Appendix A
NOP, Initial Study and Scoping Comments

ESA

Overview of NOP COMMENTS

Pursuant to CEQA Guidelines Section 15088.5, Inyo County initiated a public participation process for the project inclusive of the public circulation of a Notice of Preparation (NOP) to inform the public that the County is preparing an Environmental Impact Report (EIR) for the project, and to solicit input regarding the scope and content of the environmental information to be included in the EIR.

A newspaper ad summarizing important contents and dates associated with the NOP and public scoping meeting was published in the Inyo County Register. The NOP was distributed with a public review period beginning on May 24, 2018, and running through June 25, 2018. The County posted the NOP to its web-site along with information regarding procedures for providing comments.

A public scoping meeting was held on June 11, 2018 at 6:00 p.m. at Statham Hall, 138 N. Jackson St., Lone Pine, CA 93545. A presentation was provided that summarized the project and provided information regarding the environmental review process. Public comments were provided at the scoping meeting orally. Table 1, Summary of Scoping Meeting Comments, provides an overview of the comments received at the meeting. The table does not reflect the discussions that took place but simply summarizes the comments received.

In addition, four (4) comment letters were received from: California Department of Transportation (District 9), California Department of Fish and Wildlife, California Regional Water Quality Control Board (Lahontan Region), and Lone Pine Paiute-Shoshone Reservation. The comment letters are included in this appendix. The comments in the letters generally addressed:

- Construction of improvements should be outside of State right-of-way
- Need for an encroachment permit if work is to be conducted in the right-of-way
- Biological resources should be inventoried/surveyed to determine impacts
- Assess impacts on drainage and water quality
- Evaluate potential indirect impacts to biological resources
- Evaluate potential cumulative impacts
- Use of local onsite propagules from project area for restoration
- Hydromodification (alteration of the natural flow of water through a landscape) should be mitigated
- Provide protection of rich and robust culture
- Support for opportunities for traditional practices and healthy family recreation

TABLE 1
OWENS RIVER WATER TRAIL SUMMARY OF SCOPING MEETING COMMENTS

Commenter	Comment Summary
April Zrelak, Paiute-Shoshone Tribe	Asked if the project could increase the instances where people camp down along the river, which is currently not permitted. Suggested including signage where permitted camp grounds are located nearby and that the ORWT is open daytime hours only.
	Stated support for the project as it could increase economic activity in the area due to companies renting watercrafts, providing shuttle services, etc.
	Asked how maintenance for the proposed project would be funded/ would the County's Department of Parks and Recreation include the project in its annual budget.
	Stated that the Tribes support this project and want to be included in the project/process. Concerned that the project could bring more people to the area to pothunt and suggested the use of educational signage on the indigenous cultural and history of the area as well as stating that it is a federal offense to remove cultural artifacts. Another suggestion was to include tribal monitoring of the area or to establish a tribal presence.
David Livingston, Los Angeles Department of Water and Power	Asked how the County would implement long-term maintenance and asked if herbicides would be used as keeping the vegetation/tules back is a large hurdle to get over. Suggested looking at the LORP 2012 or 2013 Annual Reports for LADWP's use of herbicides and experimental weed control practices.
	Asked if the project includes dredging.
Gayle J. Rosander, California Department of Transportation (District 9)	Stated that all project related improvements shall be constructed outside of State Right-of-Way (R/W).
	Stated that an encroachment permit will be required for placement and maintenance for any guide signage in State R/W as well as for driveway access to the “water exit” area from SR 136. Additionally, stated that access shall be brought up to current Caltrans road connection standards.
Gabe Fogarty – Rancher on adjacent land (represented by Larry Freilich)	Concerned about grazing cattle near river during construction due to potential damage to the grass, construction noise, and need for the installation of cattle guards near the launch and exit points. Stressed that the quality of the grass around the river needs to be maintained.
	Concerned about the project changing the morphology of the river.
	Stated that if spoils are left onsite to decompose, then mitigation measures may be required for the resulting presence of salt grass.
Francis Padenu (represented by Larry Freilich)	Concerned about the project changing the morphology of the river and affecting current fishing holes.

OWENS RIVER WATER TRAIL PROJECT
INITIAL STUDY

Prepared for
Inyo County Water Department

Revised July 2018

ESA

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TABLE OF CONTENTS

Owens River Water Trail Project

List of Figures

ENVIRONMENTAL CHECKLIST

Initial Study

Project Title:	Owens River Water Trail Project (ORWT)
Lead Agency:	County of Inyo, Water Department 135 S. Jackson Street Independence, CA 93526
Contact Person and Phone Number:	Larry Freilich Mitigation Manager County of Inyo, Water Department (760) 878-0001

Project Location: The Owens River Water Trail Project (ORWT or proposed project) would extend along approximately 6.3 river-miles of the Lower Owens River in the Eastern Sierra, just east of Lone Pine, California, as shown in Figure 1. The proposed project would encompass the stretch of river between Lone Pine Narrow Gauge Road and Highway 136, as shown in Figure 2.

Existing Setting and Surrounding Land Uses: The project area, defined by the perimeter of the floodplain from Lone Pine Narrow Gauge Road south to Highway 136, is largely a natural setting and is owned by the Los Angeles Department of Water and Power (LADWP). The floodplain varies in width from 0.12 to 0.33 miles. Dominant floodplain vegetation includes salt-grass meadow and tree and shrub willow woodland. A number of informal roads parallel the river on sandy chalky bluffs, where a few dirt roads enter the floodplain from the bluff. In 2013, a large fire sweep through about 50 percent of this floodplain.

The project area has a land use designation of Natural Resources (NR) land use in the Inyo County Draft General Plan Update and is zoned as Open Space – Recreational (OS-R) in the Inyo County Draft Zoning Code.[1] Surrounding land uses include cattle grazing, electric transmission utility corridor, a wastewater treatment facility, and a County waste disposal facility.

1 Inyo County, 2013. Draft Zoning Code and General Plan Update. May. Available at: http://inyoplanning.org/projects/GPandZoningUpdates.htm

1.0 Project Description

The Water Department of Inyo County (County) is proposing to construct the Owens River Water Trail (ORWT) to allow recreational access for non-motorized watercrafts to an approximately 6.3-mile segment of the newly rewatered, 62-mile Lower Owens River. The aim of the proposed project is to develop facilities for recreational users to enter and exit the river safely in two designated locations and to allow unimpeded navigation for non-motorized watercraft, such as kayaks, standup paddle boards, and canoes.[2] In addition to providing recreational access, the proposed project is expected to provide instream and riparian habitat benefits and improve water quality. Specifically, the project's objectives are to provide all-abilities access to the ORWT, provide recreational and education opportunities, and remain consistent with, or to help attain, the habitat, environmental, and recreational goals of the Lower Owens River Project (LORP), of which the Lower Owens River is the central component.

The proposed project would be a first-of-its-kind designated water trail in the western United States and would expand recreational opportunities in the Eastern Sierra, and specifically the Owens Valley. The Lower Owens River, a highly-controlled, gentle stretch of river is ideal for safe paddling.

Project Background

Since 1913, approximately 62 miles of the Owens River and Owens River Delta have been a mostly dry water course due to diversion of river flow by the City of Los Angeles into the Los Angeles Aqueduct. Prior to diversion, the City of Los Angeles' Hydrographers recorded flow in the river of 425 cubic feet-second (cfs) on average, with peak flows at well over 3,000 cfs. In December 2006, the City of Los Angeles and Inyo County jointly initiated the Lower Owens River Project (LORP), which reestablished a perpetual regulated flow down the dry channel. The LORP guarantees a minimum flow of 40 cfs with additional springtime water releases indexed to forecasted snowmelt runoff. In years when runoff from snow melt is predicted to be normal or higher, a 200 cfs flushing flow is sent down the river in the late spring.

The County of Inyo, in coordination with the LADWP, prepared the Draft Recreation Use Plan for the Lower Owens River. While the County has not formally adopted this plan, it serves as an advisory document for recreational activities along this segment of the Owens River. Based on community input, the Draft Recreation Use Plan identified boating as the number one recreational activity that residents would like to participate in along the Lower Owens River. The ORWT would create new recreational opportunities for local residents and visitors, consistent with the Draft Recreational Use Plan.

The LORP involves four primary restoration efforts: (1) releasing water to the Lower Owens River to enhance native and game fisheries and riparian habitats along 62 miles of the river; (2) providing water to the Owens River Delta to maintain and enhance various wetland and aquatic

[2] It is not expected that users would enter or exit the river at other locations due to tule obstructions, prickly salt grass, and abundant insects.

habitats; (3) enhancing a 1,500-acre off-river area with seasonal flooding and land management to benefit wetlands and waterfowl; and (4) maintaining several off-river lakes and ponds.

The overall goal of the LORP, as stated in the MOU, is as follows:

"The goal of the LORP is the establishment of a healthy, functioning Lower Owens River riverine-riparian ecosystem, and the establishment of healthy functioning ecosystems in the other elements of the LORP, for the benefit of biodiversity and threatened and endangered species, while providing for the continuation of sustainable uses including recreation, livestock grazing, agriculture, and other activities."

The LORP Recreation Plan is intended to focus recreation planning and improvements for the Lower Owens River in a way that both showcases and protects the area's greatest natural and cultural assets. The Recreation Plan establishes the following five goals:

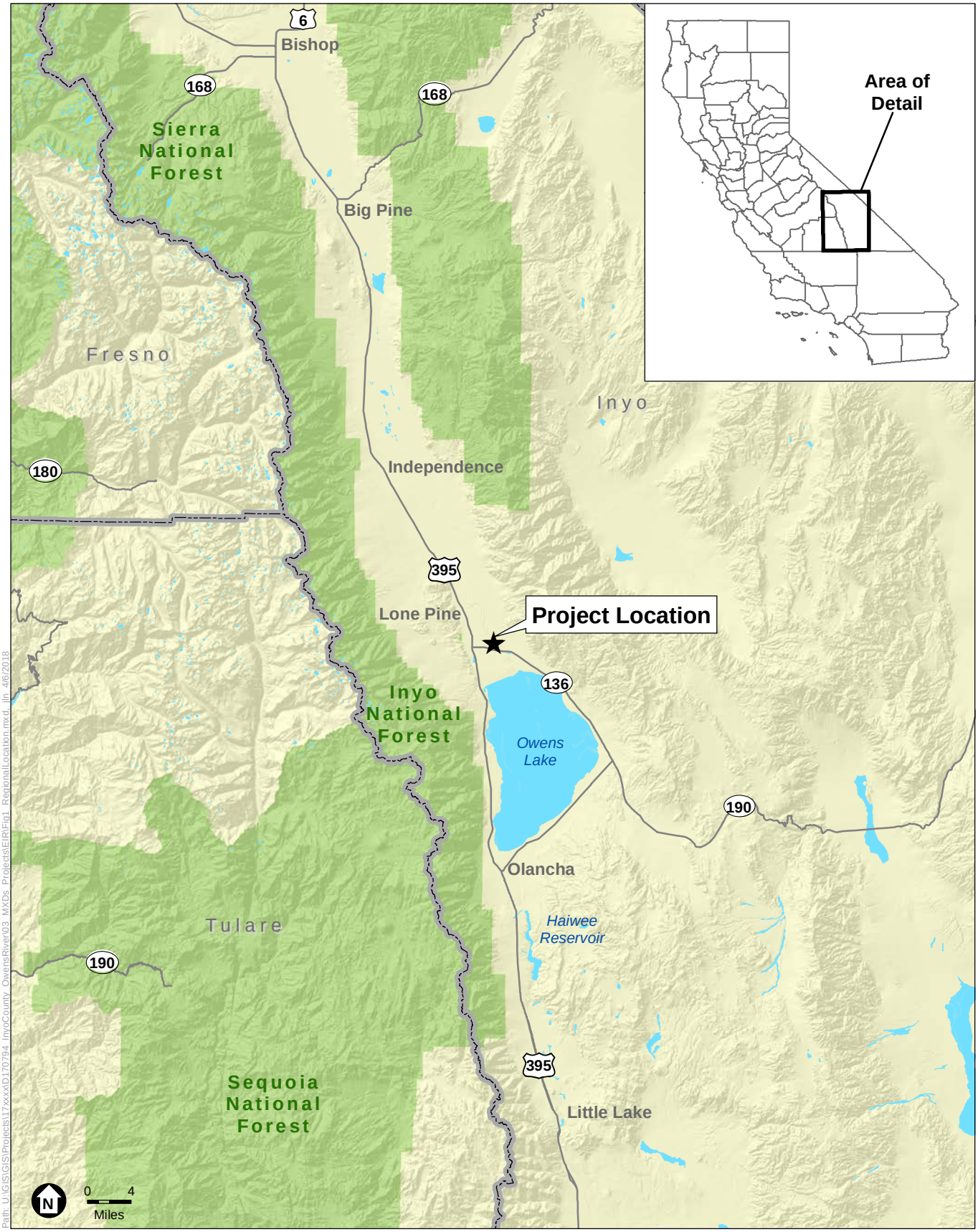
1. Strengthen the area's nature-based tourist economy

2. Create opportunities for low-impact exploration and wildlife observation

3. Design a system to improve area access and wayfinding

4. Improve river and lake access for fishing, canoeing and kayaking

5. Inspire cultural and environmental education, learning, and stewardship



SOURCE: ESRI

Owens River Water Trail

Figure 1
Regional Location

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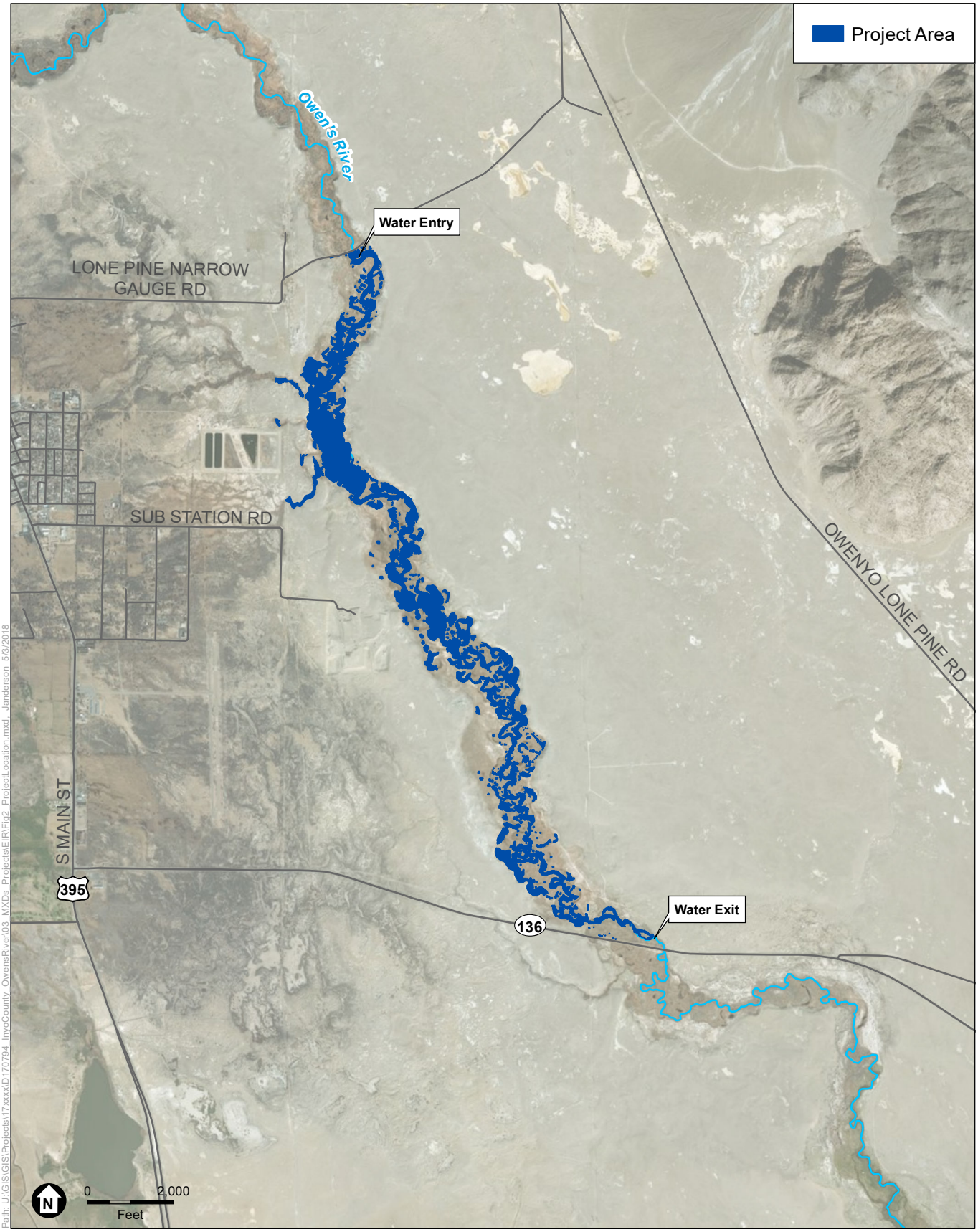

SOURCE: ESRI

Owens River Water Trail

Figure 2
Project Location

ESA

Project Description

The proposed project would provide recreational access to an approximately 6.3-mile section of the newly rewatered, 62-mile Lower Owens River (**Figure 1**). The aim of the proposed project is to develop facilities for recreational users to enter and exit the river safety in the designated locations and to allow unimpeded navigation for non-motorized watercraft, such as kayaks, standup paddle boards, and canoes. Specifically, the project's objectives are to provide all-abilities access to the ORWT, provide recreational and education opportunities, and remain consistent with, or to help attain, the habitat, environmental, and recreational goals of the LORP, of which the Lower Owens River is the central component.

The proposed project would be a first-of-its-kind designated water trail in the western United States and would expand recreational opportunities in the Eastern Sierra, and specifically the Owens Valley. The Lower Owens River, a highly-controlled, gentle stretch of river is ideal for safe paddling.

Although a moderately wide channel, sections of the ORWT river route are obstructed by tules and woody debris (for example, fallen tree limbs, branches, trunks, etc.) making sections of the route non-navigable. Some areas of the channel contain multiple flow paths with indistinct and discontinuous channels and are blocked or bridged by tules and sometimes reinforced with large woody material.[3] In order to establish the ORWT for non-motorized watercraft, the proposed project would remove these river occlusions by manual and machine methods. While the proposed project would require clearing activities, the project would keep the river channel in its natural form as much as possible and would only remove the minimum amount of vegetation required to allow for the passage of watercrafts.

Construction activities would utilize manual and mechanical methods to remove vegetation and woody debris to open up approximately 2.5 to 2.75 miles of blocked river channel. Existing roadways would be used to access the river. Manual clearing would be accomplished from the water by workers equipped with saws, sickles, rakes, and winches. Mechanical construction activities using an all-terrain excavator and an all-terrain truck would occur from the shore of the channel and/or would be water based using an Aquamog or similar vessel and a waste barge. Emergent vegetation would be cut at the basal bud, or the entire rhizome would be pulled from the bottom. Tule islands, which are obstructions 30 feet or less in length, would be removed. Large woody debris that is submerged and is a hazard to navigation would be moved from the channel and secured into emergent vegetation to provide habitat for invertebrates and to create fish cover. Small woody debris would also be secured in emergent vegetation. Dredged vegetation would be pulverized and spread in the floodplain above the floodline, or distributed at the floodplain/terrace boundary, or stockpiled, dried and removed from the floodplain, possibly trucked to a nearby landfill to be used as cap material. Construction equipment would be stored out of the floodplain in accordance with standard industry best management practices. Overall, these river improvements would be as minimally intensive as feasible to continue to maintain the

[3] The descriptions are taken from the Northwest Hydraulics river model.

existing natural landscape. Construction related impacts to the river-riparian habitat are expected to be short-term.

In addition to clearing the river channel, the proposed project would improve access to the river by constructing a boat launch and boat take-out facility along the river bank (**Figure 2**). The launch and take-out improvements would allow safe access to the ORWT for people of all abilities, including the disabled. The launch point would be located just downriver from the Lone Pine Narrow Gauge Road. A graded, all-weather driveway and turnaround would be constructed to allow access to the river and form a turnaround loop with a radius large enough for a vehicle with a kayak/canoe trailer to navigate. Nearest the river, a staging pad would allow all-abilities loading and unloading of watercraft. A river inlet would be designed to provide a still-launch. A gently sloping launch pad would allow all-abilities entry at water surface elevations corresponding to flows from 40 cfs to 200 cfs. Parking at the launch would be available along the Lone Pine Narrow Gauge Road right-of-way. To support the boat launch, a prefabricated vault toilet, wildlife-resistant trash cans, and weather resistant interpretive signage at the river launch would be installed. Water safety information, rules, emergency contacts and interpretative information would also be provided. Fencing would be installed to exclude cattle from the launch facilities.

Approximately 6.3 river miles downstream of the launch, the water take-out would be constructed in a largely disturbed area just west of the Owens River Bridge (No. 48-0002) abutment. A turnaround loop would be graded, and a natural surface or all-weather road would be installed depending on final site design. A staging pad would be constructed by expanding the road to the river launch. A bay inlet would be constructed to allow a still-water river take-out. A ramp similar to the launch will be constructed to allow an all-abilities water take-out at flows ranging from 20 cfs to 200 cfs. The water take-out point would be constructed in disturbed areas to allow vehicle access for recreational users to retrieve boats and equipment at the end of the trail. Similar to the launch point location, public amenities would be installed for recreational users of the ORWT. Small parking areas with gravel surfaces would be constructed a short distance away along the main access road. Pedestrian paths between parking and staging areas and the launch and water take-out structures would also be constructed. As with the launch point, cattle exclusion fencing would be installed.

Once construction of the ORWT has been completed, ongoing maintenance activities are anticipated to maintain the integrity of the river channel as well as the launch and take-out facilities. Manual work, as described above, and/or mechanical clearing activities using specialized watercraft such as a Truxor 5000 would be implemented on an as-needed basis to remove emergent vegetation from the channel in order to maintain an open channel and allow passage of recreational watercraft. Operation of the proposed project is anticipated to occur a minimum of 20 years post-construction. Operation of the proposed project would commence in the summer of 2021.

In general, recreation demand is high in the Eastern Sierra and the Eastern Sierra InterAgency Visitor Center, which is located approximately 2.5 miles from the ORWT, accommodates upward of 300,000 visitors each year. However, estimating future recreation demand for the ORWT is a

complex task. Based on input from people in the tourism industry and research on recreational demand, Inyo County estimates that over time annual launches could reach approximately 4,400 launches, including private parties as well as concessionaires.[4,5] The estimate takes into account the fact that the ORWT would be available and predictable year-round since the river flows at a minimum 40 cfs year-round even in the middle of a drought, and the flow generally does not rise to more than 110 cfs in this section of river. In addition, the river is open to fishing and boating year-round.

Project Construction

Project construction is anticipated to begin in the December 2019. Manual construction equipment would consist of hand tools including saws, sickles, rakes, rope, and winches. Some manual construction occurred during the summer of 2013 and 2016 and some manual construction will occur in 2018. Mechanical construction equipment may include a tracked or low-ground pressure wheeled all-terrain excavator and an all-terrain truck used at the shore of the channel as well as water equipment such as an Aquamog or similar in-channel construction vessel and a waste barge.

2.0 Required Permits and Approvals

The approved environmental documentation for the proposed project would be used to facilitate compliance with federal and state laws, as well as granting permits by various state and local agencies having jurisdiction over one or more aspects of the project. These approvals and permits may include, but are not limited to, the following:

- Los Angeles Department of Water and Power: Site access agreement
- California Department of Fish and Wildlife: Streambed Alteration Agreement
- Lahontan Regional Water Quality Control Board: Waste Discharge Requirements
- State Water Resources Control Board: Clean Water Act Section 401 Water Quality Certification
- U. S. Army Corps of Engineers: Clean Water Act Section 404 Permit

[4] Inyo County staff conferred with: Inyo National Forest Recreation Officer, Shane Hoskins; Sierra Nevada Conservancy's Eastern California Representative Danna Stroud; Inyo County's Park Manager, Steve Graves; Lone Pine Chamber of Commerce's, Kathleen New; and Eastern Sierra InterAgency Visitor Center Director, Matt Helt. In addition, documents used included: 2016 Outdoor Recreation Participation Topline Report, developed by the Outdoor Foundation; 2016 California Travel Impacts by County, sponsored by Visit California; Bureau of Reclamation's publication, "Estimating Future Recreation Demand: A decision Guide for the Practitioner."

[5] A single concessionaire with a six-place kayak/canoe trailer can provide up to three daily departures on the weekend and two departures on weekdays during the high season, April through September, potentially serving 2,600 users.

3.0 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☒ Aesthetics	☐ Agriculture and Forestry Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Geology/Soils
☒ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials	☒ Hydrology/Water Quality
☒ Land Use/Planning	☐ Mineral Resources	☐ Noise
☐ Population/Housing	☒ Public Services	☒ Recreation
☐ Transportation/Traffic	☒ Tribal Cultural Resources	☐ Utilities/Service Systems
		☒ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial study:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☒ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature _____ Date _____

4.0 Checklist and Analysis

The following Environmental Checklist and discussion of potential environmental effects were completed in accordance with Sections 15060 to 15065 of the CEQA Guidelines and the revised Initial Study checklist, to determine whether the proposed project may have a significant environmental effect. The degree of impact for each discussion topic is noted based upon the following definitions:

Potentially Significant Impact: An impact which could be significant and for which no mitigation has been incorporated. Such an impact would require the preparation of an Environmental Impact Report.

Less Than Significant with Mitigation Incorporated: An impact which requires mitigation to reduce the impact to a less than significant level. For such impacts, proposed mitigation measures are identified within this Initial Study.

Less Than Significant Impact: An impact which is considered less than significant under the standards of CEQA.

No Impact: An issue for which the proposed project would have no impact.

5.0 Evaluation of Environmental Impacts

		Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
I.	**AESTHETICS — Would the project:**				
a)	Have a substantial adverse effect on a scenic vista?	☒	☐	☐	☐
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☒	☐	☐	☐
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	☒	☐	☐	☐
d)	Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	☐	☐	☒	☐

a - c) **Potentially Significant Impact.** The proposed project would involve removing vegetation within the river channel to allow for the passage of non-motorized watercraft. The project would also develop low-lying structures for the launch and take-out facilities in an undeveloped, natural setting with few surrounding structures. Construction of the proposed project would require the use of land- and water-based construction equipment, which could result in a temporary impact to surrounding scenic vistas. While the project facilities are not expected to be visible from scenic roadways or result in damage to scenic resources and the project would allow recreational users access to the surrounding scenic resources. Therefore, the project could potentially degrade the existing visual character or quality of the area and could have a potentially significant effect on a scenic vista and/or scenic resources. Therefore, this issue will be evaluated in an EIR.

d) **Less Than Significant Impact.** The proposed project would remove vegetation from the Owens River to allow for the passage of watercraft, which could create more reflective surface area resulting in glare. However, the amount of area would be small relative to the surrounding area and no sensitive receptors are located nearby. In addition, no lighting would be provided at the water launch and take-out facilities since the land on which these facilities would be located is owned by LADWP and is open for day-use only. Therefore, the project would result in a less than significant impact with regard to light and glare. No further analysis is necessary.

		Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
II.	**AGRICULTURAL AND FOREST RESOURCES —** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. **Would the project:**				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☒	☐
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

a) **Less Than Significant Impact.** The proposed project area is designated as "Not Mapped" in the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Natural Resources Agency (FMMP) and the project will not convert an agriculture use to a non-agriculture use. Therefore, the proposed project would not result in conversion of prime farmland, unique farmland, or farmland of statewide importance to non-agricultural uses and the project would result in less than significant impacts to agricultural resources. No further analysis of this issue in an EIR is required.

b) **No Impact.** As described above in a), the proposed project area is not mapped by the FMMP. Additionally, the proposed project area is located within a larger geographic area designated as Natural Resource (NR) in the Inyo County Draft General Plan Land Use Element and is zoned Open Space-Recreational (OS-R). Neither the OS-R zoning nor the NR County designation includes exclusive agricultural land use requirements, and do not list existing Williamson Act contracts in the proposed project area. Therefore, the proposed project is consistent with land use designations and would have no impacts associated with agricultural use and Williamson Act contracts. Further analysis of this issue in an EIR is not required.

c - d) **No Impact.** The project area, defined by the perimeter of the floodplain from Lone Pine Narrow Gauge Road south to Highway 136, is largely a natural setting consisting of floodplain vegetation, including salt-grass meadow and tree and shrub willow woodland. The project area does not include designated forest land or timberland. In addition, as indicated above in a – b), the project area is designated NR and zoned OS-R, which do not support forest lands or timberlands.[1] Therefore, the project will have no conflict with existing zoning for forest land, timberland, or timberland-zoned Timberland Production and further analysis of this issue in an EIR is not required.

e) **No Impact.** The project area is largely a natural setting with the dominant vegetation being salt-grass meadow and tree and shrub willow woodland. The surrounding land uses include cattle grazing, electric transmission utility corridor, a wastewater treatment facility, and a county waste disposal facility. Because the project area is confined to the perimeter of the floodplain, there will be no conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use. The existing grazing activities on lands within the floodplain adjacent to the river would continue to occur after implementation of the proposed project. Additional discussion of impacts to grazing activities within the project area is discussed below under **X. Land Use and Land Use Planning.** Therefore, the project would result in no impact and no further analysis is necessary.

		Potentially Significant Impact	***Less Than Significant with Mitigation Incorporated***	***Less Than Significant Impact***	***No Impact***
III.	**AIR QUALITY —** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **Would the project:**				
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☒	☐	☐	☐
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☒	☐	☐	☐
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☒	☐	☐	☐
d)	Expose sensitive receptors to substantial pollutant concentrations?	☒	☐	☐	☐
e)	Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

a) **Potentially Significant Impact.** The proposed project is within the jurisdiction of the Great Basin Unified Air Pollution Control District (GBUAPCD) and is located within the GBUAPCD's Owens Valley PM_{10} Planning Area (OVPA) and approximately 0.9 miles

from the closest sensitive receptor.[6] In order to obtain permits from GBUAPCD, the proposed project needs to be consistent with the air quality standards outlined in the 2016 OVPA State Implementation Plan (SIP) and the 2014 Stipulated Judgment between the GBUAPCD and the City of Los Angeles.[6] Pollutant emissions resulting from construction and operation of the proposed project would have the potential to affect implementation of the SIP or conflict with the Stipulated Judgment. Therefore, this issue will be analyzed further in an EIR.

b - d) **Potentially Significant Impact.** Several schools and residences are located within two miles of the proposed project site, with the closest receptor located approximately 0.9 miles from the site. Operation of equipment during project construction and maintenance would result in diesel exhaust emissions and dust that could temporarily contribute to exceedances of air quality standards and potentially contribute to exposure of sensitive receptors to substantial pollutant concentrations. Therefore, these issues will be analyzed in an EIR.

e) **Less Than Significant Impact.** The proposed project would use land- and water-based hand and mechanical construction equipment for vegetation removal and construction of low lying launch/take-out structures, which could have the potential to cause objectionable odors associated with diesel exhaust in the vicinity of the project site. However, any odors would be temporary in nature and confined to the floodplain between Highway 136 and Lone Pine Narrow Gauge Road, where passing receptors would experience odors momentarily. In addition, odors during construction and operation would not be sufficient to affect a substantial number of people or result in a nuisance. Because of the temporary nature of the emissions and the highly diffusive properties of exhaust, odors associated with project would be less than significant. The proposed project would result in less than significant odor impacts and further analysis of this issue in an EIR is not required.

		Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
IV.	**BIOLOGICAL RESOURCES — Would the project:**				
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☒	☐	☐	☐
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☒	☐	☐	☐

6 Great Basin Unified Control District. 2016. Final Owens Valley Planning Area State Implementation Plan. April 13. Accessed May 11, 2018. https://www.gbuapcd.org/District/AirQualityPlans/OwensValley/.

		Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☒	☐	☐	☐
d)	Interfere substantially 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?	☒	☐	☐	☐
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☒	☐	☐	☐
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☒	☐	☐	☐

a - d) **Potentially Significant Impact.** The proposed project will involve the mechanical and hand removal of aquatic vegetation, wetland vegetation, and upland vegetation from the river channel and floodplain, including areas to be developed for the launch and take-out facilities, that may serve as suitable habitats for species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. In addition, the river channel and floodplain in the proposed project area may be used by native resident or migratory fish or wildlife species as a wildlife corridor or nursery site. Thus, the project could result in potentially significant impacts with regards to biological resources, including candidate/special-status/native resident/migratory species, wildlife and fishes; sensitive natural communities; riparian and wetland habitats; and migratory corridors and nursery sites. Therefore, these issues will be analyzed in an EIR.

e) **Potentially Significant Impact.** Although construction and operation of the proposed project is intended to be minimally invasive, the components of the project (i.e. removing occlusions in the river channel) have the potential to conflict with one or more local policies or ordinances designed to protect biological resources within the project area. Therefore, this issue will be further evaluated in an EIR.

f) **Potentially Significant Impact.** The proposed project is located on land owned by the Los Angeles Department of Water and Power (LADWP), and is subject to the provisions of LADWP's Habitat Conservation Plan (HCP). The HCP covers approximately 314,000 acres of the City of Los Angeles's non-urban land holdings in Inyo and Mono Counties, and was developed to establish a low-effect, habitat-based means of protecting habitat for species of special concern, candidate species, and federal/state threatened and endangered species, while allowing LADWP to continue its ongoing water gathering/distribution,

power production/activities, and continuation of other land uses.[7] Therefore, this issue will be evaluated in an EIR.

		Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
V.	**CULTURAL RESOURCES — Would the project:**				
a)	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☒	☐	☐	☐
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☒	☐	☐	☐
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☒	☐	☐	☐
d)	Disturb any human remains, including those interred outside of formal cemeteries?	☒	☐	☐	☐

a) **Potentially Significant Impact.** The water take-out facilities may be located near a trestle embankment that supported a train over the Owens River Bridge, which may be a historic resource. Therefore, the project could result in impacts that would be potentially significant. Thus, an analysis of potential historic resources will be conducted and historic resources will be further analyzed in an EIR.

b - d) **Potentially Significant Impact.** Section 15064.5 of the State CEQA Guidelines defines significant archaeological resources as resources which meet the criteria for historical resources, or resources which constitute unique archaeological resources. Paleontological resources include fossil remains or traces of past life forms, including both vertebrate and invertebrate species, as well as plants. Paleontological resources are generally found within sedimentary rock formations. In addition, a significant impact would occur if previously interred human remains were disturbed during construction of the project. The proposed project would result in ground disturbance during construction of the proposed facilities for vegetation removal, mobilization and staging of construction equipment, and installation of launch and take-out facilities. Therefore, the potential to significantly impact archaeological and/or paleontological resources, or discover human remains will be further analyzed in an EIR.

7 U.S. Fish & Wildlife Service. 2015. "Habitat Conservation Plan Documents: Los Angeles Department of Water and Power Draft HCP." Carlsbad Fish & Wildlife Office. August. Accessed May 11, 2018. https://www.fws.gov/carlsbad/HCPs/HCP_Docs.html.

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI.	**GEOLOGY AND SOILS. Would the project:**				
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☒	☐
	ii) Strong seismic ground shaking?	☐	☐	☒	☐
	iii) Seismic-related ground failure, including liquefaction?	☒	☐	☐	☐
	iv) Landslides?	☐	☐	☐	☒
b)	Result in substantial soil erosion or the loss of topsoil?	☒	☐	☐	☐
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☒	☐	☐	☐
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☒	☐	☐	☐
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

a.i) **Less Than Significant Impact.** According to the California Department of Conservation, the majority of the project area is located in the Lone Pine 7.5-minute quadrangle, with the southern end of the project area located outside of this map in an unmapped area.[8] While the Lone Pine 7.5-minute quadrangle map identifies active faults to the east of the project area, the Owens River itself is located outside of an Alquist-Priolo zone, where the potential for a rupture of a known earthquake fault is considered to be low. Therefore, the proposed project would not expose people to substantial and adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault. No further analysis of this issue is necessary.

a.ii) **Less Than Significant Impact.** While the proposed project would be located near active faults, as identified on the Lone Pine 7.5-minute quadrangle map,[8] the proposed project would primarily consist of removing vegetation from the river channel to allow for passage of watercraft. In support of the recreational use of the ORWT, the proposed project would also construct launch and take-out structures which would include, but not

8 California Geological Survey. 2016. Regulatory Maps Geo Application: Earthquake Fault Zones. Accessed May 11, 2018. https://maps.conservation.ca.gov/cgs/EQZApp/

be limited to, a graded, all-weather driveway and turnaround to allow access to the river and form a turnaround loop with a radius large enough for a vehicle with a kayak/canoe trailer to navigate; a staging pad to allow for all-abilities loading and unloading of watercraft; and support facilities, such as a prefabricated vault toilet, trash cans, and weather resistant signage. All of the facilities constructed as part of the proposed project would be required to comply with the seismic regulations of the California Building Code (CBC) and the County's Codes to ensure structural integrity of all facilities during an earthquake event, including during strong seismic ground shaking. Therefore, compliance with all applicable seismic regulations would ensure the project's structural integrity during strong ground shaking. Impacts would be less than significant and no further analysis is necessary.

a.iii, b – d) **Potentially Significant Impact.** The proposed project would result in the excavation and removal of soils to install graded driveways, staging pads, and sloped launch pads at the river channel's launch and take-out points. These construction activities would have the potential to expose people or structures to adverse impacts associated with soil erosion, lateral spreading, subsidence, liquefaction, or collapse. Therefore, further analysis on this topic will be included in an EIR.

a.iv) **No Impact.** The proposed project area is not located within a County-designated Natural Hazard (NH) area.[1] In addition, the project area is not classified as a landslide study area by the California Geological Survey.[8] Therefore, there is no known potential for landslides to occur on or near the proposed project site. No impact would occur. This issue will not be further evaluated in the EIR.

e) **No Impact.** The proposed project will construct launch and take-out structures and would include vaulted toilets. The project would not incorporate septic tanks or alternative waste water disposal systems. Therefore, as there would be no on-site waste water disposal, the project would result in no impact with regard to this issue. No further analysis is necessary.

		Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
VII.	**GREENHOUSE GAS EMISSIONS — Would the project:**				
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☒	☐	☐	☐
b)	Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☒	☐	☐	☐

a) **Potentially Significant Impact.** The proposed project would use land- and water-based vehicles and mechanical equipment to modify the river channel, build launch/take-out structures, and transport materials to and from the project area, which may directly

contribute to greenhouse gas emissions. Additionally, once modification of the river channel and construction of the proposed project structures are complete, indirect greenhouse gas emissions may be generated by recreational visitors that visit the project site. GHGs from project construction and operation could contribute to a cumulative significant impact. Therefore, this issue will be analyzed further in an EIR.

b) **Potentially Significant Impact.** Greenhouse gas emissions are addressed at the federal, state, and local level through a number of plans, policies, and regulations. At the federal level, in 2007, the US Supreme Court ruled in Massachusetts v. Environmental Protection Agency (127 S. Ct. 1436) that greenhouse gases are pollutants under the federal Clean Air Act, and therefore, the US Environmental Protection Agency has the responsibility to regulate greenhouse gases.

In response to concern regarding GHGs and global climate change, the State passed Assembly Bill 32 (AB 32) also known as the California Global Warming Solutions Act of 2006. AB 32 mandated a reduction in the State's greenhouse gas levels. In addition, SB 375 passed by the State of California in 2009, requires metropolitan regions to adopt transportation plans that reduce vehicle miles travelled. As the project is not located within a metropolitan area SB 375 would not apply.

As stated above, the proposed projects would generate greenhouse gas emissions during construction and operation, which could conflict with the above plans. Therefore, this issue will be analyzed further in an EIR.

		Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
VIII.	**HAZARDS AND HAZARDOUS MATERIALS — Would the project:**				
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

		Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h)	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐

a) **Less than Significant Impact.** Manual and machine methods would be used to remove any occlusions that would impede recreational navigation of the channel. Manual clearing would be accomplished from the water and assisted from shore by workers equipped with saws, sickles, rakes, and winches. Mechanical construction activities using an all-terrain excavator and an all-terrain truck would occur from the shore of the channel and/or would be water based using an Aquamog or similar vessel and waste barge. Thus, during construction activities for the projects, typical hazardous materials would be used at the sites, including hydraulic fluids, paints, cleaning materials, and vehicle fuels. The use of these materials during project construction would be short-term in nature and would occur in accordance with standard construction practices, as well as with applicable federal, state, and local health and safety regulations. Construction activities would not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials. Therefore, impacts would be less than significant.

Once construction of the proposed project has been completed, ongoing maintenance activities are anticipated to maintain the integrity of the river channel as well as the launch and take-out facilities. This maintenance would incorporate the use of manual work or mechanical clearing activities using watercraft, such as a Truxor 5000, on an as-needed basis. The proposed project is also expected to bring vehicles in close proximity to the river channel in the launch/take-out areas only upon completion of the construction. These vehicles, in addition to those used during periodic maintenance, would likely bring typical hazardous materials to the project area, like diesel or other fuels, but are not expected to significantly impact the river channel. This issue will not be further evaluated within the draft EIR.

b) **Less than Significant Impact.** Construction and operation of the proposed project would involve the use of minimal amounts of commercially available hazardous materials, including cleaning solvents, paints, and fuels. Some of the construction work to improve the navigability of the river would be done using hand tools, which would reduce the use of fuels. Construction of the launch and take-out points would incorporate materials such as gravel, geotextile, rock, and would also use graded natural surfaces where possible. It is assumed that potentially hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable

standards and regulations, including California Occupational Safety and Health Administration (OSHA) requirements, and Title 8 and 22 of the Code of California Regulations. Best management practices (BMPs) that dictate handling of hazardous materials would be used during construction, to prevent accidental spills and to dictate a response in the case of a spill. Therefore, the project would not create a significant hazard to the public or the environment through reasonably forseeable upset and accident conditions involving the use of hazardous materials. No further analysis is necessary.

c) **No Impact.** There are no schools within 0.25 miles of the project area. The nearest existing or proposed school is Lone Pine High School, which is located approximately 1.2 miles west of the project area.[9] Therefore, the project would not emit hazardous emissions or handle hazardous materials within 0.25 miles of a school. No impacts would occur and further analysis of this issue in an EIR is not required.

d) **No Impact.** Government Code Section 65962.5, amended in 1992, requires the California Environmental Protection Agency (CalEPA) to develop and update annually the Cortese List, which is a list of hazardous waste sites and other contaminated sites. According to the most recently published Cortese List, no hazardous waste sites are located on or in close proximity to the project site.[10] Therefore, no impact would occur and no further analysis is necessary.

e - f) **No Impact.** The Lone Pine Airport is located approximately 1.1 miles west of the project area. Inyo County has incorporated an Airport Hazard (AH) Overlay Districts into its code in order to protect the lives and property of users of the various County airports as well as the occupants of the land in the vicinity of County airports.[11] The AH district for each airport in Inyo County consists of five surfaces and one zone that establish the height and land use limitations necessary to accomplish the intent of the AH overlay district (primary surface, approach surface, transition surface, horizontal surface, conical surface, and a runway protection zone). The proposed project is not located in the vicinity of any of these surfaces and zones. With regard to private airstrips, the project area is not located in the vicinity of any private airstrips. Therefore, no impact would occur and no further analysis is required.

g) **No Impact.** The Inyo County Regional Transportation Plan (RTP) identifies evacuation routes applicable to the project area. The primary evacuation route for Lone Pine is US Highway 395, which is the north-south arterial traversing Inyo County, located approximately 1.5 miles west of the proposed project. Other highways that are identified as important by the RTP are SR 127, SR 178, and SR 190; however, none of these

9 Lone Pine Unified School District. n.d. LPUSD Website. Accessed April 11, 2018. http://www.lpusd.k12.ca.us/.

10 Department of Toxic Substances Control. 2010. Hazardous Waste and Substances Site List - Site Cleanup (Cortese List). Accessed May 11, 2018. http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm.

11 Inyo County. 2018. Inyo County Code Title 18: Zoning, Chapter 18.62: "AH Districts" — Airport Hazard Overlay. Accessed May 11, 2018. http://www.qcode.us/codes/inyocounty/?view=desktop&topic=18.

evacuation routes are within 15 miles of the proposed project area.[12] The proposed project is not expected to result in a significant increase of workers or recreational visitors driving on US Highway 395, at least to the extent that they would impair implementation of the RTP or physically interfere with emergency evacuation plans in Inyo County. Therefore, no impact would occur and no further analysis is required.

h) **Less Than Significant Impact.** The proposed project is located in an area designated by the California Department of Forestry and Fire Protection's (CAL Fire) Fire Resource and Protection Program (FRAP) as "High LRA" in Local Responsibility Area (LRA) mapping, and as "High" in State Responsibility Area (SRA) mapping. These hazard areas are described according to their potential to cause fire hazards due to relevant factors such as fuels, terrain, and weather, and provide the basis for application of various mitigation strategies to reduce risks to buildings associated with wildfires.[13] However, the project would not introduce residential, commercial, or industrial structures into the area. As indicated in response b) above, construction could include materials that are considered flammable, such as fuels. The handling and storage of such materials would be conducted in accordance with applicable regulations and BMPs would be implemented to prevent accidental spills and to dictate a response in the case of a spill. Therefore, potential impacts on people or structures associated with fire hazards would be less than significant. Therefore, no further analysis on this topic will be included in an EIR.

		Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
IX.	**HYDROLOGY AND WATER QUALITY — Would the project:**				
a)	Violate any water quality standards or waste discharge requirements?	☒	☐	☐	☐
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☒	☐	☐	☐
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☒	☐	☐	☐

12 Inyo County Public Works. 2018. "Inyo County Regional Transportation Plan." Inyoltc.org. Accessed May 11, 2018. http://www.inyoltc.org/pdfs/rtp/frtpwhole.pdf.

13 CAL Fire. 2012. Fire.ca.gov. Accessed May 11, 2018. http://www.fire.ca.gov/fire_prevention/fhsz_maps_inyo.

		Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
e)	Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f)	Otherwise substantially degrade water quality?	☒	☐	☐	☐
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☒	☐
h)	Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☒	☐
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐
j)	Inundation by seiche, tsunami, or mudflow?	☐	☐	☒	☐

a, f) **Potentially Significant Impact.** The project area is located in the Regional Water Quality Control Board (RWQCB) –Lahontan Basin Region jurisdiction. Water quality standards in Inyo County are subject to Inyo County's Local Agency Management Program (LAMP).[14] Since the proposed project would result in removal of occlusions from the Owens River channel to eliminate constriction in flow and removal of emergent vegetation to widen the channel to allow for passage of non-motorized watercraft, the project could potentially result in impacts to water quality. Therefore, water quality will be analyzed in the EIR.

b) **No Impact.** Construction and operation activities associated with the proposed project do not include drawing from existing wells or aquifers, or any other involvement with groundwater, that would have the potential to substantially deplete groundwater supplies or interfere substantially with groundwater recharge. Therefore, this topic does not need to be analyzed further in an EIR.

c - d) **Potentially Significant Impact.** The proposed project would use manual and mechanical equipment to open up approximately 2.5 to 2.75 miles of blocked river channel. Therefore, the draft EIR will describe the existing conditions of the river hydrology, including flow and flood patterns, describe the proposed modifications, and will assess the proposed project's potential to substantially alter the existing drainage pattern of the project area in a manner that could result in substantial erosion or siltation, or increase the rate or amount of surface runoff in a manner that would result in flooding.

14 Lahontan Regional Water Quality Control Board. 2017. On Site Wastewater Treatment Systems (Septic Systems). Accessed May 2011, 2018. https://www.waterboards.ca.gov/lahontan/water_issues/programs/owts/.

e) **Less Than Significant Impact.** The proposed project would result in the use of land- and water-based vehicles and construction equipment to remove or relocate vegetation and other occlusions in the river channel and develop the launch and take-out ramp. Upon completion of the construction, the project would provide recreational opportunities for non-motorized watercraft. The project would not create or contribute runoff that would exceed the capacity of the existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, no further analysis of this issue is necessary.

g - j) **Less than Significant Impact.** The proposed project would not include the construction of housing and would not place housing within a 100-year flood hazard area. The proposed project would construct launch and take-out facilities within the floodplain of the Lower Owens River. The Federal Emergency Management Agency (FEMA) has designated the project area along the Lower Owens River as a Zone A Special Flood Hazard Area.[15] Special Flood Hazard Areas are defined as areas that will be inundated by a flood event having a 1-percent chance of being equaled or exceeded in any given year, where the 1-percent chance flood is referred to as the "base flood" or "100-year flood."[16] Therefore, the launch and take-out structures would be located within a 100-year flood hazard area. Zone A designations are areas where no base flood elevation has been calculated; the base flood elevation is the water surface elevation associated with a 1-percent chance flood.[17] Since no base flood elevation is determined, the launch and take-out structures in the river channel would not be subject to any of FEMA's height/flood-proofing requirements. However, these structures would be designed to maintain their structural integrity and withstand inundation due to flooding. The facilities would be built along the bank of the river channel and would not impede or redirect flood flow. Impacts would be considered less than significant and would not require further analysis in an EIR.

As stated above, the improvements to the river channel itself would include removal of occlusions and removal of some vegetation to widen the current channel and create a clear channel in some places. These improvements would not impede flood flow but would alter the course or drainage pattern of the river. Associated impacts would be addressed under Question (d) above. Impacts would be considered less than significant and would not require further analysis in an EIR.

The project would not be introducing any structures that would impede or redirect 100-year flood flows; its launch and take-out structures are designed to be partially inundated

15 Federal Emergency Management Agency. 2011. NFIP Flood Insurance Rate Map Number 06027C2200D. August 16. Accessed May 11, 2018. http://inyocounty.us/FEMA/Documents/2200D.pdf.

16 Federal Emergency Management Agency. 2017. Flood Zones. December 13. Accessed May 17, 2018. https://www.fema.gov/flood-zones.

17 Federal Emergency Management Agency. 2007. Managing Floodplain Development Through the NFIP. March 5. Accessed May 17, 2018. https://www.fema.gov/media-library/assets/documents/6029.

by the regulated river flows and would not displace large amounts of water. The FEMA Flood Map designations, combined with the project area's distance from any ocean or dam, suggests that flooding risks associated with dam failure or levee failure, or inundation caused by seiches or tsunamis, are remote. Additionally, the distance of the project from steep slopes, that could pose a risk for mudflows resulting from a downslope movement of soil/rock, makes mudflow risks less than significant. Therefore, these issues will not require further analysis in an EIR.

		Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
X.	**LAND USE AND LAND USE PLANNING — Would the project:**				
a)	Physically divide an established community?	☐	☐	☐	☒
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☒	☐	☐	☐
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	☒	☐	☐	☐

a) **No Impact.** The proposed project is located approximately 1.5 miles east of Lone Pine, the nearest established community, in a geographic area designated as a Natural Resource (NR), included in the Draft Lower Owens River Recreation Use Plan, and zoned Open Space-Recreation (OS-R) by Inyo County.[1] The project would provide recreational opportunities along the Owens River. Therefore, the project would not divide any established communities in Inyo County. No further analysis is necessary.

b) **Potentially Significant Impact.** The project would be developed on lands owned by the Los Angeles Department of Water and Power and,[18] as indicated above, the project area is designated NR and zoned OS-R. Therefore, an analysis of the project's consistency with existing land use designations and the continued use of surrounding lands for grazing, as well as the goals of the Lower Owens River Project and LORP Mitigation and Monitoring Program will be provided in the EIR.

c) **Potentially Significant Impact.** As stated in (a) and (b), the proposed project is compatible with Inyo County's most recently updated General Plans and Zoning Ordinances. However, because the project is located on land owned by LADWP, the draft EIR will include further analysis to determine if the proposed project is also consistent

18 U.S. Fish & Wildlife Service. 2015. "Habitat Conservation Plan Documents: Los Angeles Department of Water and Power Draft HCP." Carlsbad Fish & Wildlife Office. August. Accessed May 11, 2018. https://www.fws.gov/carlsbad/HCPs/HCP_Docs.html.

with LADWP's Habitat Conservation Plan (HCP), and will assess the proposed project's potential to conflict with these plans.

		Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XI.	**MINERAL RESOURCES — Would the project:**				
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b)	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

a - b) **No Impact.** According to the Mineral and Energy Resource Implementation Measures Chapter of the Inyo County Draft General Plan, there are no known mineral resources located in the floodplain east of Lone Pine, or in the specific location of the proposed project site.[1] Additionally, the nearest location determined to have potentially significant mineral value, as identified by the Mineral Resources and Mineral Hazards Mapping Program (MRMHMP) of the California Geological Survey (CGS), are the Inyo Mountains to the east of Lone Pine. This area is also outside the boundary of the proposed project site.[19] In addition, trona is mined from the Owens Lake lakebed, which is downstream and also outside the boundary of the proposed project site. As such, the project impacts would not result in the loss of availability of any known mineral resources that would be of value to the region and the residents of the state. Therefore, no further analysis regarding mineral resources is necessary.

		Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XII.	**NOISE — Would the project result in:**				
a)	Exposure of persons to or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐

19 California Geologic Survey. 2018. CGS Information Warehouse: Mineral Land Classification GIS Map and Special Report 166. Accessed May 11, 2018. http://maps.conservation.ca.gov/cgs/informationwarehouse/mlc/.

		Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f)	For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

a – b) **Less Than Significant Impact.** The proposed project would use land- and water-based vehicles and construction equipment to remove or relocate vegetation and other occlusions from the river channel. Construction vehicles and equipment used for these purposes, to build launch/take-out structures, and to transport materials to and from the project site may have the potential to temporarily increase ambient noise levels in the project vicinity above existing levels. However, because noise and vibration levels are subject to rapid dissipation, the closest sensitive receptor is located approximately 0.9 miles from the site, and the site is lower than the terrace where the town is locate, the proposed project would not have the potential to expose persons to or generate noise levels in excess of standards established in the local general plan, noise ordinance, or other applicable agency standards during construction; or to expose people to excessive groundborne vibration or groundborne noise. Therefore, no further analysis on these issues will be included in an EIR.

c) **Less Than Significant Impact.** When construction is complete and the recreational facilities are in operation, visitors are expected to arrive at this segment of the river channel for recreational purposes and spend time in the project area, which may increase ambient noise levels in the project vicinity. However, driving to the river would occur along existing roadways and no new roads would be constructed to bring people to the site. In addition, the project would allow for only non-motorized watercraft, which would not create any loud noise along the river associated with the recreational activities. Typical noise from users, such as car doors and human voices, would occur at the launch and take-out point. However, noise and vibration levels are subject to rapid dissipation, and because there are no sensitive receptors in close proximity to the project, the project would not have the potential to contribute to substantial permanent increases in ambient noise. Therefore, Therefore, no further analysis on this topic will be included in an EIR.

d) **Less Than Significant Impact.** River channel improvements and maintenance associated with the proposed project are planned to be short-term, temporary and periodic, and would occur outside of the migratory bird breeding season (approximately March 1 through September 1). In addition, construction of the launch/take-out structures also would be temporary and occur outside of the migratory bird breeding season. Thus, construction for the proposed project is not expected to contribute to substantial

temporary increases in ambient noise levels and would not indirectly impact local wildlife.

e - f) **No Impact.** As discussed in VIII.e above, Lone Pine Airport is located approximately 1.1 miles west of the project site. The site is not located in Inyo County's Airport Hazard (AH) Overlay District.[11] There are no private airstrips in the vicinity of the site. Therefore, the project would not expose people residing or working in the project area to excessive noise levels. No further analysis of this issue is necessary.

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XIII. POPULATION AND HOUSING — Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

a) **No Impact**. The proposed project would not directly induce population growth in the region because the project does not involve construction of new homes or businesses and would draw construction workers from the labor force within the region. The proposed project would not indirectly induce population growth in the region by removing an obstacle to growth, such as contributing to water supply capacity. Therefore, no impact would occur and no further analysis is necessary.

b - c) **No Impact.** The proposed project is located in an area designated Natural Resources (NR) in the Inyo County General Plan and zoned Open Space (OS-R).[1] Therefore, no homes are located in the project area and the proposed project would not displace existing housing or necessitate the construction of replacement housing elsewhere. Therefore, no impact would occur and no further analysis is necessary.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES — Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:				
i) Fire protection?	☐	☐	☒	☐
ii) Police protection?	☐	☐	☒	☐
iii) Schools?	☐	☐	☐	☒
iv) Parks?	☒	☐	☐	☐
v) Other public facilities?	☐	☐	☒	☐

a.i) **Less Than Significant Impact.** The Lone Pine Fire Department (LPFD), which is the closest fire station to the project site, is located approximately 1.38 miles west of the site. It is one of fourteen local and state (CAL Fire) fire stations that provide fire protection and emergency medical services within Inyo County.[13] The proposed project would result in clearing the river channel and the provision of launch and take-out facilities that would be located adjacent to the river. The project components would not create environmentally impactful structures that would significantly increase the incidence of fire hazards. It is anticipated that the proposed project could place additional demands on the Lone Pine Fire Department's ability to provide emergency services. However, river flow in the channel is controlled and the launch/take-out structures would allow safe access to the ORWT for people of all abilities, including the disabled. Additionally, signs with safety information will be placed at the launch/take-out facilities to contribute to lowering the incidence of emergencies in the ORWT. Thus, the demand on LPFD are not expected to be so great as to require new or physically altered LPFD facilities. Therefore, the impacts of the proposed project would not create a significant demand for the construction or alteration of government facilities in order to maintain acceptable service ratios, response times, or other performance objectives. This issue will not be evaluated further in the EIR.

a.ii) **Less Than Significant Impact**. The Inyo County Sheriff Substation, which is the closest station to the proposed project site, is located approximately 1.5 miles west of the site. The Inyo County Sheriff Substation, in conjunction with the Inyo County Sheriff Station based in the City of Independence (15 miles north of the project site), provides police protection services to the City of Lone Pine.[20]

20 Inyo County. n.d. Inyo County Sheriff Website. Accessed April 11, 2018. http://www.inyosheriff.org/contact-us/publicinformation/.

Because the proposed project is aimed at facilitating recreational use of the approximately 6.3-mile stretch of Owens River Water Trail directly east of Lone Pine, there may be some increased demand on the local sheriff station upon completion of the project. However, due to the relative geographic isolation of Lone Pine, the potential increase of recreational visitors would not create an increase in demand such that the construction or alteration of government facilities in order to maintain acceptable service ratios, response times, or other performance objectives would be necessary. Therefore, impacts to law enforcement services would be less than significant and no further analysis is necessary.

a.iii) **No Impact.** The Lone Pine Unified School District (LPUSD) serves residents within Lone Pine. LPUSD includes one combined elementary and middle school, Lo-Inyo Elementary, located approximately 2.6 miles west of the project site. In addition, there is one high school, Lone Pine High School, located approximately 1.3 miles west of the project site.[21]

Because the project would not be introducing a new resident population in or around the proposed project site, the project would not result in an increase in demand on LPUSD schools. Therefore, no impact would occur to schools and no further analysis is necessary.

a.iv) **Potentially Significant Impact.** The Inyo County Department of Parks and Recreation provides park facilities and services within the Inyo County.[22] Once completed, the proposed project site could draw new recreational visitors and generate greater demand on existing parks and campgrounds throughout Inyo County. While estimating future recreation demand for the ORWT is a complex task, based on input from people in the tourism industry and research on recreational demand, Inyo County estimates that over time annual launches reach approximately 4,400 launches, including private parties as well as concessionaires.[22] Therefore, this issue will be further analyzed in the EIR.

a.v) **Less Than Significant Impact.** Lone Pine Library, a branch library of the Inyo County Free Library, is located approximately1.4 miles west of the project site.[23] Because the proposed would not introduce new residents to Lone Pine, no increase in demand on library services would occur.

During construction and operation of the proposed project, other governmental services, including roads, would continue to be utilized. Project residents would use the existing road network, without the need for new roadways to serve the proposed project site. The project could, however, result in an increase in the number of vehicle trips attributable to the project. Nonetheless, additional use of roadways would not be excessive and would

21 Lone Pine Unified School District. n.d. LPUSD Website. Accessed April 11, 2018. http://www.lpusd.k12.ca.us/.

22 Inyo County. n.d. Inyo County Parks and Recreation. Accessed April 11, 2018. http://www.inyocountycamping.com/.

23 Inyo County. n.d. Inyo County Free Library. Accessed April 11, 2018. https://www.inyocounty.us/library/Branch_Libraries.php.

not necessitate the upkeep of such facilities beyond normal requirements. Therefore, the project would result in less-than-significant impacts related to roadways. No further analysis is necessary with regard to this issue, as well as issues pertaining to impacts on the local library facilities.

		Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XV.	**RECREATION:**				
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☒	☐	☐	☐
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☒	☐	☐	☐

a -b) **Potentially Significant Impact.** The project would result in the removal of vegetation and occlusions in the river so as to allow for the use of the river for recreational purposes by people with non-motorized watercraft. In addition, the project would develop entry and exit points to the river. The proposed project could draw new recreational visitors and generate greater demand on existing parks and campgrounds throughout Inyo County. As indicated above in Response XIV.a.iv, based on input from people in the tourism industry and research on recreational demand, Inyo County estimates that over time annual launches reach approximately 4,400 launches, including private parties as well as concessionaires. Thus, the project would have the potential to increase the use of local and regional recreational facilities and could result in substantial physical deterioration of such recreational facilities. As such, this issue will be further evaluated in an EIR.

Issues (and Supporting Information Sources):		*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XVI.	**TRANSPORTATION/TRAFFIC — Would the project:**				
a)	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐
b)	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

a -b) **Less Than Significant Impact.** The Congestion Management Plan (CMP) is a State-mandated program enacted by the State legislature to address the impacts that urban congestion has on local communities and the region as a whole. Inyo County Local Transportation Commission (ICLTC) is the local agency responsible for implementing the requirements of the CMP in the project region. The 2015 Inyo County Regional Transportation Program states that the closest state highway junction to the project site, the US 395 and SR 136 junction, is already one of the most heavily impacted junctions in the County during the peak recreation season.[12] Traffic studies outlined in the Regional Transportation program have identified this region's peak recreation season as July, and attributed the majority of traffic during the peak recreation season to Death Valley National Park and the Inyo National Forest.

Construction plans for the project will include a traffic control plan as appropriate, that would be prepared by a California licensed engineer and would comply with all applicable regulatory requirements and encroachment permits as may be necessary. Project construction would not occur during the breeding season, which coincides with the peak recreation summer season. Thus, project construction would not add traffic during the peak recreation season and would not contribute traffic at the US 395- SR 136 junction. In addition, all truck trips for the project would be made outside of peak traffic hours from the excavation sites to spoils spreading and stockpiling sites on approved service and temporary floodplain routes. Thus, truck trips would not impact congestion at the US 395-SR 136 junction; or nearby intersections; streets; highways and freeways; pedestrian and bicycle paths; or mass transit. Additionally, trucks and equipment would yield to area traffic and to livestock, and speed within the floodplain will not exceed 15 mph, and 20 mph on entry roads.[24]

Once the project construction is complete and the ORWT is operational, the majority of traffic impacts would result from recreational visitors driving to/from the project site.

24 Inyo County. 2016. Owens River Water Trail Construction Plan. Inyo County.

Because there are a number of other recreational sites in and around Inyo County where non-motorized watercraft can be used, it is anticipated that some of the vehicle trips to the project site would likely be redirected, existing trips. In addition, some of the trips would be local. Based on input from people in the tourism industry and research on recreational demand, Inyo County estimates that over time annual launches reach approximately 4,400 launches, including private parties as well as concessionaires. Trips would occur at various times throughout the year and at various times of the day. Thus, it is not anticipated that operation of a project of this scale would create a significant increase in the amount of new vehicle trips on US 395 or SR 136, and would not have any impact on the project's compliance with the local CMP. Therefore, no further analysis on the project's compliance with the CMP is required, and no traffic analysis for the project's operation will be included in an EIR.

c) **No Impact.** As discussed above in VIII(e), the Lone Pine Airport is located approximately 1.1 miles west of the project area. The project site is not located within the Airport Hazard Overlay District established by the County. Therefore, no project-related construction would occur that would require notification of the Federal Aviation Administration. The project would not result in a change in air traffic patterns, including increases in traffic levels or changes in location that would result in substantial safety risks. As no impact would occur with regard to air traffic patterns or safety risks, no further analysis of this issue is necessary.

d) **No Impact.** The project would not alter existing roadways in the surrounding vicinity, and there are no existing hazardous design features such as sharp curves or dangerous intersections on-site or within the project vicinity. Additionally, construction of the proposed project would not require any temporary lane or sidewalk closures Since the project would have no impact, no further analysis of this issue is warranted.

e) **Less Than Significant Impacts.** The proposed project site is accessible from the north via Lone Pine Narrow Gauge Road, from the west via Sub Station Road, and from the south via Highway 136. Each of these locations is less than a one-mile walk from any point on the river channel project area. As is the case with many geographic locations designated as Natural Resource (State) or Open Space zone (County), emergency services may be unable to drive vehicles to all parts of the ORWT due to undeveloped terrain. However, there are a number of primitive roads that provide access to the project area from the bluffs as well as numerous primitive ranch roads located in the floodplain. In addition, the proposed project's natural environment is relatively flat. Therefore, emergency vehicles would be able to access the area and any potential emergency incidents can also be reached on foot by emergency personnel. To reduce the amount of instances where emergency services would be needed, weather resistant signage would be installed at the launch/take-out structures to provide recreational visitors with water safety information, rules, emergency contacts, and interpretive information. Fencing will be installed to separate the launch point from grazing activities. Therefore, impacts would be less than significant, and no further analysis on this topic is necessary.

f) **No Impact.** The Circulation Element of the Inyo County Draft General Plan establishes goals, policies, and implementation measures for various circulation topic areas. These include Roadways and Highways (RH), Scenic Highways (SH), Public Transportation (PT), Bicycles and Trails (BT), Railroads (RR), Aviation (AVI), Canals, Pipelines, and Transmission Cables (CPT), and other Circulation Topics (OCT).[1]

Construction of the proposed project proposes to remove occlusions from the river channel with specialized equipment and hand workers. This, in conjunction with mechanical construction of the launch and take-out structures, may temporarily conflict with the goals outlined in the Scenic Highway (SH) topic area of the Circulation Element. However, visual quality of the project site will return to previous levels when construction and occlusion removal are complete. During operation, the proposed channel launch structure will be accessible via Lone Pine Narrow Gauge Rd, and the take-out structure will be accessible from an area west of the Owens River Bridge abutment. Because both of these launch and take-out locations are relatively isolated from the main roads in Lone Pine, the water trail is not located in a space that has been or is planned to be designated for public transit facilities, bicycle lanes, or pedestrian facilities, and is not expected to conflict with any of the goals, policies, and implementation plans outlined in the Circulation Element. Therefore, construction and operation of the project would not conflict with policies, plans or programs regarding alternative modes of transportation. Since no impact would occur, no further analysis is warranted.

	Potentially Significant Impact	***Less Than Significant with Mitigation Incorporated***	***Less Than Significant Impact***	***No Impact***
XVII. TRIBAL CULTURAL RESOURCES — Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☒	☐	☐	☐
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☒	☐	☐	☐

a - b) **Potentially Significant Impact.** Assembly Bill 52 requires that after July 1, 2015 and prior to release of an EIR for a project, the lead agency shall consult with Native American Tribes to identify, evaluate, and mitigate impacts to tribal cultural resources if a Tribe has formally requested consultation. As such, to allow for compliance with AB 52 and Native American consultation, if requested, this issue will be included in the EIR.

		Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XVIII. UTILITIES AND SERVICE SYSTEMS — Would the project:					
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

a) **Less Than Significant Impact.** The project site is located within the California Water Quality Control Board's Lahontan Basin Region, or Region 6. Until May 2017, all on site wastewater treatment system (OWTS) decisions were made in accordance with California's On Site Wastewater Treatment Systems Policy (OWTSP). In May 2017 Inyo County adopted its own Local Agency Management Program (LAMP) with the approval of the State Water Quality Control Board. As such, all OWTS decisions in Inyo County, including those relevant to this project, are governed by its LAMP.[14]

The launch and take-out structures would not incorporate running water. Instead, the project would include vault toilets[25] at the public use locations. In accordance with the general provisions outlined in the Inyo County Code as part of its LAMP, these toilets would use organic chemicals on a temporary and/or occasional basis[26]and would be pumped out periodically so the waste can be hauled out to municipal wastewater treatment plants to eliminate harmful wastewater impacts. Therefore, the project would

25 Southland Organics. 2013. Vault Toilets - A Step Up From the Pit. January 25. Accessed May 14, 2018. https://www.southlandorganics.com/blogs/news/17989164-vault-toilets-a-step-up-from-the-pit.

26 Inyo County. 2018. Inyo County Code Title 7: Health and Welfare, Chapter 7.12: "Onsite Wastewater Treatment Systems". Accessed May 11, 2018. http://www.qcode.us/codes/inyocounty/.

not generate wastewater that would exceed wastewater treatment requirements, and no further evaluation of this topic is necessary.

b) **No Impact.** As described above, the proposed project would not incorporate running water and would use minimally invasive vault toilets to eliminate the possibility of harmful wastewater impacts being generated at the project site. Therefore, the proposed project would not require the construction of new water or wastewater treatment facilities, or the expansion of existing facilities. As no impact would occur, this issue will not be further evaluated.

c) **No Impact.** The proposed project is located in a part of the Lower Owens River that was rewatered as part of the LORP. The project area, defined by the perimeter of the floodplain from Lone Pine Narrow Gauge Road south to Highway 136, is largely a natural setting. Once constructed, the proposed project would continue to operate within the natural river floodplain, with only periodic maintenance using motorized craft required to maintain the channel width and depth to accommodate shallow-draft watercraft. No new storm drain facilities would be required. No further analysis regarding storm water drainage facilities is necessary.

d) **No Impact.** As described above, this portion of the Lower Owens River is legally bound to specific rates of water flow per the agreement established between Inyo County and LADWP. The minimum rate of water flow is 40 cfs, which would contribute to the project having a less than significant demand for water as it would have a sufficient water supply to support the proposed recreational project once the construction period is complete. This issue will not be discussed further in the draft EIR.

e) **Less Than Significant Impact.** The project would not provide water at the launch and take-out locations and would not generate a demand for water. In addition, the project would generate minimal demand for wastewater treatment since vault toilets would be used. If any wastewater treatment services are necessary, they are expected to be minimal and serviceable by the County. No further analysis of this issue is necessary.

f) **Less Than Significant Impact.** Waste management services for the project site are provided by the Inyo County Waste Management Department. During construction of the proposed project, the removal of occlusions and removal of vegetation to widen the river channel may be disposed at a nearby landfill or used as cover material at a landfill. During operation of the proposed project, waste would be generated by recreational users at the launch/take-out facilities, which would include trash receptacles to collect solid waste. The waste generated by the project would be disposed at the landfill located in Lone Pine about two miles away from the site. The Lone Pine Landfill accepts industrial waste, mixed municipal waste, agricultural waste, construction/demolition waste, etc. The Lone Pine landfill is estimated to have sufficient capacity through the year 2052.[27]

27 California Department of Resources Recycling and Recovery. 2018. CalRecycle.ca.gov. May 11. Accessed May 11, 2018. http://www.calrecycle.ca.gov/SWFacilities/Directory/14-AA-0003/Detail/.

Therefore, the project would have a less-than-significant impact regarding solid waste disposal during construction and operation. Additionally, waste collection bins, and signs to establish rules for waste disposal, would be located at both the launch and take-out locations. Therefore, the project would not result in significant solid waste impacts, and no further analysis is necessary.

g) **Less Than Significant Impact.** Natural occlusions that would be manually or mechanically removed from the river channel as part of the proposed project would be pulverized and spread adjacent to the river above high-water, spread at the edge of the floodplain, or stockpiled, dried and removed from the floodplain, likely trucked to nearby locations such as Lone Pine landfill to be used as cap material. As described above, during operation waste generated by visitors would be collected in waste bins located in the launch and take-out areas. Waste would be transported to the landfill located in Lone Pine. The project would comply with all applicable federal, state, and local statutes and regulations related to solid waste. Therefore, no further analysis of this issue is necessary.

		Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
XIX. ENERGY — Would the project:					
a)	Result in a substantial increase in overall or per capita energy consumption?	☐	☐	☒	☐
b)	Result in wasteful or unnecessary consumption of energy?	☐	☐	☒	☐
c)	Require or result in the construction of new sources of energy supplies or additional energy infrastructure capacity the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d)	Conflict with applicable energy efficiency policies or standards?	☐	☐	☒	☐

a - d) **Less Than Significant Impact.** The level and duration of construction activity associated with the project would be small scale and short-term. Construction activities, such as vegetation clearing, and construction worker commutes to and from the site would result in a demand for fuel (gasoline and diesel). Construction is not expected to generate demand for electricity or natural gas. Since the demand for fuel would be temporary and limited to a relatively small number of equipment, the fuel demand would be adequately served by existing supplies and no new fueling infrastructure would be required. Construction activities would also use manual equipment rather than powered equipment in areas where it is necessary or more efficient to perform the tasks given terrain restrictions and other factors. Construction trucks would be required to comply with the State's anti-idling Air Toxics Control Measure, which limits idling to five minutes or less at a location. The use of manual equipment when it is necessary or more efficient and

compliance with the State's anti-idling requirement would eliminate wasteful, inefficient, and unnecessary consumptions of energy.

Operation of the project would generate vehicle trips to the site from recreating visitors. The project is anticipated to result in approximately 4,400 annual launches, including private parties as well as concessionaires. Visitor trips to this project site would likely not be all new trips, but would likely be redirected trips made by owners of non-motorized watercraft who already make recreational trips to other watercraft recreational areas. Operation of the project would also require periodic maintenance trips for vegetation clearing, trash pick-up, restroom servicing, and other maintenance activities. However, maintenance would involve relatively few vehicle trips on a periodic basis. Given the small number of maintenance trips, and given that the visitor trips to the site would likely not be all new trips but would include redirected trips, the fuel demand for vehicles would be adequately served by existing supplies and no new fueling infrastructure would be required. In addition, no electricity would be used at the launch and take-out facilities since these would be located on LADWP property that is accessible for day-use only. Operation of the project would not include substantial demand for electricity or natural gas as there would no permanent structures aside from restroom facilities and launch and take-out facilities. Thus, as the project would result in a relatively minimal change in transportation fuel demand and would not include substantial demand for electricity or natural gas, the project would not result in the wasteful, inefficient, and unnecessary consumptions of energy. Therefore, construction and operation of the project would result in less than significant impacts with regard to energy.

		Potentially Significant Impact	***Less Than Significant with Mitigation Incorporated***	***Less Than Significant Impact***	***No Impact***
XX.	**MANDATORY FINDINGS OF SIGNIFICANCE —**				
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☒	☐	☐	☐
b)	Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☒	☐	☐	☐
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐

a) **Potentially Significant Impact.** The proposed project would modify a portion of an approximately 6.3-mile stretch of the Lower Owens River to be suitable for recreational use. As discussed above, the proposed project has the potential to result in environmental impacts that would degrade the quality of environment. These environmental impacts include potential impacts related to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Recreation and Parks, and Tribal Cultural Resources. An EIR will be prepared to analyze and document these potentially significant impacts.

b) **Potentially Significant Impact.** As indicated above, there are a number of issues areas for which the project would have no impact. These issues include agricultural and forestry resources, groundwater, hazards and hazardous materials, land use (physically dividing a community), mineral resources, population and housing, airport noise, schools, and water. For these issue areas, as the project would have no impact, the project would also not contribute to a cumulatively significant impact. The project would result in a less than significant impact in some issue areas but because of the location and nature of the project, the project would not contribute to a cumulatively significant impact. For example, impacts from wildfire, hazards during construction, and construction noise. However, the proposed project could contribute to cumulatively significant impacts when considered together with other past, present, or reasonably foreseeable future projects in the vicinity of the ORWT for those areas in which a potentially significant impact has been identified. Therefore, these cumulative impacts will be evaluated further in an EIR.

c) **Potentially Significant Impact.** As discussed above, the proposed project may result in potentially significant environmental impacts associated with Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Recreation and Parks, and Tribal Cultural Resources. These impacts could have potential adverse effects on human beings. Therefore, further analysis of these impacts will be analyzed in an EIR.

REFERENCES

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Web Site: www.lppsr.org

June 20, 2018

Larry Freilich, Mitigation Manager
Inyo County Water Department
P.O. Box 337
Independence, CA 93526

Re: Notice of Preparation for a Draft Environmental Impact Report for the Owens River Water Trail Project

Dear Mr. Freilich;

Payahuunadu, *the place where the water flows*, is unrecognizable by that description. As the water diversion into the Los Angeles Aqueduct left only the local creeks and seeps to maintain flow, the river lost its function as the heart of this valley. The mandated sustained flow of 40 cfs is only one tenth of the normal volume, which maintained healthy wildlife habitat and a great deal of the necessary resources for the native people over thousands of years.

Use of abundant resources is important to retaining such a rich and robust culture. Low water levels have allowed much of the 'river' to become inaccessible. Generations of children have little knowledge of the many traditions due to difficulties with access, intervening land ownership and reduction of natural resources dependent on water. Although this Owens River Water Trail does nothing to bring the river to a self-sustaining level, the concept is a welcome improvement to the current condition.

The Lone Pine Paiute-Shoshone Reservation has supported this project from the beginning. We recognize the value of regaining access for all ages and abilities. It is certain to offer opportunities for traditional practices and healthy family recreation. The greater Lone Pine community will benefit from a clean and quiet tourist attraction that features the beauty and serenity of our home.

We look forward to continuing the respectful relationship with Inyo County and offering what we can to the project. We are available, also, to advise and aid in the development of cultural interpretive display information. It is understood that education can be a powerful deterrent.

Sincerely,

Mary L. Wuester, Tribal Chairperson
Lone Pine Paiute-Shoshone Reservation

DEPARTMENT OF TRANSPORTATION
DISTRICT 9
500 SOUTH MAIN STREET
BISHOP, CA 93514
PHONE (760) 872-0785
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Making Conservation a California Way of Life.

June 7, 2018

Mr. Larry Freilich
Inyo County Water Department
P.O. Box 337
Independence, California 93526

File: INY-136-2.68
NOP/DIER
SCH #: 2018051049

Owens Valley Water Trail Project – Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR)

Dear Mr. Freilich:

Thank you for giving the California Department of Transportation (Caltrans) District 9 the opportunity to comment during the NOP phase of the Owens Valley Water Trail Project. We offer the following comments:

- All project related improvements (i.e. parking areas, public amenities, pedestrian paths, etc.) shall be constructed outside of State Right-of-Way (R/W). State Route (SR) 136 R/W is 50-ft from highway centerline in the "water exit" area. We will be able to comment in greater detail upon the release of the DEIR and site plans contained therein.

- An encroachment permit will be required for placement and maintenance for any guide signage in State R/W as well as for driveway access to the "water exit" area from SR 136. Access shall be brought up to current Caltrans road connection standards (i.e. paved apron, sight distance, etc.). See:

  Permit Application:
  http://www.dot.ca.gov/trafficops/ep/apps.html

  Road Connections and Driveways:
  http://www.dot.ca.gov/trafficops/ep/docs/Appendix_J_(WEB).pdf

  Los Angeles Department of Water and Power (LADWP) will be the primary encroachment permit applicant for driveway access improvements from LADWP owned parcels. County of Inyo will be listed as an authorized agent.

  For further information on Encroachment Permits, Stephen Winzenread may be contacted at (760) 872-5222 or stephen.winzenread@dot.ca.gov.

- Please correct "Keeler Bridge" to read "Owens River Bridge (No. 48-0002)".

We value our cooperative working relationship with Inyo County on projects affecting the State Transportation System. Please contact me at (760) 872-0785, with any questions.

Sincerely,

GAYLE J. ROSANDER
External Project Liaison

c: State Clearinghouse
Mark Reistetter, Caltrans

State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
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EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director

June 19, 2018
Sent via email

Larry Freilich, Mitigation Manager
Inyo County Water Department
PO Box 337
Independence, CA 93526

Subject: Notice of Preparation of a Draft Environmental Impact Report
Owens River Water Trail Project
State Clearinghouse No. 2018051049

Dear Mr. Freilich:

The California Department of Fish and Wildlife (CDFW) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Owens River Water Trail Project (Project) (State Clearinghouse No. 2018051049). CDFW is responding to the NOP as a Trustee Agency for fish and wildlife resources (California Fish & G. Code, §§ 711.7 & 1802, and the California Environmental Quality Act [CEQA] Guidelines, § 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines, § 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish & G. Code, § 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish & G. Code, §§ 2080 & 2080.1).

The proposed Project would provide recreational access to a 6.3-mile section of the newly rewatered, 62-mile Lower Owens River. The goal of the proposed Project is to develop facilities for recreational users to enter and exit the river and allow unimpeded navigation for non-motorized watercrafts, such as kayaks, standup paddle boards, and canoes. Currently sections of the Owens River Water Trail (ORWT) corridor are non-navigable due to the channel being partially or fully obstructed by vegetation and other occlusions. In order to establish the ORWT for non-motorized watercraft, the proposed Project would remove these occlusions by manual and machine methods.

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW offers the comments and

recommendations presented below to assist Inyo County (the CEQA lead agency) in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed project with respect to impacts on biological resources. CDFW recommends that the forthcoming DEIR address the following:

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the project, the DEIR should include a complete assessment of the flora and fauna within and adjacent to the project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats. CDFW recommends that the DEIR specifically include:

1. An assessment of the various habitat types located within the project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions;

2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the project. CDFW's California Natural Diversity Database (CNDDB) in Sacramento should be contacted at (916) 322-2493 or http://www.wildlife.ca.gov/data/cnddb to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed project. CDFW recommends that CNDDB Field Survey Forms be completed and submitted to CNDDB to document survey results. Online forms can be obtained and submitted at: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data

   Please note that the CNDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the project site.

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and

California Fully Protected Species (Fish & G. Code, § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines, § 15380). The inventory should address seasonal variations in use of the project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if the project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

4. A thorough, recent, floristic-based assessment of special status plants and natural communities, following the CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see https://www.wildlife.ca.gov/Conservation/Plants);

5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines, § 15125[c]);

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The DEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the project. To ensure that project impacts to biological resources are fully analyzed, the following information should be included in the DEIR:

1. A discussion of potential impacts from lighting, noise, human activity, and wildlife-human interactions created by zoning of development projects or other project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address project-related changes on drainage patterns and water quality within, upstream, and downstream of the project site, including: volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site.

2. A discussion of potential indirect project impacts on biological resources, including resources in areas adjacent to the project footprint, such as nearby public lands, open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands.

3. An evaluation of impacts to adjacent open space lands from both the construction of the Project and long-term operational and maintenance needs.

4. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. Please include all potential direct and indirect project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Mitigation Measures for Project Impacts to Biological Resources

The DEIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the project. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts.

2. *Species of Special Concern* (SSC) status applies to animals generally not listed under the federal Endangered Species Act or the California Endangered Species Act, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. SSCs should be considered during the environmental review process.

3. *Mitigation*: CDFW considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR should include mitigation measures for adverse project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

4. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in local and regional ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

   CDFW recommends that local onsite propagules from the project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in the near future in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate.

   Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the project; examples could include retention of woody material, logs, snags, rocks, and brush piles.

5. *Nesting Birds and Migratory Bird Treaty Act:* Please note that it is the project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). In addition, sections 3503, 3503.5, and 3513 of the Fish and Game Code (FGC) also afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; section 3503.5 states that is it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take,

possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

CDFW recommends that the DEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. If pre-construction surveys are proposed in the DEIR, CDFW recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

6. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the California Endangered Species Act (CESA). CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the project has the potential to result in "take" (California Fish & G. Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the project. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats.

CDFW encourages early consultation, as significant modification to the proposed project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. Please note that the proposed avoidance, minimization, and mitigation measures must be sufficient for CDFW to conclude that the project's impacts are fully mitigated and the measures, when taken in aggregate, must meet the full mitigation standard. For CDFW to rely on the DEIR for the issuance of a CESA ITP, the DEIR must address all Project impacts to listed species and specify a mitigation monitoring and reporting program that will meet the requirements of a CESA permit.

Lake and Streambed Alteration Program

Any project that may substantially alter a lake or stream will require notification to CDFW per Fish and Game Code section 1602. Fish and Game Code section 1602 requires an entity (as defined in Fish and Game Code section 1601(d)) to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit or dispose of debris or waste where it may pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year round). This includes ephemeral streams, desert washes, watercourses with a subsurface flow, and hydraulically connected floodplains of a body of water.

Upon receipt of a complete notification, CDFW determines if the proposed project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake or Streambed Alteration Agreement is required. A Lake or Streambed Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify a project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW's issuance of a Lake or Streambed Agreement constitutes a "project", and is subject to CEQA (Pub. Resources Code §21065); CDFW is thus bound by its role as a Responsible Agency to independently evaluate and approve the CEQA document prepared by the Lead Agency, pursuant to California Code of Regulations section15096 (f). To facilitate issuance of a Lake or Streambed Agreement, the DEIR should fully identify the potential impacts to all lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended to ensure timely preparation and execution of a Lake or Streambed Alteration agreement, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to https://www.wildlife.ca.gov/Conservation/LSA/Forms.

Warm Water Fisheries

A healthy warm water fishery is an identified goal for Lower Owens River Management (1997 Memorandum of Understanding Between the City of Los Angeles Department of Water and Power, the County of Inyo, CDFW, the California State Lands Commission, the Sierra Club, and the Owens Valley Committee). CDFW recommends that a population estimate be conducted on the warm water fishes in the project reach before and after the project is implemented to ensure no significant decline in the fishery as a result of the project. The population assessment should be conducted following established fisheries methods (*e.g.* Murphy and Willis 1996).

Further Coordination

CDFW appreciates the opportunity to comment on the NOP of a DEIR for the Owens River Water Trail Project (SCH No. 2018051049) and recommends that Inyo County address CDFW's comments and concerns in the forthcoming DEIR. CDFW is available to meet with the Lead Agency early in the planning process, and attend a site visit for this project.

If you should have any questions pertaining to the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Rose Banks, Environmental Scientist at (760) 873-4412 or at Rose.Banks@wildlife.ca.gov.

Sincerely,

Scott Wilson

Scott Wilson, Environmental Program Manager
Inland Deserts Region

Cc: CORR

Literature Cited

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California. http://vegetation.cnps.org/

June 19, 2018

File: Environmental Doc Review
Inyo County

Larry Freilich, Mitigation Manager
County of Inyo, Water Department
P.O. Box 337
Independence, CA 93526
lfreilich@inyocounty.us

Comments on Notice of Preparation of Draft Environmental Impact Report for the Owen's River Water Trail Project, State Clearinghouse No. 201805109

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received the Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Owen's River Water Trail Project (DEIR) for the above-referenced Project on May 23, 2018. The DEIR was prepared by the County of Inyo, Water Department (County) and submitted in compliance with provisions of the California Environmental Quality Act (CEQA). Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations (CCR), title 14, section 15096. We are pleased that the County is putting forth this Project to enhance wildlife and recreational beneficial uses of the Lower Owen's River. We encourage the County to take this opportunity to integrate elements into the Project that: (1) support "Low Impact Development" (LID); and (2) reduce the effects of hydromodification. Our comments are outlined below.

WATER BOARD'S AUTHORITY

All groundwater and surface waters are considered waters of the State. Surface waters include streams, lakes, ponds, and wetlands, and may be ephemeral, intermittent, or perennial. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the U.S. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the U.S.

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of

waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at: http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml.

RECOMMENDED ELEMENTS TO INCLUDE IN THE PLAN

We recognize the effort put forth by the County to put forth this Project to enhance wildlife and recreational beneficial uses of the Lower Owens River. We encourage the County to take this opportunity and incorporate into the Project elements and strategies that support LID, and reduce the effects of hydromodification.

1. The foremost method of reducing impacts to watersheds from development is LID, the goals of which are maintaining a landscape functionally equivalent to predevelopment hydrologic conditions and minimal generation of non-point source pollutants. LID results in less surface runoff and potentially less impacts to receiving waters, the principles of which include:

    - Maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge;

    - Reducing compacted and impervious cover created by development and the associated road network; and

    - Managing runoff as close to the source as possible.

    LID development practices that maintain aquatic values also reduce local infrastructure requirements and maintenance costs and benefit air quality, open space, and habitat. Vegetated areas for wildlife management and infiltration onsite are valuable in LID. We encourage the County to establish LID implementation strategies for this Project.

2. Because increased runoff from developed areas is a key variable driving a number of adverse effects, attention to maintaining the pre-development hydrograph will prevent or minimize many problems and will limit the need for other analyses and mitigation. Traditional methods for managing urban storm water do not adequately protect the environment and tend to treat symptoms instead of causes. Such practices have led to channelization and stream armoring that permanently alter stream habitat, hydrology, and aesthetics, resulting in overall degradation of a watershed.

    Storm water control measures that are compatible with LID are preferred over more traditional methods. Examples include the use of bioretention swales, pervious pavement, and vegetated infiltration basins, all of which can effectively treat post-construction storm water runoff, help sustain watershed processes,

protect receiving waters, and maintain healthy watersheds. Any particular one of these control measures may not be suitable, effective, or even feasible in every instance, but the right combination, in the right places, can successfully achieve these goals.

We encourage the County to establish guidelines for implementing specific storm water control measures into the Project. Additional information regarding sustainable storm water management can be accessed online at http://www.waterboards.ca.gov/water_issues/programs/low_impact_development/.

3. Hydromodification is the alteration of the natural flow of water through a landscape (i.e. lining channels, flow diversions, culvert installations, armoring, etc.). Disturbing and compacting soils, changing or removing the vegetation cover, increasing impervious surfaces, and altering drainage patterns limit the natural hydrologic cycle processes of absorption, infiltration, and evapotranspiration, and increases the volume and frequency of runoff and sediment transport. Hydromodification results in stream channel instability, degraded water quality, changes in groundwater recharge processes, and aquatic habitat impacts. Hydromodification also can result in disconnecting a stream channel from its floodplain. Floodplain areas provide natural recharge, attenuate flood flows, provide habitat, and filter pollutants from urban runoff. Floodplain areas also store and release sediment, one of the essential processes to maintain the health of the watershed. Information regarding hydromodification can be accessed online at http://www.swrcb.ca.gov/water_issues/programs/stormwater/hydromodification.shtml.

   We encourage the County to develop mitigation measures that will help to avoid hydromodification. The mitigation measures should include maintaining natural drainage paths of streams and creeks and establishing buffers and setback requirements to protect channels, wetlands, and floodplain areas.

PERMITTING REQUIREMENTS

A number of activities that will be implemented have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. The required permits may include the following.

1. Streambed alteration and/or discharge of dredge and/or fill material to a surface water, including water diversions, may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill WDRs for impacts to non-federal waters, both issued by the Lahontan Water Board.

2. Land disturbance of more than 1 acre may require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO)

2009-0009-DWQ, obtained from the State Water Board, or an individual storm water permit obtained from the Lahontan Water Board.

3. Water diversion and/or dewatering activities may be subject to discharge and monitoring requirements under either NPDES General Permit, Limited Threat Discharges to Surface Waters, Board Order R6T-2014-0049, or General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality, WQO-2003-0003, both issued by the Lahontan Water Board.

Project proponents should consult with Water Board staff early on should implementation of individual projects result in activities that trigger these permitting actions. Information regarding these permits, including application forms, can be downloaded from our web site at http://www.waterboards.ca.gov/lahontan/.

Thank you for the opportunity to comment on the NOP. If you have any questions regarding this letter, please contact me at (760) 241-7305 tiffany.steinert@waterboards.ca.gov or Jan Zimmerman, Senior Engineering Geologist, at (760) 241-7376 Jan.zimmerman@waterboards.ca.gov. Please send all future correspondence regarding this Project to the Water Board's email address at Lahontan@waterboards.ca.gov and be sure to include the Project name in the subject line.

Tiffany Steinert

Tiffany Steinert
Engineering Geologist

cc: State Clearinghouse (SCH No. 2018051049) (state.clearinghouse@opr.ca.gov)
Nick Buckmaster, California Fish and Wildlife (Nick.Buckmaster@wildlife.ca.gov)

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