MA 01742, January 2000.



2. Additional Shallow Flood supplemental PM₁₀ controls – By April 1, 2010 the City shall implement a minimum of 9.2 square miles of additional Shallow Flooding BACM PM₁₀ controls within the 12.7 square-mile area known as the 2006 Supplemental Dust Control Area (SDCA) delineated in Exhibit 1. The areas within the SDCA designated for Shallow Flooding only are delineated in Exhibit 1. Shallow Flooding BACM is described in Paragraphs 8, 9 and 15 hereof.
3. Other additional supplemental PM₁₀ controls – On a maximum of 3.5 square miles within the 2006 SDCA delineated in Exhibit 1, the City shall implement BACM for PM₁₀, as described in Paragraphs 8, 9 and 15 through 17 hereof, or the City may implement the alternative non-BACM PM₁₀ control measure known as “Moat & Row,” as described in Paragraph 18. If BACM are installed, the controls shall be operational by April 1, 2010. If Moat & Row is installed, it shall be operational by October 1, 2009.
4. Channel Area PM₁₀ controls– A 0.5 square-mile area of natural drainage channels on the south area of the Owens Lake bed is known as the “Channel Area” and is delineated in Exhibit 1. The City shall control PM₁₀ emissions from the Channel Area by implementing and operating BACM, modified-BACM or alternative non-BACM controls approved by the District’s Air Pollution Control Officer (APCO), that take into account the resource issues in the Channel Area, by April 1, 2010. Portions of the Channel Area that are determined by the APCO to be naturally non-emissive (for example, adequately vegetated areas) will not require controls. If BACM are implemented in the Channel Area, they shall be as described in paragraphs 8, 9 and 15 through 17 hereof. If the City seeks to implement modified-BACM or alternative non-BACM, the City will apply such modifications as are permissible to resource agencies in this channel, with the primary objective of controlling dust, and provide the District with a monitoring plan aimed at identifying source areas that could cause or contribute to shoreline violations. Should such areas be identified after facilities are fully operational (including vegetative development), the District and the City will work with resource agencies to develop site-specific and implementable dust control approaches. Regardless of the approach selected for Channel Area dust control, the City shall prepare and submit to the District a detailed plan demonstrating the need and effectiveness of the control measures and their projected impacts to the environment, and obtain the prior approval of the District and any other applicable regulatory agencies with jurisdiction over the Channel Area for use of the modified-BACM. The City shall be responsible for any additional environmental analyses that may be required and for all required permits.
5. Total PM₁₀ control area – The 29.8 square-mile 2003 Dust Control Area (DCA), the 12.7 square-mile 2006 Supplemental Dust Control Area (SDCA) and the 0.5 square-mile Channel Area together comprise the 43.0 square-mile area known as the 2008 Total Dust Control Area (TDCA). These PM₁₀ control areas are delineated in Exhibit 1.
6. Minor adjustments to PM₁₀ control area boundaries – Upon written request by the City to the District and written approval by the District’s APCO, minor adjustments may be made to the interior and exterior boundaries of the 2006 SDCA, for example to avoid impacts to existing resources or features, or for constructability reasons, which approval shall not be unreasonably withheld. In the event of such modification, the boundaries of the 2008 TDCA shall also be modified to reflect the modified 2006 SDCA boundaries.

ATTACHMENT B

From: [Grace Holder](#)
To: [Haverstock, Gregory J](#)
Subject: revised KD air model
Date: Monday, March 12, 2012 11:23:21 AM

Hi Greg,

We have the results back from the revised air quality model for the Keeler Dunes. I have been working with it to figure out the control areas and control levels needed. The results are encouraging and it appears that less than 200 acres need to be controlled to meet the standard and most of the cultural areas are be avoided. I would like to sit down and discuss it with you. Do you have time this week to meet for an hour or so?

Grace

ATTACHMENT C

From: [Haverstock, Gregory J](mailto:Haverstock_Gregory_J)
To: RThomas@sapphosenvironmental.com
Subject: RE: Keeler Tribal Meeting and NOP Scoping Meetings and coordination items
Date: Tuesday, November 08, 2011 10:42:00 AM

Hello Robbie-

The tribe was open to the discussion, but they really want DWP to put water back in the lake. Bernadette committed to protect the CR values of the dunes and that she would not except an adverse impact to those sites. I believe that they are waiting for an actual proposal before they comment more.

Shapefiles and updated maps this week.

Cheers,

Greg

From: RThomas@sapphosenvironmental.com [<mailto:RThomas@sapphosenvironmental.com>]
Sent: Tuesday, November 08, 2011 10:37 AM
To: Haverstock, Gregory J
Subject: RE: Keeler Tribal Meeting and NOP Scoping Meetings and coordination items

Good morning Greg,

I hope the meeting went well on Saturday night. Clarus has asked me to contact you to possibly get a summary of what was discussed at the meeting and reactions from the tribe(s). Also he wanted to double check that we were still on track to receive the shapefiles this week, as we would like to get them prior to our scoping meeting next Monday. Is there anything you need from us prior to the scoping meeting?

Best,
Robbie

Roberta Thomas
Cultural Resources Coordinator

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RE: Keeler Tribal Meeting and NOP Scoping Meetings and coordination items [Link](#)

Donna M Grotzinger

to: Haverstock, Gregory J

11/04/2011 12:48 PM

ATTACHMENT D



April 27, 2011
Proposal Number: P1064-018
Keeler Dunes Non-Attainment Area EIR/EIS

Mr. Ted Schade
Air Pollution Control Officer
Great Basin Unified Air Pollution Control District
157 Short Street, Suite 6
Bishop, California 93514-3537

SUBJECT: Environmental Impact Report / Environmental Impact Statement for the
Keeler Dunes Non-attainment Area, Inyo County, California

Dear Mr. Schade:

Sapphos Environmental, Inc. appreciates the opportunity to submit this proposal to provide the Great Basin Unified Air Pollution Control District (District) with environmental consulting services in support of an Environmental Impact Report (EIR) / Environmental Impact Statement (EIS) for the Keeler Dunes Non-attainment Area, Inyo County, California.

The preparation of the EIR/EIS will require integrated planning, analysis, and communication with the District, the U.S. Environmental Protection Agency, the U.S. Department of the Interior Bureau of Land Management, Native American tribes, and other stakeholders to develop the least environmentally damaging solution that is capable of meeting the requirements set forth under the Clean Air Act. Sapphos Environmental, Inc. has more than 15 years of comprehensive experience and knowledge of the myriad environmental issues associated with the Owens Valley PM₁₀ dust mitigation project and related construction, operations, and maintenance activities.

Sapphos Environmental, Inc. has prepared a scope to address preparation of the Draft EIR/EIS as Phase 2 of Sapphos Environmental, Inc.'s scope of work for the 2011/2012 fiscal year. The estimated cost for provision of the requested services is \$294,594.33 for completion of the specified services in the Phase 2 scope of work (Enclosure 2, *Estimated Cost*). A 15-percent contingency fund of \$44,189.15 is recommended for Phase 2. All work will be completed in accordance with the 2009 Standard Schedule of Fees. Sapphos Environmental, Inc. will complete Phase 2 services between July 2011 and June 2012 (Enclosure 3, *Schedule*), which will take the EIR/EIS process through to the release of the Draft EIR/EIS report for public review.

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Mr. Ted Schade
Keeler Dunes Non-attainment Area EIR/EIS
April 27, 2011
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Sapphos Environmental, Inc. is ready to begin work on the Phase 2 scope of work, as described in Enclosures 1, 2, and 3, upon written authorization to proceed. This proposal also outlines the scope of work and reallocated cost for Phase 1, which will be addressed under the current contract for fiscal year 2010 to 2011 (May 17, 2010, Request for Reallocation of Funds letter), as well as the scope of work and estimated cost of \$184,896.66 for Phase 3 addressing completion of the EIR/EIS through the Record of Decision, which is recommended for authorization in fiscal year 2012 to 2013.

Thank you for this opportunity to provide the District with this proposal. Should there be any questions regarding the contents of this proposal or should additional information be required, please contact Ms. Laura Kaufman at (626) 683-3547.

Respectfully submitted,

SAPPHOS ENVIRONMENTAL, INC.



Marie Campbell
President

Enclosures: 1. Scope of Services
 2. Estimated Cost
 3. Schedule
 4. 2009 Schedule of Fees

LRK/dmg

ENCLOSURE I SCOPE OF SERVICES

PROJECT UNDERSTANDING

Sapphos Environmental, Inc. understands that the Great Basin Unified Air Pollution Control District (District) requires the services of an environmental consulting firm to prepare environmental documentation in support of the proposed Keeler Dunes Non-attainment Area Project (proposed project). The Keeler Dunes are located outside the area evaluated for dust control in the Environmental Impact Reports (EIRs) certified by the District Governing Board, respectively in 1998, 2003, and 2008. The proposed project is located on lands administered by the U.S. Department of the Interior Bureau of Land Management (BLM) and the City of Los Angeles Department of Water and Power (LADWP). The District has the regulatory authority and responsibility to demonstrate conformance with the National Ambient Air Quality Standard (NAAQS) for particulate matter (PM₁₀) as required by the Clean Air Act (CAA) 1990 amendments. Therefore, the District and the BLM would serve as joint lead agencies: District for the California Environmental Quality Act (CEQA) portion of the document and the BLM (Bishop Field Office) for the National Environmental Policy (NEPA) portion of the document. It is understood that the District would be the client and lead contact for Sapphos Environmental, Inc. with respect to the joint document. Sapphos Environmental, Inc. understands that the District requires a joint EIR / Environmental Impact Statement (EIS) to support the respective discretionary land-use decision-making processes of the District and the BLM pursuant to CEQA and NEPA. Sapphos Environmental, Inc. understands that the proposed project may constitute an "undertaking" as defined in the National Historic Preservation Act (NHPA), and that the proposed project would therefore be subject to Section 106 of the NHPA. CEQA uses the term "proposed project" and NEPA uses the term "proposed action," which are used interchangeably in this scope of work.

The purpose of the proposed project is to develop control strategies for mitigation of windblown dust in the Keeler Dunes that are contributing to non-attainment of the NAAQS for PM₁₀. It is recognized that the District will be addressing the PM₁₀ non-attainment area that must be controlled in a sensitive archeological area and that an integrated planning and analysis effort between the District, BLM, and U.S. Environmental Protection Agency (EPA) is necessary to find the least environmentally damaging solution that is capable of meeting the requirements set forth under the CAA.

The proposed project area is located northwest of the town of Keeler in Inyo County, California, and is approximately 1.3 square miles in size. It is located on both BLM property and LADWP property. The proposed project area is bounded approximately by California State Route 136 on the east-northeast and the Owens Lake shoreline on the west-southwest, and extends approximately 5 miles to the northwest from the town of Keeler.

To facilitate the District's fiscal budgeting, the project cost has been allocated to three fiscal time periods: Phase 1 from April 1 through June 30, 2011; Phase 2 from July 1, 2011, through June 30, 2012; and Phase 3 from July 1, 2012, through June 30, 2013. Phase 1 will consist of spring biological field surveys to be conducted under the previously executed contract dated May 17, 2010, including the subsequent reallocation of funds dated March 18, 2011. Phase 2 includes the preparation of the Draft EIR/EIS and technical studies; Phase 3 would comprise the Final EIR/EIS and associated documentation. Sapphos Environmental, Inc. anticipates that the EIR/EIS and related support services will be prepared in three phases described below.

SCOPE OF WORK

Phase 1: Scope of Work under Current Approved Contract and Reallocation for April 1 to June 30, 2011

Task 5, Spring Biological Surveys

Phase 2: Recommended Scope of Work for Fiscal Year July 1, 2011, to June 30, 2012

Task 1, Project Initiation and Coordination
Task 2, Preliminary Constraints Analysis
Task 3, Notice of Preparation, Notice of Intent, Public Scoping Meetings, and Tribal Consultation
Task 4, Draft EIR/EIS
Task 10, Technical Studies

Phase 3: Recommended Scope of Work for Fiscal Year July 1, 2012, through June 30, 2013

Task 1, Project Initiation and Coordination
Task 3, Continued Tribal Consultation
Task 5, Public Comments on Draft EIR/EIS
Task 6, Final EIR/EIS
Task 7, Notice of Determination and Record of Decision
Task 8, Findings of Fact and the Statement of Overriding Considerations
Task 9, Mitigation Monitoring Program

TASK 1 PROJECT INITIATION AND COORDINATION

Task 1 includes efforts that will be conducted under both Phase 2 and Phase 3 of the proposed project and are described separately below.

Work Efforts

Project Initiation Meeting

Phase 2: Recommended Scope of Work for Fiscal Year July 1, 2011, to June 30, 2012

Upon receipt of written authorization to proceed, Sapphos Environmental, Inc. will facilitate a project initiation teleconference with the District and BLM to confirm the scope of work and schedule; discuss the implementation of the EIR/EIS process and internal communication strategies and protocols; discuss the preliminary constraints analysis and confirm alternatives for analysis, preliminary project description and objectives, possible alternatives to be analyzed, potential environmental issues, and the EIR/EIS format; and coordinate transmittal of any project reference materials, such as maps, existing technical reports and other relevant data, to Sapphos Environmental, Inc. The project initiation teleconference will be to communicate project-related information that will be the basis of the EIR/EIS environmental analysis.

Discussion topics anticipated during the meeting include the following:

- Project description
- Project background, goals, and objectives
- Project alternatives
- Expected delivery date for any technical reports or environmental documents
- Maps and plans [e.g., site maps, computer-aided drafting (CAD) and or geographic information system (GIS) data]
- Timeframes for public participant activities
- Points of contact and communication protocols
- Project assumptions, anticipated planning issues, and management concerns
- Timeframes for administrative reviews and provision of materials, data, and information necessary for deliverables
- Additional reference materials
- Any modifications to the schedule or scope of work

The project initiation meeting will be attended by the Sapphos Environmental, Inc. environmental compliance director, Ms. Laura Kaufman; senior environmental compliance coordinator, Ms. Donna Grotzinger; manager of archaeology, Mr. Clarus Backes; senior cultural resources coordinator, Ms. Tiffany Clark; and president, Ms. Marie Campbell.

At this meeting, the District and the BLM will provide Sapphos Environmental, Inc. with a list of all relevant previously prepared documentation (e.g., technical reports, environmental documents, aerial photographs, site maps, and CAD and GIS data related to the proposed project) in electronic format.

Sapphos Environmental, Inc. will prepare a Memorandum for the Record (MFR) for the proposed project that summarizes the preliminary project description, goals, and objectives as discussed in the project initiation meeting. The MFR will describe the project location, project background, and project elements. Sapphos Environmental, Inc. will incorporate any comments from the District and BLM on the project objectives and project description into the Screen Check NOP, Screen Check NOI and joint EIR/EIS.

Community Briefing

Sapphos Environmental, Inc. will assist the District in maintaining a positive relationship with interested parties by coordinating activities in support of two community briefing meetings to be held approximately three weeks prior to publication of the Notice of Preparation (NOP) and Notice of Intent (NOI) for the EIR/EIS. The purpose of the meetings is to brief the public on the upcoming NOP/NOI and public scoping period that will initiate the environmental process for the Keeler Dunes non-attainment area. A mailing list of potentially interested parties will be prepared and submitted to the District and BLM for review. Two community briefing meetings will be held: one in Bishop, California, in the afternoon and one in Lone Pine, California, in the evening. Sapphos Environmental, Inc. will assist the District and BLM by mailing notifications to the potentially interested parties and attending the meeting to describe the CEQA and NEPA process to the public.

Work Products

- One (1) electronic copy in Portable Document Format (PDF) of the Screen Check Project Initiation Meeting MFR
- One (1) electronic copy in PDF of the screen check table of contents for the EIR/EIS
- One electronic copy in PDF of the screen check preliminary project description for the EIR/EIS
- One (1) electronic copy in PDF of the preliminary project description and table of contents for the EIR/EIS
- One (1) electronic copy (in Microsoft Excel) of the mailing list of potentially interested parties
- One (1) agenda for the community briefing meeting
- One (1) Community Briefing MFR summarizing the highlights of the meetings

Work Efforts

Project Coordination

Phase 2 and Phase 3

Sapphos Environmental, Inc. will provide ongoing project coordination during Phase 2 and Phase 3 of the scope of work. Sapphos Environmental, Inc. will provide the District with one (1) project status e-mail per month and monthly status reports throughout Phases 2 and 3. The project status e-mail will identify work efforts completed during the reporting period and scheduled work and data needs for the upcoming weeks. The monthly status reports, which will accompany the monthly invoice, will define completed and upcoming work efforts and any significant issues and action items throughout the preparation of the EIR.

Work Products

Phase 2: July 1, 2011, to June 30, 2012

- Twelve (12) weekly status reports
- Twelve (12) monthly status reports with monthly invoice

Phase 3: July 1, 2012, to June 30, 2013

- Twelve (12) weekly status reports
- Twelve (12) monthly status reports with monthly invoice

TASK 2 PRELIMINARY CONSTRAINTS ANALYSIS

Work Efforts

Sapphos Environmental, Inc. will conduct a preliminary constraints analysis to assist the District and BLM in laying the groundwork for development of a proposed project description for dust control measures at Keeler Dunes. The preliminary constraints analysis will evaluate the following dust control scenarios:

- Alternative 1: Removal of all Keeler Dunes deposits by trucking sand off site
- Alternative 2: Revegetation of the entire Keeler Dunes area, including a temporary supporting irrigation system
- Alternative 3: Placement of geo-textile fabric over the entire Keeler Dunes area and trucking in gravel to place on top of the fabric up to 2 inches deep
- Alternative 4: Shallow flooding of the entire Keeler Dunes area through the use of irrigation sprayers that wet the sand periodically

Sapphos Environmental, Inc. will use existing information from databases, public records, maps, GIS data, Web sites, data provided by the BLM and the District, and Sapphos Environmental, Inc.'s in-house records and survey data covering the following issue areas: aesthetics, air quality, greenhouse gases, biological resources, cultural resources, mineral resources, recreation, and transportation and traffic. These reviews will be undertaken in consideration of compliance with federal, state, and local regulations germane to the Keeler Dunes area.

The results of the preliminary constraints analysis will be presented to the District and BLM in an MFR. The analysis will also be presented in a matrix format that indicates the issue areas, proposed dust control measures, and constraints. The matrix will use a weighting system to be developed in consultation with the District and BLM to provide a measure of significance to the constraints. GIS data and maps will be provided to the District as requested.

Work Products

- One (1) electronic copy in Word of the Screen Check Preliminary Constraints Analysis MFR to the District and BLM
- One (1) electronic copy in PDF of the Preliminary Constraints Analysis MFR to the District and BLM
- GIS data and maps as requested

TASK 3 NOTICE OF PREPARATION, NOTICE OF INTENT, PUBLIC SCOPING MEETING, AND TRIBAL CONSULTATION

Work Efforts

Notice of Preparation and Notice of Intent

Sapphos Environmental, Inc. will prepare an NOP of an EIR/EIS that will be posted with the Inyo County Clerk and the California Governor's Office of Planning and Research (OPR) State Clearinghouse, thereby fulfilling the District's responsibility as lead agency under CEQA for the proposed project. The NOP will contain a brief description of the proposed project and its location, start and end dates for public review, date and time for the public scoping meetings, and any other required information.

Sapphos Environmental, Inc. will prepare a Screen Check NOI to prepare an EIR/EIS that will be reviewed and published by the BLM in the *Federal Register*, thereby fulfilling the responsibility of the BLM as the lead agency under NEPA for the proposed action. The NOI will contain a brief description of the proposed action and its alternatives, start and end dates for the public scoping

period, date and time for public scoping meetings, name and address of the contract person who can provide information on the proposed action, and any other required information. Sapphos Environmental, Inc. will coordinate with the BLM to prepare an NOI that would be suitable for publication in the *Federal Register*.

Screen Check NOP and Screen Check NOI

Sapphos Environmental, Inc. will provide one (1) electronic copy of the Screen Check NOP to the District and one (1) electronic copy of the Screen Check NOI to the BLM.

Galley Proof NOP and NOI and Distribution

The District and BLM will provide Sapphos Environmental, Inc. with one (1) composite set of comments each on the Screen Check NOP and Screen Check NOI, respectively. Sapphos Environmental, Inc. will respond to the comments and facilitate a galley proof teleconference with the District and BLM to review the NOP and NOI and confirm that all comments have been adequately addressed. Sapphos Environmental, Inc. will mail up to two hundred (200) copies of the NOP/NOI using a distribution list approved by the District and the BLM. Sapphos Environmental, Inc. will provide one (1) electronic copy of the NOI to the BLM for publishing in the *Federal Register*.

Sapphos Environmental, Inc. will distribute the NOP in accordance with CEQA and District requirements. Sapphos Environmental, Inc. recommends all methods of noticing to ensure adequate public notice: newspaper notice, on-site posting, and distribution of notice to surrounding property owners. Sapphos Environmental, Inc. will obtain from the District a distribution list of surrounding property owners, responsible and trustee agencies, and other stakeholders and interested parties. Sapphos Environmental, Inc. will obtain a list of tribal contacts compiled in consultation with the Native American Heritage Commission and BLM to add to the NOP distribution list. Either Sapphos Environmental, Inc. or the District will post one (1) hard copy of the notice on site to avoid incurring additional costs for a separate field visit.

Work Products

- One (1) electronic copy in PDF and Word of the Screen Check NOP to the District
- One (1) electronic copy in PDF and Word of the Screen Check NOI to the BLM
- Up to two hundred (200) copies of the NOP and NOI for distribution to recipients indicated by the District and BLM
- One (1) electronic copy of the NOP and NOI for newspaper posting
- One (1) hard copy of the NOP for posting on the proposed project site (combined mailing with the NOI)
- One (1) electronic copy of the NOI to the BLM for publication and distribution to BLM-approved recipients (combined mailing with the NOP)

Work Efforts

Public Scoping Meetings and Memorandum for the Record

Sapphos Environmental, Inc. will conduct two (2) scoping meetings for agencies, stakeholders, and the public. It is anticipated that these meetings will be held on one day, with one agency meeting in the afternoon in Independence, California (Inyo County Administrative Center) and one public meeting in Lone Pine, California (Stratham Hall). Sapphos Environmental, Inc. will assist the

District and BLM with the preparation of meeting materials, including, but not limited to, fact sheets, visual aids, PowerPoint presentations, handouts to the public, comment cards, and any requested graphics/boards. Sapphos Environmental, Inc. will also provide equipment, such as laptops, projectors, audio equipment, and screens, at the request of the District and BLM.

The scoping meeting will be particularly directed to representatives from federal, state, and local regulatory agencies and representatives from local interested parties. Representatives from local tribal communities will also be invited; however, it is understood that the BLM will conduct formal, government-to-government consultation with tribal communities in support of the EIS and Section 106 of the NHPA. Sapphos Environmental, Inc. will participate in the tribal consultation process, as described further below in this task. The quality of community outreach and participation conducted in support of the proposed project will influence the ability to build a legally defensible administrative record / record of decision for the proposed project. Sapphos Environmental, Inc. uses a forum for public meetings that provides an opportunity for individuals to be heard. The forum consists of individual workstations for relevant CEQA/NEPA topics; meeting participants are free to move to each station and provide technical input or express their concerns to Sapphos Environmental, Inc. staff members.

The scoping meetings will be announced in the NOP, NOI, local newspapers, and site posting. The results of each scoping meeting will be summarized in an MFR that will document all comments and recommendations submitted by members of the public and agency representatives regarding the range of actions, alternatives, mitigation measures, or significant effects to be analyzed in the EIR/EIS. Following the close of the public scoping period, the District and BLM will provide Sapphos Environmental, Inc. with a compiled set of comments received during the 30-day public scoping period. In addition, Sapphos Environmental, Inc. will review written comments submitted via letter, e-mail, and fax by agencies and members of the public in response to the NOP/NOI, and will summarize all written comments submitted at the public scoping meetings in an MFR. Specifically, Sapphos Environmental, Inc. will prepare the MFR using a table or matrix format to aggregate and categorize the comments received, as follows:

- Scan and store public comments, comment materials, and documents associated with the planning and analysis effort
- Provide comment summaries listed alphabetically by name, address, and category of interest
- Categorize comments by location, interest, and issues, and cross reference comments to corresponding sections of the environmental document
- Keep an up-to-date electronic mailing list of all individuals and groups commenting or expressing interest in the planning process and those signing in at the public scoping meeting or workshops

Based on the information presented in the MFR, Sapphos Environmental, Inc. will consult with the District and BLM to confirm the appropriate analysis topics and scope for the EIR/EIS. Upon completion of the scoping phase, Sapphos Environmental, Inc. will produce and submit up to five (5) hard copies and five (5) electronic copies in PDF of Public Scoping Meeting MFR.

Tribal Consultation

Sapphos Environmental, Inc. understands the sensitivity of Native American consultation and respects both tribal sovereignty issues and the necessity of consultations as specified in Section 106 of the NHPA and described in Title 36 Code of Federal Regulations (CFR) Part 800 (36 CFR 800). The BLM

will be responsible for coordination with the Native American Heritage Commission NAHC, interested tribes, and individuals. Sapphos Environmental, Inc. will participate in up to sixteen (16) consultation meetings with BLM, the District, and tribal representatives throughout the EIR/EIS process. The purpose of the meetings will be to understand and communicate with the tribes regarding their comments and concerns about the proposed project and alternatives. The meetings will be held in Lone Pine or Keeler, California, and will be facilitated by Sapphos Environmental, Inc., staff members, including a cultural resources specialist and the manager of archaeology.

Given that the BLM is the lead agency for consultation with tribal governments and Native American communities, the full scope and effort of the consultation process has yet to be delineated; therefore, it is understood that additional meetings may be necessary to fully address the comments and concerns of the tribal representatives about the proposed project and alternatives. An MFR will document the results of each of the tribal consultation meetings. Tribal consultation activities will occur during both Phase 2 and Phase 3 of the EIR/EIS.

Work Products

- Facilitation of two (2) scoping meetings
- One (1) electronic copy in PDF and five (5) hard copies of the Public Scoping Meeting MFR documenting both public scoping meetings
- One (1) electronic copy in PDF and five (5) hard copies of up to sixteen (16) MFRs documenting the results of the tribal consultation meetings

TASK 4 DRAFT EIR/EIS

Work Efforts

After the close of the scoping period, Sapphos Environmental, Inc. will prepare a Draft EIR/EIS that will further evaluate the proposed project's potentially significant environmental impacts and identify mitigation measures and alternatives pursuant to both CEQA and NEPA to avoid potentially significant impacts.

It is anticipated that the focus of the Draft EIR/EIS will be potentially significant impacts related to aesthetics, air quality and greenhouse gas emissions, biological resources, cultural resources, adverse energy and mineral resources, geology and soils, hydrology and water quality, land use, social and economic effects, and transportation. The Draft EIR/EIS will identify any feasible mitigation measures capable of avoiding, reducing, or compensating for the potentially significant impacts of the proposed project. Based on past environmental documentation prepared in association with the Owens Valley PM₁₀ Planning Area, it is anticipated that the following issue areas will not be carried forward for further analysis: agriculture and forestry resources, hazards and hazardous materials, noise, population and housing, public services, recreation, and utilities.

Document Format

The Draft EIR/EIS will contain sections for the introduction, project summary, affected environment, environmental effects, report preparation resources, and appendices, including all specific information identified in each of these sections. This information will be organized in accordance with CEQA and the State CEQA Guidelines, as well as the BLM NEPA handbook, as follows.¹

¹ U.S. Bureau of Land Management. January 2008. *National Environmental Policy Act Handbook H-1790-1*. Washington, DC.

Title Page

The title page will include the project title, a statement that the document was prepared for the lead agency, the name of the project, address, and publication date. The District will be listed as the CEQA lead agency and the BLM will be listed as the NEPA lead agency.

Table of Contents

The table of contents will include major headings outlined within the Draft EIR/EIS, a list of tables, a list of figures, and a list of technical appendices.

Executive Summary

An executive summary will be prepared describing the project background, CEQA and NEPA actions under consideration, other future actions that might be expected in conjunction with the proposed project, and the evaluation of the presence or absence of significant impacts.

The Draft EIR/EIS will address issues that have been identified as having the potential to result in significant impacts. Pursuant to NEPA, the Draft EIR/EIS analysis will also include environmental justice, social and economic effects, and adverse energy and mineral resources.

The executive summary will contain a matrix presenting the significant impacts of the proposed project, the related mitigation measures, and the level of significance after implementation of the recommended mitigation measures. In addition, the executive summary will include a table indicating the ability of the proposed project to achieve its basic objectives.

This section will contain the following subsections:

- Existing Facilities
- Proposed Project
- Areas of Known Controversy
- Issues to Be Resolved
- Summary of Impacts

Introduction

The Introduction will present the following information:

- Purpose of the Draft EIR/EIS
- Organization and Content of the Draft EIR/EIS

Project Description

This section will describe the proposed project action and proposed changes to the environment, including the project location and footprint, statement of purpose and need, objectives, and all components and elements of the proposed project. The project description will also comprise the statement of purpose and need / goals and objectives of the proposed project defined at the project initiation meeting. The section will clearly state the nature of the activity requiring action and the need for the project action in terms of attaining the initially defined project goals and objectives.

Up to four (4) alternatives to the proposed action, including the "No Action" alternative will also be presented described, including the same type of descriptive information as the proposed action. Specific project information to be provided includes the following:

- Project purpose and need
- Project alternatives
- Project objectives
- Project location
- Project characteristics
- Related projects
- Required approvals

Project plans and drawings will be derived from material being prepared by the District and supplemented as necessary by graphics depicting a vicinity map and a site-specific project map.

Affected Environment and Environmental Effects

This section will include a description of the existing conditions, or environmental setting, of the proposed project for each environmental issue area. The environmental setting will be described in accordance with CEQA and NEPA. As required by CEQA, the Draft EIR/EIS will analyze the physical conditions existing at the time that the NOP and NOI are published.

The environmental consequences and effects of the proposed action and each alternative will be evaluated for each of the analysis issue areas. This section of the Draft EIR/EIS will identify short-term, long-term, direct, and indirect environmental effects, including less than significant effects, unavoidable significant environmental effects, significant irreversible impacts, and significant cumulative impacts. For issues identified as having the potential to result in significant impacts, mitigation measures will be proposed to minimize the significant effects of the proposed action, followed by an assessment of the significance after mitigation of a given potentially significant impact.

The analysis performed for all environmental issue areas will meet the requirements in regulations implementing NEPA (40 CFR 1500–1508), BLM planning under the federal Land Policy and Management Act (43 CFR 1600), and State CEQA Guidelines.

Aesthetics

Sapphos Environmental, Inc. will evaluate the potential impacts to aesthetics related to the proposed project. The aesthetics analysis will include a discussion of the regulatory framework that guides the decision-making process, existing conditions, significance thresholds, impact analysis, and cumulative impacts in accordance with Appendix G of the State CEQA Guidelines and NEPA requirements. It is understood that a combined Draft EIR/EIS will be required for the proposed action. Sapphos Environmental, Inc. will coordinate with the BLM to ensure that the environmental analysis for the EIS complies with the federal BLM NEPA guidelines and BLM guidelines for visual analysis for the completion of an EIS document.

Sapphos Environmental, Inc. will incorporate the findings of the provided Aesthetics Resources Technical Report (Task 10, Technical Studies) into the aesthetics section of the EIR/EIS. The assessment of aesthetics will focus on the visual character and scenic quality of visual resources in the immediate vicinity of the proposed project and the surrounding region. Based on the results of

the Aesthetics Resources Technical Report, the assessment of aesthetics will discuss whether the proposed project would adversely affect a scenic vista, substantially damage scenic resources, substantially degrade the existing visual quality of the site and its surroundings, or create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area. Potentially significant aesthetic impacts from the proposed project will be assessed in accordance with the significance thresholds described in the County of Inyo General Plan, BLM NEPA requirements and other relevant references.^{2,3}

The assessment of aesthetics will focus on the visual character and scenic quality of visual resources in the immediate vicinity of the proposed project and the surrounding region. The aesthetics evaluation will also assess the visibility of the proposed project site as it pertains to the scenic quality and to public exposure and view.

Based on background collected from the previously performed visual analysis of the proposed project site (Task 10), the assessment of aesthetics will discuss whether the proposed project would adversely affect the scenic vista, substantially damage scenic resources, substantially degrade the existing visual quality of the site and its surroundings, or create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area. This analysis will assess the potential for the proposed project to result in impacts (direct, indirect, cumulative) to the aesthetic or visual quality of the proposed project area and will address the potential impacts and propose mitigation measures or alternatives to reduce the impacts to below the level of significance where appropriate.

Air Quality

Sapphos Environmental, Inc. will review the existing air quality conditions and provide an assessment of air quality that will focus on the potential for the proposed project to result in construction and operational emissions that result in a nonconformity with the CAA and applicable implementation plans for achieving and maintaining the NAAQA for criteria pollutants pursuant to the general conformity regulations issued by the U.S. EPA (40 CFR Part 93). This assessment will consist of the following two phases: the conformity review process and the conformity determination process.

Conformity Review Process. The purpose of the conformity review process is to evaluate whether the proposed project would require the conformity determination process. Sapphos Environmental, Inc. will take four steps to complete the conformity review process of the proposed project with the CAA:

- Determine if the proposed project would cause emissions of criteria pollutants or their precursors.
- Designate the attainment status for each criteria pollutant for the proposed project site.

² U.S. Department of Interior, Bureau of Land Management. Accessed 22 June 2010. *BLM Manual 8410—Visual Resource Inventory*. Available at: <http://www.blm.gov/nstc/VRM/8410.html>

³ U.S. Department of Interior, Bureau of Land Management. Accessed 12 July 2010. *Manual 8431—Visual Resource Contrast Rating*. Available at: <http://www.blm.gov/nstc/VRM/8431.html>

- Determine if emissions of a criteria pollutant or its precursors would occur as a result of the proposed project if the proposed project area is designated as a nonattainment or maintenance area for that pollutant.
- Estimate the total direct and indirect emissions of the pollutant(s) of concern from the proposed project.
- Compare the estimate(s) to the threshold emission rate(s) based on 40 CFR 93.153 and to the proposed project area's emissions inventory if it has been designated as a nonattainment or maintenance area for a criteria pollutant.

Conformity Determination Process. Following the conformity review process, Sapphos Environmental, Inc. will conduct a conformity determination process, which is intended to demonstrate how the construction and operational phases of the proposed project will comply with the applicable implementation plan. The conformation determination process for the proposed project will start with the identification of the conformity determination criteria pursuant to 40 CFR Section 93.158, "Criteria for Determining Conformity of General Federal Actions," followed by a conformity analysis. The conformity analysis, which will be conducted pursuant to the conformation requirements and procedures set forth in 40 CFR Section 93.159, "Procedures for Conformity Determinations of General Federal Actions," will incorporate local and area-wide air dispersion modeling, emission factors, and population estimates of the proposed project area. Sapphos Environmental, Inc. will consult with the regional U.S. EPA office and the District for the preparation of the conformity determination of the proposed project with the CAA.

Construction Emissions. The air quality assessment will consider construction emissions impacts, which include emissions from construction-related activities such as airborne dust from grading, demolition, and dirt hauling, as well as gaseous emissions from heavy equipment, delivery and dirt-hauling trucks, and employee vehicles. Based on the construction scenario, the significance level of construction-related emissions associated with the proposed project will be determined by comparing construction emission levels to adopted construction phase significance criteria. In addition, construction emission impacts on sensitive receptors in the vicinity of the proposed project will be analyzed to determine the significance level. URBEMIS 2007, Version 9.2.4, computer land use emissions model will be used to estimate construction emissions.

Operational Emissions. Operational emissions impacts will include regional operational emissions primarily from electricity usage and vehicles traveling to and from a project site, as well as localized operational emissions primarily from traffic increases in the immediate vicinity of a project. The significance level of the proposed project's operational emission impacts will be determined by comparing operational emissions to adopted operational phase significance criteria.

Operational air emissions at the proposed project site that are likely to result from both stationary sources and mobile sources will be calculated with URBEMIS 2007, Version 9.2. Emissions from stationary sources will be estimated utilizing U.S. EPA emission factors from the U.S. EPA AP-42 Handbook. Emissions from mobile source will be based on information on expected vehicle fleet mix, vehicle speed and distance assumptions, land use category temperature conditions, and trip generation rates.

Cumulative Effects. Cumulative emissions impacts (construction and operational) will be based on the forecasts of attainment of ambient air quality standards set forth in the federal and state CAA

and the forecasts of regional population and employment growth to determine the significance level of the proposed project's cumulative air quality impacts.

Greenhouse Gas Emissions. Sapphos Environmental, Inc. will assess greenhouse gas (GHG) emission impacts associated with the proposed project's construction and operation, which will be analyzed both qualitatively and quantitatively. The qualitative analysis will take into account the proposed project's construction scenario and duration, size, and function. The quantitative analysis will use URBEMIS 2007, Version 9.2.4, to calculate greenhouse gas emissions, or comparable U.S. EPA carbon dioxide emission factors for construction equipment engines and the Intergovernmental Panel on Climate Change 1996 Revised Guidelines on carbon dioxide emission factors for U.S. mobile emissions.

Mitigation Measures. Mitigation measures will be provided according to emission impact areas that are identified to be above the thresholds of significance. The results of the final air quality report will be incorporated into the EIR/EIS and the report will be attached as an appendix to the EIR/EIS.

Mitigation measures will be provided pursuant to 40 CFR Section 93.160, "Mitigation of Air Quality Impact," if emissions resulting from the proposed project cannot be sufficiently reduced, or the conformity analysis determines that the proposed project would result in nonconformity with the CAA.

Sapphos Environmental, Inc.'s assessment of air quality in the proposed project area will also comply with the State CEQA Guidelines. The air quality analysis will assess the sensitive receptors and populations that may be affected by air quality emissions. In addition, the proposed project's cumulative air quality and GHG emission impacts will be analyzed to determine the level of significance and the potential need for mitigation measures. Mitigation measures for any identified significant air quality impacts will be subsequently provided to ensure that the proposed project will comply with established state and regional regulations.

Adverse Energy

Sapphos Environmental, Inc. will assess the potential for the proposed project to result in significant impacts related to adverse energy or mineral resources in accordance with applicable goals and policies contained in the Inyo County General Plan. Mineral resources for the proposed project would be further evaluated with regard to California Division of Mines and Geology publications and related documentation. A determination will be made as to whether the proposed project would impact regionally or locally known mineral resources or mineral resource sites and whether the proposed project would result in excessive energy use or restrict the access to, or the availability of, energy resources.

Biological Resources

This section will analyze whether the proposed project would have a substantial adverse effect on any species identified as listed, sensitive, or candidate in BLM or County plans, policies, or regulations, or by the California Department of Fish and Game (CDFG) or U. S. Fish and Wildlife Service (USFWS); on riparian habitat or other sensitive natural plant community or area of

ecological importance;⁴ or on federally protected wetlands as defined by Section 404 of the Clean Water Act. The analysis will also focus on the potential for the proposed project to substantially interfere with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors; or impede the use of native wildlife nursery sites; or conflict with local policies, ordinances, Habitat Conservation Plans (HCPs), or Natural Community Conservation Plans (NCCPs). Significance thresholds will be determined using the criteria listed in Appendix G of the State CEQA Guidelines and the goals and policies contained in the Inyo County General Plan. The criteria for determining significance of impacts will be based on the importance of the resource, the proximity of the resources to the proposed project site, the proportion of the resource that would be affected, the sensitivity of the resource to the type of effect being considered, and the extent and degree of the effect. Significant impacts would occur under NEPA when, based on consultation with federal and state agencies that have specialized expertise, the BLM determines that the proposed action may jeopardize the existence of a species or result in the destruction or adverse modification of critical habitat. The analysis will utilize the results of the spring surveys and literature searches documented in the Biological Resources Technical Report (Task 10).

Upon agreement of the methodology to be employed in the impact analysis between the District and the BLM, Sapphos Environmental, Inc. will implement the agreed-on methodology in the Environmental Consequences sub-section of the EIR/EIS biological resources analysis. Where the proposed project is determined to result in a significant impact, mitigation measures will be recommended to reduce the impact to below the level of significance.

Cultural Resources

Sapphos Environmental, Inc. will assess the impacts/effects to cultural resources specifically related to archaeological resources, historical resources, Native American traditional cultural properties, and paleontological resources for the proposed project.⁵

Archaeological and Historical Resources. Sapphos Environmental, Inc. will review the results from searches of the cultural resources databases maintained by the Eastern Information Center (EIC) at the University of California, Riverside and the BLM Bishop Field Office. These databases include survey and mitigation reports, archaeological and historical site records, regional overviews, and other relevant data pertaining to cultural resources within and in proximity to the proposed project area. For purposes of Section 106, it is assumed that the BLM will define the area of potential effect (APE). A cultural resources technical report suitable for inclusion as an appendix to the Draft EIR/EIS will be prepared. The technical report will contain an analysis of potential impacts/effects to cultural resources within the APE, and recommend appropriate mitigation to reduce any impacts/effects below the level of significance.

Native American Traditional Cultural Properties. A records search for Native American sacred lands and traditional cultural properties will be conducted with the NAHC. The NAHC was established by Section 5097.91 of the Public Resources Code to manage the inventory of places of religious or social significance to Native Americans and known graves and cemeteries of Native Americans on private lands. Additional information regarding Native American cultural resources

⁴ U.S. Department of the Interior Bureau of Land Management. 11 March 2005. *Land Use Handbook*. BLM Handbook H-1601-1, Release Number 1-1693. Washington, DC.

⁵ Although paleontological resources are considered cultural resources under CEQA, they are a separate issue area under NEPA. The placement of the paleontological analysis will be resolved through review of draft table of contents (Task 1).

may also be provided by BLM as a result of the formal consultations with tribal communities. The results of the records searches and consultation will be integrated into the cultural resources report that will be attached as an appendix to the environmental document.

Paleontological Resources. Data will be compiled to describe existing conditions for paleontological resources within the study area for the proposed project. Previously prepared cultural resources studies will be reviewed, including those prepared for the 2003 Final EIR for the Owens Valley PM₁₀ Planning Area Demonstration of Attainment State Implementation Plan. A records search from the San Bernardino County Museum will be conducted to confirm that the previously compiled analysis is updated. A discussion of the paleontological resources will be included in the cultural resource technical report that will be included as an appendix to the Draft EIR.

Environmental Justice

Sapphos Environmental, Inc. will assess the potential for significant impacts of the proposed project to environmental justice. Under Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." This section will identify any impacts to minority and low-income populations within the study area.

Geology and Soils

Sapphos Environmental, Inc. will assess the inherent geological and soil conditions of the proposed project site in order to review potential impacts related to geology and soils. It is understood that the District will provide geology and soils data and technical reports necessary to conduct this assessment in accordance with state CEQA Guidelines and in accordance with NEPA. The analysis will consist of a summary of the regulatory framework that guides the decision-making process, a description of the existing conditions at the proposed project area, thresholds for determining if the proposed project would result in significant impacts, anticipated impacts (direct, indirect, cumulative), mitigation measures, and level of significance after mitigation.

The assessment of geology and soils will focus on the potential for the proposed project to result in impacts related to geology and soils according to thresholds recommended by Appendix G of the State CEQA Guidelines. Geology at the proposed project site will be assessed in accordance with the methodologies provided by CFR Title 40, Section 1502; the Federal Land Policy and Management Act; and Appendix C, Section I, Natural, Biological, and Cultural Resources, of the BLM Land Use Management Handbook. The current conditions of the geology and soils in the proposed project site and the potential for the proposed project to expose people or property to risks related to potential fault rupture, seismic ground shaking, seismic-related ground failure (including liquefaction), and geotechnical factors will be assessed. Sapphos Environmental, Inc. will utilize the State Hazards Map and the relevant Alquist-Priolo Earthquake Fault Zoning Map and review supporting documentation supplied by the District. Mitigation measures will be recommended to reduce any potential for impacts to below the level of significance.

Hydrology and Water Quality

Sapphos Environmental, Inc. will assess the potential impacts related to hydrology and water quality. It is understood the District will provide hydrologic data and reports necessary to conduct this assessment in accordance with state CEQA Guidelines and NEPA Guidelines. Sapphos

Environmental, Inc. will integrate the District hydrologic data into its assessment of hydrology and water quality.

The assessment of hydrology and water quality will focus on the potential for the proposed project to result in impacts according to thresholds recommended by Appendix G of the State CEQA Guidelines. Hydrology and water quality at the proposed project site will be assessed in accordance with the methodologies provided by CFR Title 40, Section 1502; the Federal Land Policy and Management Act; Section 404 of the Clean Water Act; National Pollution Discharge Elimination System (NPDES) regulations; Safe Drinking Water Act Amendments of 1996; Executive Order 12088; Federal Compliance with Pollution Control Standards (Amended by Executive Order 12580, Superfund Implementation); Executive Order 12372; Intergovernmental Review of Federal Programs; Inyo County General Plan; Regional Water Quality Control Board Basin Plan; and Appendix C, Section I, Natural, Biological, and Cultural Resources, of the BLM Land Use Management Handbook. Pursuant to Appendix C, Section I, of the BLM Land Use Management Handbook, Sapphos Environmental, Inc. will consult and coordinate with federal, state, and local agencies, as directed by the Watershed Protection and Flood Prevention Act (16 U.S.C.1001-1009) and the Clean Water Act (33 U.S.C. 1251). If necessary, mitigation measures will be recommended to reduce the potential for impacts to below the levels of significance.

Land Use and Planning

Sapphos Environmental, Inc. will assess the impacts to land use and planning related to the proposed project. The Land Use and Planning section will evaluate the existing site conditions and determine whether the proposed project would conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect; or conflict with any applicable HCP or NCCP. The assessment of land use and planning will focus on the potential for the proposed project to result in impacts related to land use and planning that exceed the CEQA thresholds of significance. Sapphos Environmental, Inc. will assess the current zoning ordinances and land uses to evaluate compatible uses and impacts as they relate to the Inyo County General Plan and other applicable ordinances, acts, and provisions.

Socioeconomics

In accordance with NEPA, Sapphos Environmental, Inc. shall characterize existing conditions and trends in local communities and the wider region that may affect and be affected by land use planning decisions. In particular, the baseline assessment shall do the following:

1. Review and summarize relevant published and unpublished literature on the history, economy, and social system(s) of the study area
2. Characterize the economic structure and activity of communities and groups within the study area
3. Characterize the social structure, activities, and values of such communities and groups

In particular, the impact analyses shall do the following:

1. Analyze the positive and negative economic effects of each alternative developed within the on those communities and groups

2. Analyze the positive and negative social effects of each alternative developed on those communities and groups
3. In fulfillment of Environmental Justice requirements, identify any disproportionate negative effect on low-income or minority populations associated with one or more proposed alternatives

As appropriate, Sapphos Environmental, Inc. shall identify measures that may reduce or avoid potential adverse economic or social effects of the alternatives and maximize their positive effects.

Transportation and Traffic

Sapphos Environmental, Inc. will utilize a Traffic Impact Analysis (Task 10) to be prepared by Linscott, Law and Greenspan, Engineers to evaluate the potential impacts to traffic and transportation related to the proposed project. The traffic assessment for the Draft EIR/EIS will identify whether the proposed project will cause an increase in the existing traffic load and street system capacity or exceed the level of service thresholds, to be established in coordination with the BLM for roadways and intersections on BLM land and based on the Inyo County General Plan for roadways and intersections outside the BLM land but within the County. Sapphos Environmental, Inc. will also address whether the proposed project would result in substantially increased hazards due to a design feature or result in inadequate emergency access. In addition, the traffic and transportation section will assess existing and future conditions with and without the proposed project; assess on-site access and circulation; and identify traffic impacts, mitigation measures, and level of significance after mitigation where appropriate.

Issues Found Not Significant

Detailed analysis in the EIR/EIS of the complete list of issue areas from CEQA and NEPA is not anticipated to be required, due to the limited nature and scope of the proposed project. As the District does not propose that an Initial Study or Environmental Assessment (EA) be prepared, which would provide substantial evidence to determine the focus of issues for the EIR/EIS document, Sapphos Environmental, Inc. proposes to prepare an Issues Found Not Significant chapter (pursuant to CEQA Guidelines Section 15128) of the EIR/EIS, which will provide an Initial Study/EA level of analysis and substantial evidence for the record with respect to the issues not identified for detailed analysis in the EIR/EIS scope above.

Other Environmental Impacts

The Draft EIR/EIS will include separate discussions of any unavoidable impacts, irreversible impacts, and growth-inducing impacts.

Alternatives

This analysis in the Draft EIR/EIS will assess up to four (4) alternatives to the proposed project, including the No Project Alternative, that are capable of reducing potential impacts of the proposed project. CEQA and BLM Guidelines requires evaluation of a range of reasonable alternatives to the proposed project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, and meet most of the purpose and need of the proposed action, but would avoid or substantially lessen any of the significant effects of the proposed project and evaluation of the comparative merits of the proposed project. The analysis will identify the environmental preferred/superior alternative, as required under CEQA and NEPA.

Report Preparation Resources

This section will contain the organizations and persons contacted or consulted during the preparation of the Draft EIR/EIS, a list of personnel involved in the preparation of the environmental documentation, and a list of references. The list of references will be annotated to identify the location of the cited reference material.

Distribution List

This section of the Draft EIR/EIS contains a list of those entities to which a copy of the Notice of Availability (NOA) of this Draft EIR/EIS must be distributed, as well as those entities to which a copy of the NOA and a copy of the EIR/EIS will be distributed. This section will also include the locations where a copy of the Draft EIR/EIS will be available during the public review period for review and/or purchase. The distribution list will be organized into federal, state, regional, county, and city public agencies; organizations; and other parties, as applicable.

Appendices

Sapphos Environmental, Inc. will provide an Aesthetics Technical Report, Air Quality Technical Report, Biological Resources Technical Report, Cultural Resources Technical Report, and Traffic Impact Technical Report.

Screen Check Draft EIR/EIS

Sapphos Environmental, Inc. will submit one (1) electronic copy and up to five (5) hard copies of the Screen Check of the Draft EIR/EIS to the District, BLM, and EPA for review. Sapphos Environmental, Inc. will respond to comments on the Screen Check Draft EIR/EIS from the District, BLM and EPA.

Galley Proof of the Draft EIR/EIS

Sapphos Environmental, Inc. will submit an electronic galley proof of the Draft EIR/EIS to the District and BLM for review and editing via teleconference. Sapphos Environmental, Inc. will respond to comments galley proof of the Draft EIR/EIS from the District and BLM.

Notice of Availability / Notice of Completion

Sapphos Environmental, Inc. will prepare a Notice of Availability (NOA) and a Notice of Completion (NOC) of the Draft EIR/EIS for public review. Sapphos Environmental, Inc. will prepare one (1) electronic copy of a concise Screen Check NOA and NOC for review by the District and BLM. The NOA and NOC will contain a brief description of the proposed project and its alternatives, starting and ending dates for public review, date and time for community meetings, address where copies of the Draft EIR/EIS are available for public review (e.g., local libraries), name and address of a contact person who can provide information on the proposed project, and any other required information.

Following approval of the Screen Check NOA and NOC from the District, Sapphos Environmental, Inc. will produce and transmit up to two hundred (200) copies of the NOA to the previously prepared mailing list. Sapphos Environmental, Inc. will post the NOA, NOC, and Draft EIR/EIS with OPR and with the Inyo County Clerk, as appropriate, and transmit a copy of the NOA for

publication in the *Federal Register*. In addition, Sapphos Environmental, Inc. will prepare a copy of the NOA suitable for publication in the *Inyo Register* and arrange for publication at least one time during the CEQA-mandated 45-day review period for the Draft EIR/EIS. Sapphos Environmental, Inc. field staff or District staff will post one (1) hard copy of the notice on site to avoid incurring additional costs for a separate field visit.

Draft EIR/EIS for Public Review

Sapphos Environmental, Inc. will be responsible for the production and public distribution of up to twelve (12) bound copies of the Draft EIR/EIS; one (1) unbound original suitable for reproduction, and up to forty-five (45) CDs; the (specific distribution list for hard copies and CDs will be determined by the lead agencies). Sapphos Environmental, Inc. will also be responsible for reproducing and distributing up to fifteen (15) hard copies of the Executive Summary and fifteen (15) CDs of the entire document plus appendices to the OPR, the State Clearinghouse for CEQA documents.

Work Products

- One (1) electronic copy in PDF and up to five (5) copies of the Screen Check Draft EIR/EIS and technical appendices to the District and BLM
- One (1) electronic copy in PDF of the Galley Proof Draft EIR for teleconference galley proof.
- One (1) electronic copy in PDF and twelve (12) bound copies of the Draft EIR/EIS, including technical appendices, one (1) unbound original suitable for reproduction, and up to forty-five (45) CDs for distribution to agencies and the public.
- Fifteen (15) hard copies of the Executive Summary, and fifteen (15) CDs of the entire document plus appendices to the OPR, the State Clearinghouse for CEQA documents.
- One (1) electronic copy of a concise Screen Check NOA and NOC of the Draft EIR/EIS for review by the District and BLM
- One (1) electronic copy in PDF of the NOA/NOC of the Draft EIR/EIS to the BLM for the agency to publish in the *Federal Register*
- One (1) electronic copy in PDF of the NOA/NOC of the Draft EIR/EIS for publication in the newspaper, one (1) hard copy for site posting
- Up to two hundred (200) copies of the NOA/NOC of the Draft EIR/EIS

TASK 5 PUBLIC COMMENTS ON THE DRAFT EIR/EIS

Work Efforts

Sapphos Environmental, Inc. will provide needed community outreach support, including but not limited to preparing presentations, maps, posters, and handouts for (2) public meetings. One (1) set of Public Meeting Presentation Materials (up to 12 poster boards) will be provided. These meetings are intended to provide a forum to solicit comments on the Draft EIR. It is anticipated that these meetings will be held on one day, with one agency meeting in the afternoon in Independence, California (County Administrative Center) and one public meeting in Lone Pine, California (Stratham Hall).

The NOA and NOC will clearly announce dates, times, and locations of these meetings. The community meetings will consist of a brief presentation of the proposed project, the project location, the project purpose and need, NEPA and CEQA processes, and a summary of the preliminary findings. Community meetings will be conducted in a dispersed format in which the project description and the environmental issue areas will be presented at stations, and stakeholders and members of the community at the meeting are encouraged to provide their comments and receive additional information on each issue area at its designated station. Comments verbally expressed by the public at the meetings will be summarized and recorded in writing by Sapphos Environmental, Inc. personnel at each of the issue-area public comment station. The results of the meetings will be compiled and summarized in a Memorandum for the Record. One (1) electronic copy in PDF and five (5) hardcopies each of two (2) MFRs summarizing the results of two (2) Public Meeting. Comments received from the community meetings along with written comments received from the public review period on the Draft EIR/EIS will be considered by Sapphos Environmental, Inc. and the District and BLM project managers with respect to appropriate analysis topics and scope for the EIR/EIS.

Work Products

- One (1) set of public meeting presentation materials (up to 12 poster boards)
- One (1) electronic copy in PDF and five (5) hardcopies each of two (2) MFRs summarizing the results of two (2) public meetings

TASK 6 FINAL EIR/EIS

Work Efforts

Response to Comments

Sapphos Environmental, Inc. will respond to letters of comment on the Draft EIR/EIS. Sapphos Environmental, Inc. will prepare any and all necessary clarifications and revisions to the Draft EIR/EIS. Sapphos Environmental, Inc. will prepare one (1) electronic copy and up to five hard (5) copies of the Screen Check Final EIR/EIS for distribution to the District, BLM, and EPA for review and comment. Upon receipt of the District's, BLM's, and EPA's compiled comments to Screen Check Final EIR/EIS, Sapphos Environmental, Inc. will incorporate the District's, BLM's, and EPA's comments and complete one (1) electronic copy of the Galley Proof Final EIR/EIS for a teleconference galley proof meeting. The galley proof meeting allows the District and BLM to review the Galley Proof Final EIR/EIS to ascertain that their comments were adequately addressed. Following District and BLM approval, Sapphos Environmental, Inc. will produce one (1) electronic copy and fifteen (15) bound copies, one (1) unbound original suitable for reproduction, and up to forty five (45) CDs, of the Final EIR/EIS and Responses to Comments.

Work Products

- One (1) electronic copy in PDF and up to five hard (5) copies of the Screen Check Final EIR/EIS
- One (1) electronic copy in PDF of the Galley Proof Final EIR/EIS
- One (1) electronic copy in PDF and fifteen (15) bound copies of the Final EIR/EIS and Responses to Comments, one (1) unbound original suitable for reproduction, and up to forty five (45) CDs

- One (1) read-only electronic copy of the Final EIR/EIS formatted for Microsoft Word and PDF
- Appropriate notices pursuant to CEQA and NEPA (Notice of Determination)

TASK 7 NOTICE OF DETERMINATION AND RECORD OF DECISION

Work Efforts

Sapphos Environmental, Inc. will prepare one (1) electronic copy of the Notice of Determination (NOD) and Record of Decision (ROD) for distribution to the District and BLM. Sapphos Environmental, Inc. will submit a Screen Check NOD and ROD to the District and BLM for review and comment. Sapphos Environmental, Inc. will incorporate comments and prepare the NOD and ROD. The NOD and ROD will include a summary of the resolution of protests, and prepare one (1) electronic copy in PDF and one (1) hard copy of the final ROD and final NOD to the BLM and OPR, respectively.

Work Products

- One (1) electronic copy in PDF of the administrative draft NOD and draft ROD to the District and BLM, respectively
- One (1) electronic copy in PDF and one (1) hard copy of the final ROD and final NOD to the BLM and OPR, respectively

TASK 8 FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Work Efforts

Sapphos Environmental, Inc. will prepare the Findings of Fact and the Statement of Overriding Considerations (FOF/SOC) (if one or more unavoidable significant impacts are anticipated as a result of the proposed project) for each significant effect identified in the Final EIR/EIS, pursuant to Section 15091 and 15093 of the State CEQA Guidelines. As required by the State CEQA Guidelines, one of three findings must be made for each significant effect and must be supported by substantial evidence in the record. The Statement of Overriding Considerations (if required) will rely on input from the District regarding the public benefits of the proposed project. Five copies of the Screen Check FOF/SOC will be provided to the District for review and consideration. The Screen Check FOF/SOC will be prepared concurrent with the preparation of the Final EIR/EIS.

The District will provide Sapphos Environmental, Inc. with one composite set of comments on the Screen Check FOF/SOC. Sapphos Environmental, Inc. will respond to comments and prepare the FOF/SOC. Sapphos Environmental, Inc. will provide the District with 25 bound copies of the FOF/SOC and 1 unbound, reproducible original of the FOF/SOC.

Work Products

- One (1) electronic copy in PDF, five (5) hard copies, and one (1) unbound reproducible original hard copy of the Screen Check FOF/SOC to the District
- Twelve (12) hard copies of the FOF/SOC

TASK 9 MITIGATION MONITORING PROGRAM

Work Efforts

The Screen Check Mitigation Monitoring Program (MMP) will be prepared concurrently with the preparation of the Final EIR/EIS. The Screen Check MMP will be designed to ensure compliance with mitigation. In coordination with the District, the Screen Check MMP will be prepared for mitigation measures that address significant impacts or are proposed to be adopted as conditions of approval. The Screen Check MMP will describe (1) where the District would eliminate adverse impacts by requiring mitigation and provide recommended or code-required mitigation measures; (2) identify the net unmitigated adverse impacts; (3) identify the responsible implementation agency; and (4) identify the enforcement agency, monitoring agency, and monitoring phase. One (1) electronic copy and up to five (5) copies of the Screen Check MMP will be provided to the District.

The District will prepare one composite set of comments on the Screen Check MMP. Sapphos Environmental, Inc. will meet with the District to discuss comments and will provide the District with one (1) electronic copy, twelve (12) hard copies of the MMP and one unbound, reproducible original of the Final MMP.

Work Products

- One (1) electronic copy in PDF and up to five (5) copies of the Screen Check MMP to the District
- One (1) electronic copy, twelve (12) hard copies of the MMP and one unbound, reproducible original of the Final MMP

TASK 10 TECHNICAL STUDIES

Sapphos Environmental, Inc. will prepare relevant technical information for specific environmental issue areas that will serve as the substantial evidence to support the EIR/EIS determinations. In addition to current data collection, the technical studies will also utilize information reported in support of previous environmental documentation for the Owens Lake PM₁₀ Planning Area.

Work Efforts

Aesthetics Technical Report

Sapphos Environmental, Inc. will prepare an Aesthetics Technical Report, evaluating impacts using GIS methodologies. Report will focus on the potential for the proposed project to exceed thresholds for significance established by the Bureau of Land Management's (BLM) visual resources management (VRM) classifications standards. Proposed changes from the project to public lands will also be evaluated based on BLM's Manual Section 8400-Visual Resource Management and BLM Manual 8431-Visual Resource Contrast Rating.⁶ Up to five visual simulations (photo montage

⁶ U.S. Department of Interior, Bureau of Land Management. Accessed on 12 July 2010. *Bureau of Land Management Manual 8400—Visual Resource Management*. Available at: <http://www.blm.gov/nstc/VRM/8400.html> on

simulations) will be prepared to illustrate the impacts of the proposed project.⁷ Potential visibility impacts will be analyzed based on the topography of the site and the proposed modifications. The Aesthetics at the proposed project site will be assessed in accordance with the methodologies provided by the Land Use element, Open Space and Recreation element, and Conservation element of the Inyo County General Plan; the visual resource values in accordance with visual resource management (VRM) objectives of the BLM; and any other applicable local plans and regional guidelines. Potential aesthetics impacts will be analyzed based on the proposed site plan for remediating dust emissions emanating from the project area. The Aesthetics Impact Analysis will assess the visibility of the proposed project before and after construction as it pertains to the scenic quality and view from several directions, prominent viewpoints, and sensitive receptors (including schools and residences). The Aesthetics Impact Analysis Report will be included in the Draft EIR as technical appendix. The Aesthetics Resources Technical Report will assess the visibility of the proposed project as it pertains to the scenic quality and view from several directions and prominent observation points.

- Section ES, *Executive Summary*: Describes the major points and findings of the study
- Section 1, *Introduction*, describes the goal of the proposed project and the purpose of the Visual Resources Technical Report. The introduction also describes the project location as well as the project elements and construction scenario.
- Section 2, *Regulatory Framework*, describes all federal, state, and local regulations that pertain to the development of the proposed project and the visual resources present in the area
- Section 3 *Results*, describes the existing conditions at the site, details the methods used for the appropriate documentation of visual resources present in the proposed project area and provides a qualitative and quantitative characterization of the visual resources of the project area. The study results will be used to characterize the environmental setting and the potential for significant impacts consistent with BLM guidelines. Where the potential for a significant impact to visual resources are identified, mitigation measures or alternatives capable of minimizing or avoiding the significant effects of the proposed project will be identified.
- Section 4, *References*, lists all the documentation used for the technical report, including BLM manuals, books, and internet sources.
- *Appendix*: Depending upon guidance from BLM, the Appendix will include all maps that illustrate locations of key observation points (KOPs) for visual resources, the BLM visual inventory forms, and any other pertinent information, as required by law.

The Aesthetics Resources Technical Report will be included in the Draft EIR/EIS as a technical appendix. Sapphos Environmental, Inc. will provide one electronic copy in PDF of the Screen Check Aesthetics Technical Report to the District and BLM for review. Sapphos Environmental, Inc. anticipates receiving comments and revisions to the Screen Check Aesthetics Technical Report within two weeks of submittal. Sapphos Environmental, Inc. will respond to one round of compiled

⁷ No visual simulations have been assumed for the analysis of project alternatives. Should visual simulations be determined to be required of any project alternative, Sapphos Environmental, Inc. will provide an additional scope and cost for such services.

comments from the District and the BLM and prepare one (1) electronic copy in PDF and one (1) hard copy of the Aesthetics Technical Report to be transmitted to the District and BLM.

Air Quality Technical Report

The Air Quality Technical Report will consist of a summary of the regulatory framework that will guide the decision-making process, a description of the existing conditions at the proposed project site, thresholds for determining if the proposed project would result in significant impacts, anticipated impacts (construction, operation and maintenance, cumulative, and GHG emissions), mitigation measures, and level of significance after mitigation.

Construction Emissions

The air quality assessment will consider construction emissions impacts, which include emissions from construction-related activities such as airborne dust from grading and dirt hauling, gaseous emissions from heavy construction equipment, delivery, dirt hauling trucks, employee vehicles, and paints and coatings. Based on the construction scenario, the significance level of construction-related emissions associated with the proposed project will be determined by comparing construction emission levels to adopted regional and localized construction phase significance criteria for carbon monoxide (CO), volatile organic compounds (VOCs), nitrogen oxides (NO_x), sulfur oxides (SO_x), fine particulate matter (PM_{2.5}), and suspended particulate matter (PM₁₀). In addition, emissions of toxic air contaminants (TACs) and odor nuisance pursuant to the District's Rule 402 that could be contributed from diesel particulate emissions associated with heavy-duty equipment and vehicle operations will be analyzed. Construction emission impacts on sensitive receptors both at and in the vicinity of the proposed project site will be analyzed to determine the significance level. The Urban Emissions Model (URBEMIS) 2007 version 9.2.4 will be used to estimate construction emissions.

Operational Emissions

Operational emissions impacts will include area stationary sources primarily from natural gas combustion, consumer products, and the usage of mechanical and electrical infrastructures and mobile sources traveling to and from the proposed project site. The proposed project's operational emission impacts will be estimated by using the URBEMIS 2007 version 9.2.4 and will focus on emissions of criteria pollutants, including CO, VOCs, NO_x, SO_x, PM_{2.5}, and PM₁₀, emissions of TACs, and odor nuisance. These potential operational emissions will be compared to adopted operational phase significance criteria. Operational air emissions at the proposed project site are likely to result from both stationary sources and mobile sources. Emissions from mobile sources will be based on the expected vehicle fleet mix, the vehicle speed and distance assumptions, land use category, temperature conditions, and trip generation rates. In addition, the level of significance associated with potential exposures of sensitive receptors both at and in the vicinity of the proposed project site to the proposed project's operational emissions will be analyzed.

Cumulative Effects

Cumulative emissions impacts (construction and operational) will be based upon adopted methodological framework and information on related past, present, and reasonably foreseeable future projects in the vicinity of the proposed project site. The forecasts of attainment of ambient air quality standards set forth in the Federal and State Clean Air Acts from the District's Air Quality Management Plan and the forecasts of regional growth from Southern California Association of

Governments will be used to determine the significance level of the proposed project's cumulative air quality impacts.

Greenhouse Gas Emissions

Sapphos Environmental, Inc. will assess GHG emission impacts associated with the proposed project's construction and operation, which will be analyzed both qualitatively and quantitatively. The qualitative analysis will take into account the proposed project's construction scenario and duration, size, and function, and any measures that will be incorporated to enhance water recycling and energy efficiency. The quantitative analysis will use URBEMIS 2007 version 9.2.4 and the California Climate Action Registry General Reporting Protocol version 3.1 dated January 2009 to calculate GHG emissions, which will then be used to determine whether the proposed project would be consistent with the GHG emission reduction goals set forth in Assembly Bill (AB) 32.

Mitigation Measures

Feasible mitigation measures will be provided according to emission impact areas that are identified to be above the thresholds of significance. Feasible mitigation measures that are capable of enhancing water and energy efficiency and reducing GHG emissions will also be recommended followed by a discussion on level of significance after mitigation. The results of the final air quality report will be incorporated into the EIR/EIS and the report will be attached as an appendix to the EIS/EIR.

Sapphos Environmental, Inc. will provide one electronic copy in PDF of the Screen Check Air Quality Technical Report to the District and BLM for review. Sapphos Environmental, Inc. anticipates receiving comments and revisions to the Screen Check Air Quality Technical Report within two weeks of submittal. Sapphos Environmental, Inc. will respond to one round of compiled comments from the District and the BLM and prepare one (1) electronic copy in PDF and one (1) hard copy of the Air Quality Technical Report to be transmitted to the District and BLM.

Biological Resources Technical Report

Phase 1: Scope of Work under Current Approved Contract and Reallocation for April 1 to June 30, 2011

Spring Biological Surveys

Spring plant and wildlife surveys will be conducted in the Keeler Dunes area under Task 5 of the current approved contract dated May 17, 2010 and reallocation of funds dated March 18, 2011. Biological surveys will be monitored by a Native American representative as requested by the Tribal Historic Preservation Officer for the Lone Pine Tribe. The field efforts that provide the data for the BRTR are described below.

The field survey will be conducted by a team of two biologists: one botanist and one wildlife biologist. During the field visit, observations of plant and wildlife species, as well as plant community transition zones, will be recorded on aerial photographs and the locations recorded on global positioning system (GPS) units. In addition, an insect survey for up to six (6) locally important identified species will be conducted by Dr. Sharon Martinson (SJM), as a subcontractor

entomologist. It is anticipated that plant and wildlife surveys will require up to 4 days of field work and the insect transects will require up to 2 days and one night in the field

SJM will spend two days and one night at Keeler Dunes. Survey work will include setting up transects and traps, and doing morning, evening and nocturnal surveys to sufficiently sample insects. The insects to be collected (via non-lethal pit-fall trapping and night-light sampling) include:

- Moth (*Tescalsia giulianiata*)
- Alkali skipper (*Pseudocopaodes eunus*)
- Owens Valley tiger beetle (*Cicindela tranquebarica inyo*)
- Alkali flats tiger beetle (*Cicindela willistoni pseudosenilis*)
- Slender-girdled tiger beetle (*Cicindela tenuicincta*)
- Owens dune weevil (*Trigonoscuta owensii*)

The moth has only been found to be active at sundown when temperatures reach freezing in November and December. Apart from this moth, the other 5 species are likely to be observed, if present, during a late April or May sampling campaign. The alkali skipper is active April through September in grassy areas in alkali flats. All three tiger beetles are active spring through fall. The Owens Dune weevil is active March through May.

The site will be divided into a grid, such that all habitat types are represented, and pitfall traps will be placed at ground level at each point. The number of pitfalls will be determined by previous sampling, if available, and state required protocols, but will include not less than 20 traps. Additionally, two white sheets and lights (battery powered), which are commonly used for observing flying, nocturnal insects, will be employed. The traps will be monitored every 4 hours from 2 hours before sunset, through the night, to 2 hours post-dawn, for a minimum of five sampling periods.

Phase 2: Recommended Scope of Work for Fiscal Year July 1, 2011, to June 30, 2012

Report Preparation

The results of the field mapping will be incorporated into the plant community map using GIS. The total area in acres of each plant community will be calculated using GIS; the relative distribution or percentage of the total site will be completed in table format. An inventory of all species observed will be compiled into floral and faunal compendia. The results of these surveys will be included in the Biological Resources Technical Report to be submitted to the District. Activities that will be documented in the Biological Resources Technical Report are listed here.

Plant Community Mapping. To determine the potential effects of the proposed project on sensitive plant communities identified by the BLM, County or by the CDFG pursuant to Appendix G of the State CEQA Guidelines, Sapphos Environmental, Inc. will create a plant community map of the proposed project study area. The evaluation of plant communities will be undertaken in a two-phase effort consisting of a preliminary, data-driven field mapping effort based following the California Native Plant Society (CNPS) rapid assessment protocol,⁸ followed by verification and

⁸ California Native Plant Society Vegetation Committee. September 2004. *California Native Plant Society Vegetation Rapid Assessment Protocol*. Sacramento, CA: California Native Plant Society. Available at: http://www.cnps.org/cnps/vegetation/pdf/rapid_assessment_protocol.pdf

refinement of the field map in-house. Delineation of communities will follow the current (2003) classification system of CDFG, the California Natural Diversity Database (CNDDDB) of the State Resources Agency,⁹ and it will be cross-referenced to Sawyer and Keeler-Wolf's *A Manual of California Vegetation*,¹⁰ and where applicable, the plant community descriptions provided in *Preliminary Descriptions of the Terrestrial Natural Communities of California*.¹¹ Botanical names and common names will be according to *The Jepson Manual*.¹² Common names not available from *The Jepson Manual* will be taken from Calflora.¹³

Wetlands. The determination regarding the potential presence or absence of federally protected wetlands will include a review of topographic maps and National Wetlands Inventory (NWI) maps, interpretation of aerial photographs, spatial analysis using GIS software, plant community mapping, field analysis conducted concurrent with the habitat assessment to verify federal wetlands mapped pursuant to the NWI, and coordination with USACOE if necessary.

Insects. SJM will identify and enter all insect observations for the six noted species into a summary report, submitted as a technical memo, to be used by Sapphos Environmental, Inc. This report will detail the finalized sampling strategy. Summary statistics and a spatially referenced map will accompany the table of finalized results. When available, color photos of the insects will be included. SJM may resurvey the site in November or December of 2011, following the sampling protocol using in the spring, to observe the moth, which is only winter-active. SJM will submit any additional findings to Sapphos Environmental, Inc, for inclusion in the EIR/EIS.

Special-status Species. Sapphos Environmental, Inc. will conduct a literature review that includes past environmental documentation for the Owens Lake PM₁₀ Planning Area to identify special status species, including listed, sensitive, and locally important species with the potential to occur within, and adjacent to, the proposed project site. A query of the CNDDDB will be conducted for the USGS 7.5-minute Dolomite, Cerro Gordo Peak, Owens Lake and Keeler topographic quadrangles in which the proposed project is located, as well as the 11 surrounding 7.5-minute series topographic quadrangles. The results of the CNDDDB query will be further refined through GIS by applying a 5-mile buffer to the proposed project area and excluding all records beyond 5 miles. Sensitive species listed by the BLM will be also be reviewed, as it is BLM policy to provide sensitive species with the same level of protection that is given to federal candidate species.¹⁴ The species identified as having the potential to be present within the proposed project will be revised based on a review of published and unpublished literature, comparing each species' habitat and range to the characteristics present within the proposed project study area.

⁹ California Department of Fish and Game, Wildlife and Habitat Data Analysis Branch. September 2003. *List of California Terrestrial Natural Communities Recognized by the California Natural Diversity Database*. Sacramento, CA: California Department of Fish and Game, Wildlife and Habitat Data Analysis Branch. Available at: http://www.dfg.ca.gov/whdab/html/natural_communities.html

¹⁰ Sawyer, J.O., and T. Keeler-Wolf. 1995. *A Manual of California Vegetation*. Sacramento, CA: California Native Plant Society.

¹¹ Holland, Robert F. 1986. *Preliminary Descriptions of the Terrestrial Natural Communities of California*. Sacramento, CA: California Department of Fish and Game.

¹² Hickman, J.C. (ed.). 1993. *The Jepson Manual: Higher Plants of California*. Berkeley, CA: University of California Press.

¹³ Calflora. No date. Calflora database. Berkeley, CA: Calflora. Available at: <http://www.calflora.org>. This database is continually updated so it is an appropriate source of names for new species not described in *The Jepson Manual*.

¹⁴U.S. Department of the Interior, Bureau of Land Management, Washington, DC. "Special Status Plants." Web site. Accessed in March 2011. Available at: <http://www.blm.gov/ca/st/en/prog/ssp.print.html>

Based on the results of the literature review and concurrent with field efforts in support of plant community mapping, a habitat assessment will be conducted for plant and wildlife species identified as having high potential to occur within the proposed project study area. The results of the plant community mapping and habitat assessment will serve to guide directed surveys for special status species identified as having the potential to be present within the proposed project, including the following species:

Sensitive plant species:

bald daisy *Erigeron (calvus)*
Inyo rock daisy (*Perityle inyoensis*)
Shockley's milk-vetch (*Astragalus serenoii* var. *shockleyi*)

Sensitive wildlife species:

alkali flats tiger beetle (*Cicindela willistoni pseudosenilis*)
alkali skipper (*Pseudocopa eunus*),
Le Conte's thrasher (*Toxostoma lecontei*)
long-legged myotis (*Myotis volans*)
moth (*Tescalsia giulianiata*)
Owens dune weevil (*Trigonoscuta owensii*)
Owens pupfish (*Cyprinodon radiosus*)
Owens Valley tiger beetle (*Cicindela tranquebarica inyo*)
pallid bat (*Antrozous pallidus*)
slender-girdled tiger beetle (*Cicindela tenuicincta*)
spotted bat (*Euderma maculatum*),
Townsend's big-eared bat (*Corynorhinus townsendii*)
western small-footed myotis (*Myotis ciliolabrum*)
Yuma myotis (*Myotis yumanensis*),

The result of the plant community mapping, habitat assessment, insect survey, and special status species surveys will be documented in a Screen Check Biological MFR Report. The Screen Check MFR Report will consist of the executive summary, introduction, methods, results, and recommendations sections. The results of field efforts documented in the Screen Check MFR Report will be summarized in a table listing the ultimate disposition of special status species and will be incorporated into the EIR/EIS. One electronic copy in PDF of the Screen Check MFR Report will be submitted to the District and the BLM for review and comment. Sapphos Environmental, Inc. will respond to one set of compiled comments and prepare one electronic copy in PDF of the Biological MFR Report for submittal to the District and BLM and as an appendix to the EIR/EIS.

Cultural Resources Technical Report

Sapphos Environmental, Inc. will prepare a Cultural Resources Technical Report that will support analysis of cultural resources under CEQA, NEPA, and Section 106 of the NHPA. The Cultural Resources Technical Report will identify cultural resources that may be affected by the proposed project, analyze if these cultural resources may be adversely affected, and provide mitigation and avoidance measures to reduce or avoid impacts to cultural resources. The Cultural Resources Technical Report will address archaeological and historical resources and Native American cultural resources ("historic properties" under Section 106), as well as paleontological resources.

The Cultural Resources Technical Report will present the results of several records searches. Sapphos Environmental, Inc. will contact the San Bernardino County Museum and the Natural History Museum of Los Angeles County to update the existing records search regarding significant fossil localities in the vicinity of the project area and to assess the potential of the underlying geologic units to yield significant paleontological resources. Sapphos Environmental, Inc. will perform a record search at the EIC at the University of California, Riverside, to update information on previous archaeological and historical resources surveys conducted within a 1-mile radius of the proposed project site and determine if any properties have been recorded or designated in the vicinity. Listings in the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, California Points of Historical Interest, and any other relevant designations will also be researched. A records search will also be conducted at the BLM, Bishop Field Office to determine if any additional cultural resource surveys or historic properties are present within a 1-mile radius of the project area. The Native American Heritage Commission will be requested to search its listings of sacred lands within the vicinity of the project site. The results of these records searches will be geo-referenced and mapped.

Upon the completion of the records search, a site visit will be undertaken to assess the current condition of the cultural resources within the proposed project area. Appropriate field authorization will be obtained prior to these visits from the BLM Bishop Field Office. It is assumed that updated site records and additional field survey efforts will not be required, due to the existing documentation of the proposed project area.

Sapphos Environmental, Inc. will characterize the results of the records searches and site visits to determine baseline conditions, assess potential impacts to cultural resources resulting from the proposed project, and make appropriate recommendations to avoid or minimize any potentially adverse impacts. It is assumed that BLM will provide the results of Native American consultation, if appropriate, for inclusion in the report. Additional research related to the ethnographic, prehistoric, and historic background of the area will be performed and will encompass primary and secondary materials including, but not limited to, books, journal articles, and internet sources. Existing information such as previous cultural resources investigations completed by Sapphos Environmental, Inc. in the vicinity of the proposed project site and ethnographic studies will be utilized to the greatest extent possible. The Cultural Resources Technical Report will be organized in two volumes:

Volume I

- Section 1, Introduction, describes the goal of the proposed project and the purpose of the Cultural Resources Technical Report.
- Section 2, Project Description, describes the project location and existing conditions, as well as the project elements and construction scenario.
- Section 3, Regulatory Framework, describes all federal, state, and local regulations that pertain to the development of the proposed project.
- Section 4, Methods, details the methods employed in the characterization of cultural resources present in the proposed project site.
- Section 5, Results, describes the findings of the cultural resources records search, including paleontological resources, archaeological resources, and historical

resources. This section also presents the impact analysis as a result of the implementation of the proposed project and provides mitigation recommendations.

- Section 6, References, lists all the documentation used for the technical report, including journals, books, internet sources, and as-needed consultation with experts.

Volume II

- Archaeological site records
- Resumes of lead archaeologists
- Documentation of Native American consultation
- Locations of archaeological sites and isolates
- Documentation of paleontological record searches

Volume I will incorporate information needed by the public to assess the potential effects of the proposed project on cultural resources. Volume II will include specific archaeological location information, which shall be kept confidential through limited distribution, as required by state and federal law.

Sapphos Environmental, Inc. will provide a Screen Check Cultural Resources Technical Report to the BLM for review. Sapphos Environmental, Inc. anticipates receiving comments and revisions to the Screen Check Cultural Resources Technical Report within four weeks of submittal. Upon authorization from BLM, Sapphos Environmental, Inc. will subsequently submit a Screen Check Cultural Resources Technical Report to the District for review. Sapphos Environmental, Inc. will respond to one round of comments from the BLM and the District and prepare one (1) electronic copy in PDF and one (1) hard copy of the Cultural Resources Technical Report to be transmitted to the BLM and the District. One (1) unbound copy of the Cultural Resources Technical Report and two (2) unbound copies of the appendices, which will include maps and photos pertaining to the survey areas and archaeological site records, will be transmitted to the EIC at University of California, Riverside.

Transportation and Traffic Impact Analysis

The analysis of transportation impacts at the proposed project site will be conducted by Linscott, Law, and Greenspan Engineers (LLG). LLG has been involved with past analyses and evaluations of traffic related impacts on the Owens PM₁₀ Planning Area.

LLG will provide input to the project team in the review of traffic issues associated with the dust control alternatives being considered in an effort to meet the attainment standards for the area (with particular focus on the Keeler area). LLG will coordinate with Sapphos Environmental regarding the transportation elements of study, including trip generation forecasts for potential hauling activities and employee trips, site access, potential impacts on the local roadway system, etc.

EIR/EIS Traffic Analysis

LLG will confirm the project description with the project team, work schedule, and assumptions to be utilized in the traffic analysis. The Inyo County Public Works Department staff will be contacted to discuss the project and analysis criteria, confirm study approach, and identify pertinent traffic issues and concerns associated with the proposed project. The study will include a visit to the

project study area to re-confirm existing conditions with respect to existing conditions, site access, review of proposed haul routes, and areas of any congestion in order to verify our overall understanding of traffic conditions in the area which might affect this project. The site visit will also serve to re-confirm the existing roadway striping, traffic control measures, curbside parking restrictions, adjacent intersection configurations, and other pertinent roadway features.

The analysis will include a research of average daily traffic volume data from the most recent State of California Department of Transportation traffic volume publications for U.S. Highway 395, State Route 136, and State Route 190. It is assumed that no new traffic counts will need to be conducted as part of this analysis.

Trip generation forecasts for up to five alternatives for a typical weekday over a 24-hour period will be evaluated. The trip generation forecasts will be derived from data that includes the following:

- Quantity of gravel, pipe, etc., to be transported from off-site locations to the project site (if associated with a re-vegetation alternative)
- Capacity of the trucks transporting the gravel, pipe, etc., to the site
- Quantity and capacity of trucks associated with any potential export of material (e.g., associated export of the existing Keeler dunes)
- Number of construction employees traveling to and from the construction sites
- Number of employees traveling to the site for project maintenance and operations activities

Based on these data, the daily trip generation forecasts will be generated for up to five project alternatives. These forecasts will be forwarded for review and approval by Inyo County staff prior to finalization.

The technical study will assign the forecast weekday daily trips expected to be generated by the alternatives to the local roadway system based on existing and anticipated inbound and outbound travel patterns to and from the focus study area. As it is anticipated that none of the alternatives would generate a significant number of trips, therefore, it is assumed that detailed intersection level of service analyses will not be necessary. The impacts of the alternatives on the adjacent roadway operations and safety will, therefore, be qualitatively analyzed and discussed.

The technical study will provide recommended mitigation measures which may include intersection improvements, striping modifications, the installation of warning lights or signs, traffic control/limitations at site access points, etc. It is assumed that the recommended mitigation measures can be adequately described within the text of the report. The findings and recommendations of the traffic analysis will be summarized in report format, including appropriate text, graphics, and tabular material.

Sapphos Environmental, Inc. will provide one electronic copy in PDF of the Screen Check Transportation and Traffic Impact Analysis Report to the District and BLM for review. Sapphos Environmental, Inc. anticipates receiving comments and revisions to the Screen Check Transportation and Traffic Impact Analysis Report within two weeks of submittal. Sapphos Environmental, Inc. will respond to one round of compiled comments from the District and the BLM and prepare one (1) electronic copy in PDF and one (1) hard copy of the Transportation and Traffic Impact Analysis Report to be transmitted to the District and BLM.

Work Products

Screen Check

- One (1) hard copy and one (1) electronic copy in PDF of the Screen Check Aesthetics Resources Technical Report, Air Quality Technical Report, Biological Resources Technical Report and Traffic and Transportation Impact Analysis Report and all associated appendices each to be submitted to the District and BLM
- One (1) hard copy and one (1) electronic copy in PDF of the Screen Check Cultural Resources Technical Report and appendices, which will include maps pertaining to the survey areas and archaeological site records, to be submitted to the District and BLM
- One (1) hard copy and one (1) electronic copy in PDF of the Screen Check Cultural Resources Work Plan for submittal to the BLM and the District for review and comment
- One (1) electronic copy of the detailed project schedule in Microsoft Project or other similar program outlining the schedule for all cultural resources tasks involved in the Cultural Resources Work Plan
- One (1) electronic copy in PDF of a preliminary cultural resources map showing previously recorded archaeological and historical resources

Galley Proof

- One (1) hard copy and one (1) electronic copy in PDF of the Galley Proof Aesthetics Resources Technical Report, Air Quality Technical Report, Biological Resources Technical Report and Traffic and Transportation Impact Analysis Report and all associated appendices each to be submitted to the District and BLM
- One (1) hard copy and one (1) electronic copy in PDF of the Galley Proof Cultural Resources Technical Report and appendices, which will include maps pertaining to the survey areas and archaeological site records, to be submitted to the BLM and the District

Final

- One (1) hard copy and one (1) electronic copy in PDF of the Aesthetics Resources Technical Report, Air Quality Technical Report, Biological Resources Technical Report Cultural Resources Technical Report and Traffic and Transportation Impact Analysis Report and all associated appendices each to be submitted to the District and BLM
- One (1) unbound hard copy of Volume I of the Cultural Resources Technical Report and two (2) unbound copies of the Volume II appendices, including maps and photos of the survey areas and archaeological site records, to be submitted to the EIC
- One (1) hard copy and one (1) electronic copy in PDF of the Cultural Resources Work Plan for submittal to the BLM, the District, and appropriate agencies
- One (1) electronic copy of the detailed project schedule in Microsoft Project Schedule or other similar program outlining the schedule for all cultural resources tasks involved in the Work Plan
- One (1) electronic copy in PDF of a final cultural resources map showing previously recorded archaeological and historical resources

ENCLOSURE 2
ESTIMATED COST

This cost estimate has been prepared based on the following assumptions:

- Assumption #1:** Phase 1 consists of the scope of work for fiscal year April 1, 2010, to June 30, 2011. The work efforts identified as Phase 1 have been funded through the authorized reallocation of funds under the existing contract dated May 17, 2010. These authorized tasks are included here for informational purposes.
- Assumption #2:** Phase 2 consists of the scope of work for fiscal year July 1, 2011, to June 30, 2012. Authorization is anticipated on July 1, 2011.
- Assumption #3:** Phase 3 consists of the scope of work for fiscal year July 1, 2012, to June 30, 2013. Authorization is anticipated on July 1, 2012.

PHASE 1: FISCAL YEAR APRIL 1, 2010, TO JUNE 30, 2011

TASK 2	OWENS BIOLOGICAL RESOURCES MITIGATION MONITORING	\$5,743.69
TASK 5	KEELER DUNES SPRING BIOLOGICAL SURVEYS	\$27,849.16
	SUBTOTAL LABOR	\$33,592.85
	SUBTOTAL DIRECT COST	\$1,955.27
	SUBTOTAL OTHER COST	\$2,915.15
	Sharon Martinson Entomology Survey	\$2,915.15
	TOTAL ESTIMATED COST FOR PHASE 1	\$38,463.27

PHASE 2: FISCAL YEAR JULY 1, 2011, TO JUNE 30, 2012

TASK 1	PROJECT INITIATION AND COORDINATION	\$27,728.50
TASK 2	PRELIMINARY CONSTRAINTS ANALYSIS	\$19,091.50
TASK 3	NOTICE OF PREPARATION, NOTICE OF INTENT, PUBLIC SCOPING MEETING, AND TRIBAL CONSULTATION	\$48,020.50
TASK 4	DRAFT EIR/EIS	\$91,439.50
TASK 10	TECHNICAL STUDIES	\$65,937.52
	SUBTOTAL LABOR	\$252,217.52
	SUBTOTAL DIRECT COST	\$21,137.81
	SUBTOTAL OTHER COST	\$21,239.00
	Traffic Report by Linscott, Law & Greenspan, Engineers	\$7,480.00
	Entomology Report by Dr. Sharon Martinson	\$3,036.00
	Information center fee	\$848.00
	Paleontological record search (Natural History Museum of Los Angeles County)	\$875.00
	Paleontological record search (San Bernardino County Museum)	\$1,500.00
	Printing and materials	\$6,000.00
	Newspaper Posting	\$1,500.00
	TOTAL ESTIMATED COST FOR PHASE 2	\$294,594.33

RECOMMENDED CONTINGENCY FOR PHASE 2 (15% of total estimated cost) \$44,189.15

PHASE 3: FISCAL YEAR JULY 1, 2012, TO JUNE 30, 2013

TASK 1	PROJECT COORDINATION	\$12,772.50
TASK 3	CONTINUED TRIBAL CONSULTATION	\$22,872.00
TASK 5	PUBLIC COMMENTS ON THE DRAFT EIR/EIS	\$20,906.75
TASK 6	FINAL EIR/EIS	\$66,512.75
TASK 7	NOTICE OF DETERMINATION AND RECORD OF DECISION	\$9,831.75
TASK 8	FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS	\$18,510.75
TASK 9	MITIGATION MONITORING PROGRAM	\$18,947.00
SUBTOTAL LABOR		\$170,353.50
SUBTOTAL DIRECT COST		\$14,543.16
TOTAL ESTIMATED COST FOR PHASE 3		\$184,896.66
RECOMMENDED CONTINGENCY FOR PHASE 3 (15% of total estimated cost)		\$27,734.50
TOTAL ESTIMATED COST FOR PHASE 2 AND PHASE 3		\$479,490.99
TOTAL ESTIMATED COST FOR PHASE 2 AND PHASE 3 WITH RECOMMENDED CONTINGENCY		\$551,414.64

2009 STANDARD SCHEDULE OF FEES

Sapphos Environmental, Inc.'s schedule of fees reflects a commitment to provide clients with high-quality technical expertise at competitive rates. Compensation will be based on the following schedule of fees and charges:

HOURLY LABOR RATES

Principal	\$245.00	Accounting	
Chief Operations Officer	\$195.00	Senior Accountant	\$75.00
Technical		Lead Accountant	\$65.00
Director	\$195.00	Accountant	\$60.00
Manager	\$170.00	Assistant Accountant	\$55.00
Senior Specialist	\$150.00	Production	
Specialist	\$125.00	Manager	\$100.00
Senior Coordinator	\$110.00	Senior Technical Editor/ Senior Graphic Designer	\$75.00
Coordinator	\$90.00	Technical Editor/ Graphic Designer	\$65.00
Analyst	\$65.00	Assistant Technical Editor/ Assistant Graphic Designer	\$55.00
Intern	\$45.00	Administration and Marketing	
Geographic Information System (GIS)		Manager	\$100.00
Manager	\$105.00	Specialist	\$65.00
Senior GIS Analyst	\$80.00	Associate	\$60.00
GIS Analyst	\$70.00	Assistant	\$55.00
Assistant GIS Analyst	\$60.00	Intern	\$45.00
GIS Intern	\$45.00	Information Technology Analyst	\$90.00

DIRECT EXPENSES

Direct expenses are billed at the amount charged.

1. Out-of-pocket expenses (such as, but not limited to, travel, teleconference, messenger service, lodging, meals, blueprint, reproduction, photographic services, postage, research fees, lease or rental of specialized job specific equipment): cost, as charged to Sapphos Environmental, Inc.
2. Subcontractors fees plus 10-percent management fee.
3. Vehicle mileage: Four-wheel-drive vehicles at \$0.70 per mile; passenger cars at \$0.585 per mile.
4. Photocopy/printing (black and white): \$0.11 per page (8.5" x 11"), \$0.16 per page (8.5" x 14"), or \$0.25 per page (11" x 17").
5. Photocopy/printing (color): \$1.00 per page (8.5" x 11"), \$1.50 per page (8.5" x 14"), or \$2.00 per page (11" x 17").
6. Plotter: \$1.00 per square foot (black and white) or \$ 8.00 per square foot (color)
7. Facsimile: \$1.00 per page. Charge does not apply to materials received via facsimile from client.
8. Technology: global positioning system (GPS) equipment: \$80 per day; sound-level meter kit: \$75 per day; digital projector: \$25 per day; notebook computer: \$10 per day; large-format camera equipment: \$175 per day; infrared camera: \$58 per day; digital camera: \$5 per day; Peterson bat detectors: \$96.00 per day; and Anabat SD1 bat detectors: \$45 per day.
9. Overnight delivery: \$25 flat rate per delivery. This does not include messenger service.

PAYMENT TERMS

Sapphos Environmental, Inc. invoices are due for payment at the time when they are issued to the client. Sapphos Environmental, Inc. allows 30 days from the issue of invoice to resolve client questions and for timely processing and handling. Interest is charged for late payments in accordance with the following schedule:

- 30 days (or any portion thereof) past due: 1.8 percent
- 60 days (or any portion thereof) past due: 3.6 percent
- 90 days (or any portion thereof) past due: 5.4 percent
- 120 days or greater past due: referred to collections. Interest accrues at 1.8 percent for each 30-day period (or portion thereof) that the invoice remains unpaid.

**ENCLOSURE 3
SCHEDULE**

Milestone

Authorization to proceed on Phase 1 work efforts	April 1, 2011
Authorization to proceed on Phase 2 work efforts	July 1, 2011

TASK 1 PROJECT INITIATION AND COORDINATION

Sapphos Environmental, Inc.; Great Basin Unified Air Pollution Control District (District); and Bureau of Land Management (BLM) to participate in project initiation teleconference	July 6, 2011
Sapphos Environmental, Inc. to submit Project Initiation Teleconference Memorandum for the Record (MFR)	July 14, 2011
Sapphos Environmental, Inc. to submit screen check preliminary project description for joint Environmental Impact Report (EIR) / Environmental Impact Statement (EIS) to District and BLM	July 14, 2011
Sapphos Environmental, Inc. to submit screen check table of contents for joint EIR/EIS to District and BLM	July 14, 2011
Sappho Environmental, Inc. to receive comments on the screen check preliminary project description and table of contents from the District and BLM	July 28, 2011
Sapphos Environmental, Inc. to submit preliminary project description and table of contents for joint EIR/EIS to District and BLM	August 4, 2011
Sapphos Environmental, Inc. to submit one electronic copy (in Excel) of the mailing list of potentially interested parties	July 14, 2011
Sapphos Environmental, Inc. to submit community briefing meeting agenda	July 28, 2011
Sapphos Environmental, Inc. to submit Community Briefing MFR	August 15, 2011
Sapphos Environmental, Inc. to submit twenty-four (24) weekly status reports	July 1, 2011–June 30, 2013
Sapphos Environmental, Inc. to submit twenty-four (24) monthly status reports	July 1, 2011–June 30, 2013

TASK 2 PRELIMINARY CONSTRAINTS ANALYSIS

- Sapphos Environmental, Inc. to submit Screen Check Preliminary Constraints Analysis MFR to the District and BLM September 20, 2011
- Sapphos Environmental, Inc. to submit the Preliminary Constraints Analysis MFR to the District and BLM October 11, 2011
- Sapphos Environmental, Inc. to submit GIS data and maps as requested To Be Determined

TASK 3 NOTICE OF INTENT AND NOTICE OF PREPARATION

- Sapphos Environmental, Inc. to submit one (1) electronic copy of the Screen Check Notice of Preparation (NOP) and Notice of Intent (NOI) in Word format for submittal to the District and BLM August 5, 2011
- Sapphos Environmental, Inc. to receive comments on the Screen Check NOP and NOI from the District and BLM August 19, 2011
- Sapphos Environmental, Inc. to submit revised NOI and NOP to the District and BLM August 25, 2011
- Sapphos Environmental, Inc. to submit Up to two hundred (200) copies of the NOP and NOI for distribution to recipients indicated by the District and BLM August 29, 2011
- Initiation of 30-day public scoping period: submittal of the NOP to Governor's Office of Planning and Research, Inyo County Clerk, responsible and trustee agencies, and the public August 30, 2011
- Sapphos Environmental, Inc. to facilitate two scoping meetings in Lone Pine and Independence, California September 15, 2011
- Sapphos Environmental, Inc. to submit two (2) screen check scoping meeting MFRs to BLM and District September 30, 2011
- Sapphos Environmental, Inc. to receive comments from the District and BLM on the screen check scoping meeting MFRs October 7, 2011
- Sapphos Environmental, Inc. to address comments on screen check scoping meeting MFRs and submit to the District October 18, 2011
- Sapphos Environmental, Inc. to scan all public comments received for the Administrative Record October 15, 2011
- Sapphos Environmental, Inc. to conduct sixteen (16) tribal consultation meetings with the Native American Heritage Commission, District, BLM, and other representatives August 1, 2011– June 30, 2012

Sapphos Environmental, Inc. to submit up to sixteen (16) tribal
consultation meeting MFRs to District and BLM July 2, 2011– June 30, 2012

TASK 4 DRAFT EIR/EIS

Sapphos Environmental, Inc. to receive final project description from
the District January 27, 2012

Sapphos Environmental, Inc. to submit Screen Check Draft EIR/EIS and
Screen Check Notice of Completion (NOC) and Notice of
Availability (NOA) to the District and BLM for review May 11, 2012

Sapphos Environmental, Inc. to receive comments from the District and
BLM on the Screen Check Draft EIR/EIS, NOC, and NOA June 1, 2012

Sapphos Environmental, Inc. to submit revised Draft EIR/EIS, NOC, and
NOA to the District and BLM June 18, 2012

Sapphos Environmental, Inc. to host galley proof of Draft EIR/NOC
and Draft EIS/NOA June 26, 2012

Sapphos Environmental, Inc. to submit Draft EIR/NOC and
Draft EIS/NOA for public distribution June 29, 2012

TASK 5 DRAFT EIR/EIS FOR PUBLIC REVIEW

45-day public review period of Draft EIR/EIS initiated July 2, 2012

Public review period of Draft EIR/EIS closes August 15, 2012

Sapphos Environmental, Inc. to receive compiled comments
submitted during public review period from District and BLM September 17, 2012

TASK 6 FINAL EIR/EIS

Sapphos Environmental, Inc. to respond to comments submitted during
public review period from the District and BLM October 9, 2012

Sapphos Environmental, Inc. to submit Screen Check Final EIR/EIS
to the District and BLM October 25, 2012

Sapphos Environmental, Inc. to receive comments from the District
and BLM on Screen Check Final EIR/EIS November 15, 2012

Sapphos Environmental, Inc. to submit revised
Screen Check Final EIR/EIS December 5, 2012

Sapphos Environmental, Inc. to host galley proof on Final EIR/EIS December 17, 2012

Sapphos Environmental, Inc. to submit Final EIR/EIS to the District
and BLM December 21, 2012

Final Appeal Period January 2–February 15, 2013

District Governing Board meeting March 2012

TASK 7 NOTICE OF DETERMINATION AND RECORD OF DECISION

Sapphos Environmental, Inc. to submit Screen Check
Notice of Determination (NOD) and Record of Decision (ROD)
to District and BLM February 7, 2013

Sapphos Environmental Inc. to receive comments from
District and BLM on Screen Check NOD and ROD February 21, 2013

Sapphos Environmental Inc. to respond to comments from
District and BLM on Screen Check NOD and ROD February 28, 2013

Sapphos Environmental Inc. to submit NOD and ROD
to District and BLM March 1, 2013

TASK 8 FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Sapphos Environmental, Inc. to submit Screen Check Findings of Fact (FOF)
and Statement of Overriding Considerations (SOC) to
District and BLM February 7, 2013

Sapphos Environmental, Inc. to receive comments from the District on
Screen Check FOF/SOC February 21, 2013

Sapphos Environmental, Inc. to respond to comments from District and
BLM on FOF/SOC February 28, 2013

Sapphos Environmental, Inc. to submit FOF/SOC to District and BLM March 1, 2013

TASK 9 MITIGATION MONITORING PROGRAM

Sapphos Environmental, Inc. to submit Screen Check
Mitigation Monitoring Program (MMP) to the District and BLM February 7, 2013

Sapphos Environmental, Inc. to receive comments from the District on
Screen Check MMP February 21, 2013

Sapphos Environmental, Inc. to respond to comments from District
and BLM on Screen Check MMP February 28, 2013

Sapphos Environmental, Inc. to submit MMP to District and BLM March 1, 2013

TASK 10 TECHNICAL STUDIES

- Sapphos Environmental, Inc. to submit screen check technical reports to the District and BLM for review and comment February 15–March 15, 2012
- Sapphos Environmental, Inc. to receive comments from the District on the screen check technical reports February 28–April 1, 2012
- Sapphos Environmental, Inc. to host galley proof on technical reports April 19, 2012
- Sapphos Environmental, Inc. to submit technical reports to the District and BLM May 3, 2012

ATTACHMENT E

Theodore D. Schade
Air Pollution Control Officer



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT
157 Short Street, Bishop, California 93514-3537
760-872-8211 Fax: 760-872-6109

FILED

OCT 26 2011

INYO CO. CLERK
KAMMI FOOTE, CLERK

BY  DEPUTY

Notice of Preparation

TO: Kammi Foote
Inyo County Clerk
168 North Edwards Street
Independence, California 93526

FROM: Great Basin Unified Air
Pollution Control District
157 Short Street
Bishop, California 93514-3537

Subject: **Notice of Preparation of a Draft Environmental Impact Report for the Keeler Dunes Particulate Matter Air Pollution (PM₁₀) Non-attainment Area Project (Proposed Project)**

The Great Basin Unified Air Pollution Control District (District), in coordination with the U.S. Department of Interior Bureau of Land Management (BLM) Bishop Field Office, intends to prepare an Environmental Impact Report (EIR) for the development of strategies to mitigate windblown dust that is contributing to the non-attainment of the National Ambient Air Quality Standards for the PM₁₀ air pollutant in the Keeler Dunes (proposed project site) near the community of Keeler, Inyo County, California. The District and the BLM will be the lead agencies responsible for coordinating the environmental analysis pursuant to the California Environmental Quality Act and the National Environmental Policy Act (NEPA), respectively. The U.S. Environmental Protection Agency will be a cooperating federal agency. A separate Notice of Intent will be prepared for the environmental analysis under NEPA.

The District is seeking input from regulatory agencies and other interested parties regarding the scope and intent of the information to be included in the EIR. Scoping has been helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating detailed studies of issues not found to be significant. Responsible and trustee agencies will need to use the EIR when considering permits or related approvals for the proposed project.

The proposed project site is located northwest of Keeler, on lands administered by the BLM and the City of Los Angeles Department of Water and Power, and is approximately 1.0 square mile in size. The proposed project site is bounded approximately by California State Route 136 on the east-northeast and the dry Owens Lake bed shoreline on the west-southwest, and extends approximately 2.5 miles to the northwest from Keeler.

The District's goal is to use dust mitigation measures that stabilize the sand dunes and have a low impact to natural resources within the Keeler Dunes. Dust-control efforts may include a variety of measures, such as establishment and management of native vegetation, wind breaks, and barriers; spraying of the sand with water or other dust-suppressing substances; and placement of gravel with or without an underlying geotextile fabric in selected areas.

Due to the time limit mandated by State law, responses must be submitted no later than 5:00 p.m. on Friday, November 25, 2011. Please send letters of comment (including the name of the designated contact person for your agency) on the Notice of Preparation to the following address:

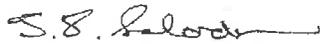
Great Basin Unified Air Pollution Control District
Attn: Mr. Theodore D. Schade
157 Short Street, Suite 6
Bishop, California 93514-3537

Comments can also be submitted electronically at: keelerdunesproject@gmail.com

Agencies and organizations should identify a point of contact for future coordination.

Scoping meetings: On Monday, November 14, 2011, the District and BLM will host two scoping meetings to review the various project elements and solicit information in relation to CEQA analysis for the proposed project. Both meetings will take place at the Board of Supervisors Chamber of the Inyo County Administrative Center, located at 168 North Edwards Street, Independence, California 93526. The public agency meeting will be from 2:00 p.m. to 4:00 p.m. and the general public meeting will be from 6:00 p.m. to 8:00 p.m.

Signature:


Mr. Theodore D. Schade

Telephone: _____ (760) 872-8211

Title: _____ Air Pollution Control Officer

Date: _____ October 25, 2011

11-00043