

**FINAL ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL
IMPACT STATEMENT FOR THE LOWER OWENS RIVER PROJECT**

(State Clearinghouse Number 2000011075)

**INYO COUNTY BOARD OF SUPERVISORS
LORP FINDINGS AND
LORP STATEMENT OF OVERRIDING CONSIDERATIONS**

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SECTION 1: FINDINGS REGARDING THE ENVIRONMENTAL IMPACTS OF THE LORP

Section 1.1 describes the environmental impacts identified in the Final EIR/EIS, for the LORP, which are found to be beneficial or less than significant and do not require mitigation.

Section 1.2 describes the environmental impacts identified in the Final EIR/EIS that are potentially significant, but which are found to be mitigated to a level of less than significant through the imposition of feasible mitigation measures identified in the Final EIR/EIS.

Section 1.3 describes the environmental impacts identified in the Final EIR/EIS that are found to be potentially significant but which, despite the imposition of all feasible mitigation measures identified in the Final EIR/EIS, remain significant and unavoidable.

1.1 BENEFICIAL OR LESS THAN SIGNIFICANT IMPACTS

The following potential environmental impacts of the LORP are found by the Inyo County Board of Supervisors to be beneficial or less than significant. The California Environmental Quality Act (CEQA) does not require the imposition of mitigation measures to further reduce these impacts to less than significant. Although not required, with regard to several impacts, mitigation measures have been incorporated into the LORP. (For each impact identified below, the affected resource is highlighted in bold capital letters, the LORP activity that would affect the resource is highlighted in bold type and the Section of the EIR/EIS, that addresses the impact, is identified.)

AIR QUALITY (Emissions from Channel Clearing): Combined daily and total emissions from the channel clearing would contribute to degradation of air quality conditions in the Owens Valley, but are unlikely to cause air quality violations. Emissions from channel clearing are considered an adverse, but less than significant, impact. The primary air quality impact of concern is emissions of fugitive dust due to the PM10 non-attainment status for the region. Less than significant fugitive dust emissions can be reduced by the application of dust control measures as outlined in Mitigation Measure AQ-1. (EIR/EIS, Section 4.9)

Mitigation Measure AQ-1:

To minimize dust/PM10 emissions during construction activity, as necessary, one or more of the following measures shall be implemented:

- *After clearing, grading, earth moving or excavation is complete, the disturbed areas shall be treated by watering, or revegetating, or by spreading soil binders until the area is stabilized.*
- *During construction, use water trucks or sprinkler systems to keep areas of vehicle movement, temporary soil stockpiles, and construction disturbance damp enough to minimize dust from leaving the site. This may include wetting down such areas in the late morning and after work is completed for the day. Watering frequency may be increased when wind speed exceeds 15 mph.*
- *Minimize the amount of disturbed area and reduce on-site vehicle speeds to 15 miles per hour or less. (EIR/EIS, Section 5.3.3)*

AIR QUALITY (Emissions from Construction Activities along the River): Emissions from construction activities would contribute to degradation of air quality conditions in the Owens Valley, but are unlikely to cause air quality violations. Emissions from construction activities along the River are considered adverse, but less than significant, impacts. The primary impact of concern is emission of fugitive dust due to the PM10 non-attainment status for the region. Less than significant fugitive dust emissions can be reduced by the application of dust control measures as described in AQ-1 (quoted above) and AQ-2. (EIR/EIS, Section 5.3.2.2)

Mitigation Measure AQ-2:

LADWP shall stabilize the sediment stockpile at the pump station site as necessary to minimize wind-blown dust from the stockpile. Methods to reduce fugitive dust emissions include revegetating the pile, armoring it with a layer of coarse materials, soil binders, or water application. (EIR/EIS, Section 5.3.3)

AIR QUALITY (Emissions from Construction Activities at the Blackrock Waterfowl Habitat Area): Emissions from construction activities at the Blackrock Waterfowl Habitat Area would contribute to degradation of air quality conditions in the valley, but are unlikely to cause air quality violations. Emissions from construction activities are considered an adverse, but less than significant, impact. The primary impact of concern is emissions of fugitive dust due to the PM10 non-attainment status for the region. Less than significant fugitive dust emissions can be reduced by the application of dust control measures as described in Mitigation Measure AQ-1 (quoted above). (EIR/EIS, Section 7.4.2)

AIR QUALITY (Emissions from Controlled Burns): Emissions from occasional controlled burns would contribute to degradation of air quality conditions in the valley, but are unlikely to cause air quality violations because they would be implemented under a permit from the Great Basin Unified Air Pollution Control District, which only allows burns to occur when meteorological conditions would ensure sufficient dispersion to avoid violations. Emissions from controlled burns are considered an adverse, but less than significant, impact. (EIR/EIS, Section 7.4.2)

AIR QUALITY (Emissions Associated with Routine Maintenance at the Blackrock Waterfowl Habitat Area): Because emissions associated with routine maintenance of the Blackrock Waterfowl Habitat Area are expected to be negligible and similar to emissions associated with current LADWP operations in the area (e.g., inspection of fences, water facilities, etc.), operations emissions are considered an adverse, but less than significant, impact (EIR/EIS, Section 7.4.2)

ODORS (Initial Rewatering of the River): The initial rewatering of the river could result in objectionable odors from off-gassing of the organic sediments. Hydrogen sulfide and methane could be released. Because the magnitude of this impact is expected to be very low (few people reside adjacent to the river, or would be present along the river during the initial rewatering), the potential exposure to objectionable gasses and odors during the initial rewatering is considered an adverse, but less than significant, impact. (EIR/EIS, Section 4.9)

WATER QUALITY (Channel Clearing and Tule Removal): As described in the EIR/EIS, Section 2.3.6, LADWP would remove channel sediments and vegetation in the river channel immediately downstream of the River Intake prior to the initial release of water. The physical disturbance to these sediments may cause water quality impacts when the initial releases are made because there would be loose sediments and vegetative debris. However, channel sediments in this currently dry reach of the river consist primarily of unconsolidated sand and contain less organic matter than in the currently wetted reaches

below Mazourka Canyon Road. Therefore, water quality impacts in this reach during initial releases are expected to be short-term and localized, compared to the currently wetted reaches, and therefore, less than significant. (In the EIR/EIS, the Section is incorrectly numbered as 4.1.3.2; the correct number is 4.4.3.2.)

WATER QUALITY (Cattail and Bulrush Removal): The removal of cattail and bulrush stands (if necessary, if they are causing significant flow obstructions as described in the EIR/EIS, Section 2.10) could cause localized water quality impacts. The physical excavation of the vegetation, including the root mass, would cause increased turbidity and suspended sediments at and downstream of the work areas. In addition, it is likely that the excavated sediments associated with the root mass could increase biochemical oxygen demand, reduce dissolved oxygen concentrations, and increase concentrations of undesirable constituents such as ammonia and sulfur compounds. The water quality impacts are expected to be temporary and localized, similar to those observed during beaver dam removal. Water quality conditions are expected to improve within hours as suspended sediments settle to the channel bottom and/or are mixed with better quality water downstream. The short-term and localized degradation of water quality associated with a cattail and bulrush removal operation is considered an adverse, but less than significant, impact. LADWP would employ standard best management practices under a CDFG 1602 Streambed Alteration Agreement to further reduce this less than significant impact. (In the EIR/EIS, the Section is incorrectly numbered as 4.1.3.2; the correct number is 4.4.3.2.)

BIOLOGICAL RESOURCES: (Conversion of Upland Vegetation to Riparian and Wetland Vegetation Types): Over time, the rewatering of the river is predicted to convert about 2,343 acres of alkali scrub/meadow (an upland vegetation) and 531 acres of alkali meadow (upland phase) to various wetland and riparian vegetation types due to inundation effects and altered hydrologic conditions along the river. The conversion of almost 3,000 acres of upland vegetation is considered an adverse, but less than significant, impact because:

- Riparian and wetland areas created under LORP are expected to have greater habitat values than the existing upland areas that would be converted.
- Due to changes in hydrologic conditions, implementation of LORP has the potential to increase areas of upland vegetation along the river corridor adjacent to the new riparian areas. Additionally, land management changes proposed under LORP are expected to have an overall beneficial impact on upland habitats. The acreage of this increase/enhancement has not been quantified.
- The conversion would restore native riparian habitats that existed prior to 1913 when diversion of the river into the Aqueduct began.

The LORP cannot be accomplished without the conversion of almost 3,000 acres of upland vegetation. The increase of approximately 3,000 acres of wetland and riparian vegetation types along the river is considered a beneficial impact and a desirable outcome of the LORP. (EIR/EIS, Section 4.5.2)

BIOLOGICAL RESOURCES (Vegetation Removal Due to River Channel Clearing):

As described in the EIR/EIS, Section 2.3.6, prior to the Phase 1 releases, LADWP would mechanically remove sediments and marsh vegetation from 10,800 feet of the currently dry river channel downstream of the River Intake. A 15-foot wide swath would be excavated within the middle of the existing 40-50 foot wide channel to allow 40 cfs to pass. This action would result in the removal of 3.7 acres of emergent freshwater marsh currently dominated by cattails. This impact is considered an adverse, but less than significant, impact because new emergent wetlands would be created over time along the entire Lower Owens River in response to the rewatering, including along the margins of the wetted channel along this reach. (EIR/EIS, Section 4.5.2)

BIOLOGICAL RESOURCES (Long-term Impact on Existing Fish Habitats and Populations): Fish mortality may occur during the initial period of flow introduction due to degradation of water quality conditions, specifically decreased dissolved oxygen and increased toxic substances such as ammonia and hydrogen sulfide. Fish are expected to re-colonize the river once water quality conditions improve. Fish would re-colonize from the river above Mazourka Canyon Road, the off-channel lakes and ponds, and the spillgates. The rewatering would have an overall long-term beneficial impact on the warm water fishery by increasing its productivity (more area) and providing more diverse habitat to support less common species such as the brown trout and smallmouth bass. No new species are expected to colonize the river. In general, non-native game fish such as bluegill, bullhead, catfish, carp and largemouth bass exhibit very plastic life history strategies and a wide variety of physiological tolerances. These characteristics allow for rapid distribution into wetted reaches. Within the newly-created river reach below the Intake, brown trout and smallmouth bass may prefer the more riverine reaches. Largemouth bass and bluegill may be more successful in the impounded areas and backwaters with low velocities. The enhancement of the existing warm water fishery is considered a beneficial impact. (EIR/EIS, Section 4.6.2)

BIOLOGICAL RESOURCES (Long-term Impact on Wildlife): The rewatering of the Lower Owens River is anticipated to increase the extent, quality, and diversity of habitat for wildlife, particularly for birds. This is considered a beneficial impact. The predicted habitat enhancements could potentially benefit both the State and Federally listed subspecies of willow flycatcher. (EIR/EIS, Section 4.7.2)

BIOLOGICAL RESOURCES (Effects of Increased Cattail and Bulrush Stands on Avian Diversity): The proposed monitoring and adaptive management program (see EIR/EIS, Section 2.10) includes provisions to address the proliferation of emergent marsh habitat. Under the LORP, active cattail and bulrush removal would only be considered in rare instances and of limited extent, and would probably only be considered where there are significant constrictions along the river or at culverts. Consequently, there is a potential for the amount of cattail and bulrush marsh to proliferate at the expense of open water habitat, which would be considered an adverse but less than significant, impact. (EIR/EIS, Section 4.7.2)

BIOLOGICAL RESOURCES (Tule Removal): Mechanical removal of cattail and bulrush stands would require access routes to the wetted channel for equipment, staging areas

for truck and equipment maneuvering, and a temporary dewatering site. Establishment of these temporary work areas could disturb wetland and riparian vegetation. The amount of habitat that would be affected at any single work area is expected to be less than 5,000 square feet, and the frequency of marsh removal operations is expected to be rare. In addition, the habitats that would be disturbed (e.g., alkali meadow, willow scrub) are expected to recover quickly through natural recovery processes. Therefore, the temporary disturbance to riparian habitats during limited tule removal is considered an adverse, but less than significant, impact. Mitigation Measure RW-2 describes best management practices to reduce the magnitude of this less than significant impact and facilitate post-work recovery. (EIR/EIS, Section 4.7.2)

Mitigation Measure RW-2:

Impacts to wetland and riparian habitats adjacent to the work area shall be minimized by making use of existing barren areas for staging, operations, and stockpiling; crushing vegetation in the work area rather than clearing or grading it; and mulching areas denuded during operations with vegetative debris to encourage natural revegetation and discourage noxious weeds. (EIR/EIS, Section 4.7.3)

CULTURAL RESOURCES (Modifications to River Intake): Review of the historical significance of the proposed modifications to the River Intake indicated that the proposed modifications would not alter the historic integrity of location, design, materials, workmanship, feeling and association because the modification would be minimal. The proposed modifications do not involve any demolition and are all reversible. Therefore, project impacts on the River Intake are considered a less than significant impact (JRP, 2001 and EIR/EIS, Section 4.8.4.1).

CULTURAL RESOURCES (Removal of Obstacles to Flow): None of the 16 structures that may be removed from the river channel (to remove obstacles to flow) prior to the release of baseflows is considered significant, or eligible for inclusion on the National Register of Historic Places (NRHP) (JRP, 2004). Therefore, removal and modification of these structures would represent a less than significant impact. (EIR/EIS, Section 4.8.3)

BIOLOGICAL RESOURCES (Disturbance of Vegetated Wetlands in the River Channel During Construction Activities): Construction activities in the river channel would disturb about 2.0 acres of vegetated wetlands (0.4 acres of freshwater marsh, 0.8 acres of riparian forest, and 0.8 acres of alkali meadow). This impact is considered adverse, but less than significant, because these areas are expected to recover through natural processes as has been observed in other areas along the river from previous disturbances (e.g., from maintenance activities along the river, creeks, and ditches tributary to the river) and the loss of approximately 2.0 acres of vegetated wetlands would be compensated by the gain of 3,113 acres of wetlands created by the implementation of the overall project. (EIR/EIS, Section 5.1.2)

BIOLOGICAL RESOURCES (Impacts to Greasewood Scrub Vegetation from Pump Station Construction): Construction of the pump station facilities (i.e., paved yard, pump station sump and building, service roads, and sediment stockpile areas) would result in the

permanent loss of 7.6 acres of greasewood scrub (EIR/EIS, Table 5-1). This is considered an adverse, but less than significant, impact because the loss of approximately 7.6 acres of greasewood scrub would be compensated by the gain of acres of marsh/wet alkali meadow and alkali meadow, and by the creation of other habitats that would result from the implementation of the overall project (EIR/EIS, Table 14-1). (EIR/EIS, Section 5.1.2)

BIOLOGICAL RESOURCES (Impacts to Freshwater Marsh and Riparian Woodland from Pump Station Sediment Basin Construction): Creation and maintenance of the sediment basin would result in the permanent conversion of 0.37 acres of freshwater marsh and 1.01 acres of riparian woodland to the open water of the forebay (EIR/EIS, Table 5-1). The conversion of these wetland and riparian vegetation types to open water is considered adverse, but less than significant, due to the small acreage involved and because the loss of approximately 1.38 acres of freshwater marsh and riparian habitat would be compensated by the gain of 3,113 acres of wetlands created by the implementation of the overall project (EIR/EIS, Table 14-1). (EIR/EIS, Section 5.1.2)

BIOLOGICAL RESOURCES (Impacts to Alkali Meadow and Riparian Woodland from Pump Station Access Road Construction): Construction of the western and eastern service roads to the sediment basin would result in the permanent loss of 1.85 acres of alkali meadow and 0.05 acres of riparian woodland (Table 5-1). The loss of these wetland types is considered adverse, but less than significant, due to the small acreage involved and because the loss of approximately 1.9 acres of alkali meadow and riparian woodland would be compensated by the gain of 3,113 acres of wetlands created by the implementation of the overall project (see Table 14-1). (EIR/EIS, Section 5.1.2)

BIOLOGICAL RESOURCES (Impacts to Upland Vegetation and Riparian Woodland from Pump Station Construction): The diversion structure would permanently displace about 0.15 acres of upland vegetation (also included in 7.6 acres of greasewood scrub described above) and about 0.30 acres of riparian woodland in the river channel (Table 5-1). This is considered an adverse, but less than significant, impact due to the small area involved, and because the loss of approximately 0.30 acres of riparian woodland would be compensated by the gain of 3,113 acres of wetlands created by the implementation of the overall project (see Table 14-1). (EIR/EIS, Section 5.1.2)

BIOLOGICAL RESOURCES (Summary of Permanent Vegetation Impacts from Pump Station): The proposed diversion and pump station facilities would result in the loss of 3.58 acres of vegetated wetlands (EIR/EIS, Table 5-1). Of this total, about 1.38 acres would be converted to open water (sediment basin in the forebay). The remainder (2.20 acres) would be converted to non-wetlands or developed areas. The total cumulative impact of this loss and conversion is considered adverse, but less than significant, due to the small area involved, and because the loss would be compensated by the gain of 3,113 acres of wetlands created by the implementation of the overall project. (EIR/EIS, Section 5.1.2)

BIOLOGICAL RESOURCES (Summary of Permanent Vegetation Impacts from creation of the Pump Station Forebay): The establishment of the forebay at the pump station would result in the permanent loss of about 4.1 acres of alkali meadow and 7.5 acres of

freshwater marsh, as these vegetation types would be converted to open water (EIR/EIS, Table 5-2). This is considered an adverse, but less than significant, impact because the loss of approximately 7.5 acres of freshwater marsh and 4.1 acres of alkali meadow would be compensated by the gain of 3,113 acres of wetlands created by the implementation of the overall project (EIR/EIS, Table 141). (EIR/EIS, Section 5.1.2)

BIOLOGICAL RESOURCES (Impacts to Mojave Riparian Forest from creation of the Pump Station Forebay): The creation of the forebay at the pump station would result in the loss of 5.3 acres of Mojave riparian forest from the river channel due to the effects of permanent inundation. However, the loss of this forest area is considered an adverse, but less than significant, impact for the following reasons: (1) the riparian woodland in the river channel that would be inundated by the forebay is in poor condition (approximately 85 to 90 percent of the vegetation in this area is currently dead due to the effects of past flow management in the river and the effects of beaver, and (2) the loss of approximately 5.3 acres of riparian woodland would be compensated by the gain of 3,113 acres of wetlands created by the implementation of the overall project (see Table 14-1). (EIR/EIS, Section 5.1.2)

WATER QUALITY (Impacts from Pump Station): Sedimentation due to the construction of the pump station facilities and maintenance desilting of the forebay would be minor in magnitude, localized, and temporary. This would be considered an adverse, but less than significant, impact. Mitigation Measure P-2, discussed in Section 5.1.4, would provide assurances that this impact would remain less than significant. (EIR/EIS, Section 5.1.2)

Mitigation Measure P-2:

The Storm Water Pollution Prevention Plan (SWPPP) to be prepared under the provisions of the required Construction General Storm Water NPDES Permit shall specifically include measures to: (1) prevent erosion from the construction site and from the post-construction site that could cause sedimentation into the river, with a focus on stabilizing the river banks to prevent sloughing and erosion during the initial river flows and due to water level fluctuations in the forebay; and (2) prevent discharge of construction materials, contaminants, washings, concrete, fuels, and oils into the river from construction equipment and vehicles. These measures shall include, at a minimum, physical devices to prevent sedimentation and discharges (e.g., silt fencing, hay bales), and routine monitoring of these devices and the conditions of the river downstream of the pump station site.

(A SWPPP has been prepared by LADWP and submitted to Regional Water Quality Control Board Lahontan Region. The Regional Board would consider adoption of the SWPPP at its meeting set for November 9 and 10 in Lancaster, California. The proposed Regional Board Order, including the SWPPP, can be found at the Regional Board's internet website at <http://www.waterboards.ca.gov/lahontan/>.)

WATER QUALITY (Impacts during Construction): Heavy equipment would be used for construction of the pump station and diversion. There is potential for accidental spills of fuel, lubricating oils, paints, and concrete. Depending upon the size and location of the spill, and the

time of year, contaminants could be discharged to the river and adversely affect water quality. This impact is not expected to occur due to best management practices incorporated into the SWPPP. However, any accidental spill is anticipated to be highly localized because most accidental spills are limited in quantity (e.g., less than 50 gallons). This impact is considered adverse, but less than significant, due to the protective measures in the SWPPP. Mitigation Measure P-2 (see above) would provide assurances that this impact would remain less than significant. (EIR/EIS, Section 5.1.2)

BIOLOGICAL RESOURCES (Impacts to Upland Vegetation from Power Line Installation): The loss of upland vegetation at each power pole site (about 10 by 10 feet) is considered a negligible impact. Overland travel during construction would crush shrubs, but is not expected to destroy plants or alter the soils and drainage patterns. Existing vegetation is expected to recover without adverse effects. The disturbance is not expected to facilitate weed invasion, as soils would not be physically scraped or removed, except at the base of the poles. Therefore, temporary disturbance to upland vegetation during the installation of the power line is considered an adverse, but less than significant, impact. Mitigation Measure P-3 would further reduce less than significant impacts during construction. (EIR/EIS, Section 5.1.3)

Mitigation Measure P-3:

The area of temporary disturbance associated with construction of the power line shall be minimized by using overland travel to reach pole sites, prohibiting construction of new roads, and minimizing soil disturbance such as scraping or excavation, except where necessary to ensure safe passage or to complete construction. (EIR/EIS, Section 5.1.4)

BIOLOGICAL RESOURCES (Impacts to Wetlands from Power Line Installation): No wetland or riparian habitat would be traversed by the power line, or by any proposed overland travel route. However, a small (<200 square feet) freshwater seep is present within 100 feet of the proposed route, about 2,000 feet north of Highway 395 on the margins of Owens Lake. It is dominated by willow-herb, wire rush, common scratchgrass, and the non-native species, white sweet-clover. This wetland is not anticipated to be disturbed. However, any unintended disturbance to this wetland would not be significant because it would likely only involve temporary and reversible effects. Mitigation Measure P-4 would further reduce this less than significant impact. (EIR/EIS, Section 5.1.3)

Mitigation Measure P-4:

The small freshwater seep along the power line shall be avoided during construction by marking its boundary on construction drawings and flagging the boundary in the field prior to construction activities to indicate an environmentally sensitive area to be avoided. (EIR/EIS, Section 5.1.4)

BIOLOGICAL RESOURCES (Fish and Wildlife Impacts from Construction of the Pump Station): The pump station site contains a wide variety of upland, wetland, aquatic, and riparian habitats that provide high-quality forage and shelter for wildlife. Conversion of this

site to a large forebay with 17 acres of mostly open water would benefit waterfowl, but to the detriment of riparian-dependent bird species. The overall habitat, wildlife diversity and productivity of the site are expected to decrease as a consequence. This impact would be partially offset by the anticipated overall increase in riparian woodland habitat due to the rewatering of the river, and the associated increase in wildlife productivity and diversity along the river. The benefits to wildlife along the remainder of the river would compensate for the potential reduction in wildlife abundance and variety at the forebay. Therefore, this impact is considered adverse, but less than significant. (EIR/EIS, Section 5.2.1)

BIOLOGICAL RESOURCES (Fish and Wildlife Impacts from Construction of the Power Line): As described in the EIR/EIS, Section 2.4.3, the new power line would employ vertical construction with conductors spaced at least 4 feet apart (vertical distance), which minimizes the risk of raptors or other large birds becoming electrocuted by touching both conductors simultaneously. The distance between the existing and new power lines (12 feet or more) would also be sufficient to prevent electrocution. In addition, the vertical construction does not include a crossbar, which minimizes the potential for large birds to perch on the pole. Since the new power line would parallel existing infrastructure, including the existing power line and Highway 395, it minimizes any fragmentation of open landscapes, which helps to minimize bird collisions (BirdLife International, 2003). Therefore, the risk of bird collision with and/or electrocution from the new power line is expected to be low. This impact is considered adverse, but less than significant. (EIR/EIS, Section 5.2.2)

BIOLOGICAL RESOURCES (Fish and Wildlife Impacts from Operation of the Power Line): The potential for increase in predation on plovers and other shorebirds from the increase in power poles is expected to be low due to the use of vertical construction, which minimizes the area available for ravens and raptors to perch or nest. This impact is considered adverse, but less than significant. However, since portions of the new power line would be located in close proximity to Owens Lake, a shorebird habitat, Mitigation Measure P-5 is proposed to further reduce the less than significant potential for increase in predation on plovers and other shorebirds that use Owens Lake. (EIR/EIS, Section 5.2.2)

Mitigation Measure P-5:

Power poles installed for the LORP pump station that are located within 0.25 mile of Owens Lake will be equipped with anti-predator perches (aluminum combs or other appropriate devices placed on top of poles or other potential perching sites). (EIR/EIS, Section 5.2.3)

CULTURAL RESOURCES (Power Line Installation): As described in Table 4-14 (Section 4.8.3.2), the APE (“Area of Potential Effect” or field survey area) for the proposed power line was defined as the 200-foot wide corridor along 7.5 miles of the proposed power transmission line. An isolated find, four prehistoric sites (one previously recorded in 1950 and three newly recorded), and four newly recorded historic sites were located along the power line route (EIR/EIS, Section 4.8.3.2). It appears that all sites would be avoided. However, there is potential for inadvertent disturbance to one or more cultural resource sites. This would represent an adverse, but less than significant, impact because none of the resources is considered significant, or is eligible for inclusion in the NRHP.

Implementation of the Mitigation Measure CRP-2 would further reduce this less than significant impact. (EIR/EIS, Section 5.4.2.)

Mitigation Measure CRP-2:

LADWP shall implement the following management actions during installation of the power line: LADWP shall notify representatives of regional Native American Tribes prior to beginning construction of the power line. Interested Tribal representatives shall be invited to be present (on a volunteer basis) during construction. (EIR/EIS, Section 5.4.3)

BIOLOGICAL RESOURCES (Impact to the Delta Habitat Area from Flow Regime Changes): The proposed baseflows would be established to ensure an outflow from the Delta throughout the first year that would exceed the water demands of the Delta wetlands that exist at that time; thus, the proposed baseflows would be sufficient to at least maintain the vegetated wetlands that existed at the time of project initiation. The release of the four pulse flows and the bypass of seasonal habitat flows would provide higher flows (thereby spreading water over a larger area than under baseflow conditions) at key times of the year to enhance vegetated wetlands and aquatic habitats. (EIR/EIS, Section 6.3.6)

Anticipated beneficial impacts resulting from implementation of baseflow, pulse flows, and bypass of seasonal habitat flows include: (1) conversion of unvegetated playa to vegetated wetlands; and (2) conversion of drier wetland types to wetter vegetated wetland types and open water. Anticipated adverse, but less than significant, impacts resulting from implementation of baseflows include the accelerated loss of vertical structure associated with the riparian forest wetland type. Existing riparian forest areas developed under historical seasonally flooded conditions and have been reduced to small areas of decadent, dying and dead trees that are permanently flooded or saturated. (EIR/EIS, Section 6.3.1)

Impacts to existing aquatic and wetland habitats of the Delta would therefore range from beneficial to less than significant. (EIR/EIS, Sections 6.3.1 [Impact Assessment No. 1 prepared by Ecosystem Sciences and White Horse Associates], 6.3.3, 6.3.4, and 6.3.5)

OWENS LAKE MINING OPERATIONS (Impacts from Flow Regime Changes): The reduction in flows to the brine pool could: (1) reduce the size of the brine pool, or (2) have no effect on the size of the brine pool. Either condition would not adversely affect the existing trona mining operations in the brine pool. In fact, the reduction of flows to the brine pool may possibly result in a beneficial impact to the operations. Therefore, the proposed flows to the Delta would not adversely affect the mining operations in Owens Lake. (EIR/EIS, Section 6.4.2)

BIOLOGICAL RESOURCES (Impacts to Upland and Wetland Habitats from Repair of Existing and Installation of New Spillgates in the Blackrock Waterfowl Habitat Area): The repair of existing spillgates and the installation of new spillgates would temporarily disturb upland and wetland habitats in man-made ditches. This impact is considered adverse, but less than significant, because the impacts would be very small in area

(less than 3,000 square feet at any single site), and temporary. Wetlands in the affected ditches would recover quickly after construction. (EIR/EIS, Section 7.1.3.3)

BIOLOGICAL RESOURCES (Impacts in the Blackrock Waterfowl Habitat Area): The flooding of portions of the Blackrock Waterfowl Habitat Area would increase wetland productivity by periodic wetting and drying, which would promote nutrient cycling. In addition, these cycles would create greater diversity in wetland types and vegetative structure compared to current wetlands. Many of the current wetlands in the Blackrock area consist of dense, impenetrable cattail/bulrush marsh habitats that support only a small group of avian species. The drying of wetlands would provide new forage for migratory birds that is not present in the Blackrock area. Finally, the LORP would increase the amount of open water wetlands in the Blackrock area. These actions would increase opportunities for resident, migratory, and over-wintering birds (primarily shorebirds and waterfowl). The establishment of a permanent waterfowl area that is intensively managed for the benefit of waterfowl and other water-associated birds along the Pacific Flyway is considered a beneficial impact to wildlife. (EIR/EIS, Section 7.2.2) No adverse direct or indirect impacts to wildlife species are anticipated with the proposed management actions at the Blackrock Waterfowl Habitat Area because no high-quality, wildlife habitat or area supporting sensitive wildlife species would be displaced by the proposed flooding regime. (EIR/EIS, Section 7.2.2)

CULTURAL RESOURCES (Impacts to Potentially Historic Resources in the Blackrock Waterfowl Habitat Area): Four historic structures are located in the Blackrock Waterfowl Habitat Area. Disturbance to one or more of these features would represent an adverse, but less than significant, impact because none of the resources is considered significant, or eligible for inclusion on the NRHP. (EIR/EIS, Section 7.3.2)

WATER QUALITY (Impacts to the Off-River Lakes and Ponds from the Proposed Flow Regime): Under the proposed program for off-river lakes and ponds, the amount of water provided to Coyote/Grass Lakes Complex and Goose Lake may be greater than under existing conditions due to the need to create flows in the channels downstream of Goose Lake that would connect to the river. There would be an inflow and outflow from these lakes sufficient to sustain the artificial corridor below the lake, but the lake elevations would remain unchanged from current conditions. The greater inflows and outflows at these lakes may improve water quality and increased turnover rates in the lakes - a potentially beneficial impact. (EIR/EIS, Section 8.4)

BIOLOGICAL RESOURCES (Impacts to Fish Habitat at the Off-River Lakes and Ponds): The establishment of permanently watered fish corridors between Goose Lake and the river, and Billy Lake and the river, as part of the riverine-riparian enhancement program (EIR/EIS, Section 2.3) could increase fish production in the lakes by allowing recruitment of fish from the river, as well as providing opportunities for lake and pond fish to feed and reproduce in the ditches between the lakes and the Aqueduct, and between the lakes and the river. The potential increase in available fish habitat and possible enhanced production of the warm water fishery in the lakes and ponds are considered beneficial impacts. (EIR/EIS, Section 8.4)

BIOLOGICAL RESOURCES (Rangeland/Grazing Operations Related to Land Management): The establishment of pastures with seasonal grazing periods and utilization standards and exclosures proposed under the LORP land management plan (EIR/EIS, Sections 2.8.1.3, 2.8.2, and 9.1.2) would result in a reduction of acreage available for grazing over existing conditions. Initially, this reduction in available acreage would temporarily reduce the amount of forage available for livestock grazing. However, once the river is rewatered under the LORP, available forage would increase and improve in condition. In addition, the establishment of utilization rates, modification in timing and duration of grazing, and changes in livestock distribution would also improve rangeland conditions by improving plant vigor and seedling recruitment of forage species. Plant and soil conditions on the leases would improve due to these actions, resulting in a beneficial impact to rangelands. (EIR/EIS, Section 9.1.2)

BIOLOGICAL RESOURCES (Riparian Resources Related to Land Management): In general, implementation of the proposed grazing management actions (i.e., creation of riparian pastures; modification of utilization rates in both riparian and upland pastures; and creation of rare plant, wetland, and waterfowl exclosures) would reduce current grazing impacts to existing biological resources. Beneficial impacts include increased plant production and cover in riparian areas, which would provide more food for small mammals and birds, and cover for ground- and understory-nesting birds. Cattle would graze riparian areas for a shorter period of time, resulting in less frequent disturbance to ground- and understory-nesting birds; hence, the proposed management actions would result in beneficial impacts to riparian biological resources. (EIR/EIS, Section 9.2.2.1)

BIOLOGICAL RESOURCES (Rare Plants Related to Land Management): Fences would be installed in the Twin Lakes, Blackrock and Thibaut leases to create rare plant exclosures for populations of Inyo County star-tulip, Owens Valley checkerbloom, and Nevada oryctes. Grazing would be excluded from the Twin Lakes rare plant exclosure and one of the four Blackrock exclosures. In the other three Blackrock exclosures and the 211-acre Thibaut Rare Plant Pasture, grazing would be prohibited during the flowering, fruiting, and seeding period of the species (April - July). These populations have been subjected to grazing for decades and have persisted, despite removal of plants by grazing and trampling effects. The proposed grazing strategies are expected to improve the reproductive success and long-term survival of these rare plant populations. Therefore, impacts to these populations from future grazing strategies are considered beneficial. (EIR/EIS, Section 9.2.2.2)

BIOLOGICAL RESOURCES (Owens Valley Pupfish Related to Land Management): USFWS, CDFG and LADWP have determined that no management action is required with regard to the Owens Valley pupfish population located near Well No. 368 on the Blackrock Lease since current conditions of the site appear to be suitable for the population's continued existence. Therefore, implementation of the LORP would not have any adverse impact on this pupfish population. (EIR/EIS, Section 9.2.2.3)

ADJACENT BLM AND STATE LANDS COMMISSION (SLC) LANDS (Grazing Management): The grazing management actions proposed under LORP, combined with the increase in forage in riparian areas from rewatering the river, are expected to result in no change

or a net reduction in livestock drift onto public lands. However, the potential for localized increase in livestock drift under LORP cannot be eliminated (e.g., from establishment of stockwater areas closer to public lands). Therefore, this impact is considered adverse, but less than significant. If it is determined by BLM and SLC that the rangeland management actions proposed under LORP are resulting in a substantial increase in cattle drift, Mitigation Measure LM-1 would further reduce less than significant impacts related to cattle drift onto adjacent lands. (EIR/EIS, Section 9.3.2)

Mitigation Measure LM-1:

If it is determined by BLM or SLC that the rangeland management actions proposed under LORP are resulting in a substantial increase in cattle drift, the grazing management plan(s) for the relevant lease(s) shall be modified to incorporate herd and grazing practices to reduce drift. These lease-specific measures shall be developed in consultation with BLM (Blackrock, Twin Lakes, Island, Lone Pine, Intake, and Thibaut Leases) or SLC (Delta Lease) and shall include specific measures to discourage unauthorized drift, such as strategic placement of watering troughs and salt blocks/supplements and coordination of grazing rotation patterns between LADWP and BLM pastures. The effectiveness of these measures shall be evaluated in the LORP monitoring and adaptive management program. (EIR/EIS, Section 9.3.3)

BIOLOGICAL RESOURCES (Impacts on Native Vegetation from Fence Installation):

Fence posts would be installed in riparian pastures by hand crews working from small trucks that travel overland. No new roads would be constructed, nor would any grading or excavation be required. Minor mowing and brush clearing may be required at fence post sites, and along the alignment. The footprint of disturbance for each post would be several square feet. No permanent or irreversible damage to vegetation would occur, nor would the type of surface disturbance facilitate weed colonization. Stringing the fence would also occur by hand crews. Impacts on native vegetation are therefore considered negligible and less than significant (EIR/EIS, Section 9.4)

BIOLOGICAL RESOURCES (Elk and Deer Movement Related to Fence Installation):

Fence installation is not expected to adversely affect movement by elk or deer, as the grazing management plans include provisions to create specialized fences (EIR/EIS, Figure 2-17) to accommodate elk/deer passage along known elk/deer trails. Impacts on elk and deer movement are, therefore, considered negligible and less than significant (EIR/EIS, Section 9.4)

AIR QUALITY (Related to Fence Installation as Part of Land Management): Fence installation would require use of small trucks. Air pollutant emissions would be short-term and similar to those caused by current routine rangeland management activities on the leases.

Impacts on air quality are, therefore, considered negligible and less than significant (EIR/EIS, Section 9.4)

AESTHETICS (Related to Fence Installation as Part of Land Management): The new fences are not expected to cause any visual impacts, as they would be difficult to see from paved public roads. Fencing is a common visual feature in the Owens Valley, and wire fencing presents

a very diffuse visual image that does not generally detract from the landscape. Impacts on aesthetics are, therefore, considered negligible and less than significant (EIR/EIS, Section 9.4)

RECREATION (Impacts to Public Access Related to Land Management): Upon initial implementation of the LORP, most existing roads and trails on the leases that have been used by the public to access the river and off-river lakes for recreation (e.g., fishing and bird watching) would continue to provide access. Gates or cattle guards would be installed to control cattle movement, and access for the public would be provided (EIR/EIS, Section 2.8.1.3). Therefore, no adverse impacts on public access and recreational uses are anticipated. (EIR/EIS, Section 9.4)

CULTURAL RESOURCES (Related to Modification of Grazing Practices as part of Land Management): Various cultural resources occur on the leases, including prehistoric and historic archaeological sites. The modification of grazing practices would generally reduce the overall intensity of grazing, and thereby reduce any ongoing disturbances (if any) to archaeological sites. The installation of fence poles was deemed an insignificant impact by the State Office of Historic Preservation (Far Western, 2001) because the physical damage from post installation is very limited and diffuse. Impacts on cultural resources related to modification of grazing practices are, therefore, considered negligible and less than significant. (EIR/EIS, Section 9.4)

RECREATION (Impacts Related to Recreation Opportunities): Upon initial implementation, the LORP does not include construction of specific new facilities to support new or expanded recreational uses (e.g., roads, trails, campgrounds, interpretive centers, sanitation facilities, parking lots, etc.). Similarly, the project does not include any actions to restrict existing recreational uses (e.g., fencing to restrict access, road closures, etc.). Existing access to the river and the off-river lakes and ponds would be maintained. New fencing proposed under the LORP Land Management Plan would be designed to accommodate existing public access to these areas (e.g., installation of cattle guard fence crossings, cross stream fencing that accommodates kayak and canoe navigation). Increase in the warmwater game fishery in the river would improve the fishing experience and potentially attract more anglers to the area. The increased riparian cover along the river and portions of the Delta is expected to increase habitat, improve the aesthetics of the area, and make hiking, bird watching, and photography more enjoyable. The increase in the amount and variety of various aquatic, wetland, and riparian habitats along the river, at Blackrock Waterfowl Habitat Area and at the Delta Habitat Area, would increase bird use and variety, which would expand and improve the bird watching experience for amateurs and professionals. Increased vegetative cover and increased surface water areas would increase wildlife populations and, therefore, increase hunting opportunities. Increased flows in the river would increase the area suitable for kayaking, canoeing, and tubing. The LORP would result in an improvement of ecological conditions in the project area, which is expected to have beneficial effects on recreational uses and opportunities in the southern Owens Valley. (EIR/EIS, Section 10.1.2.1)

RECREATION (Impacts to Resources from an Increase in Recreation Activity): Since the LORP includes monitoring for recreation impacts and implementation of management strategies to address these impacts, the potential impacts of future recreational uses on

biological resources, grazing operations, cultural resources, existing recreational uses, and roadways are considered adverse, but less than significant. Mitigation Measures RC-1 and RC-2 would further reduce the magnitude of these less than significant impacts. (EIR/EIS, Section 10.1.2.2)

Mitigation Measure RC-1:

When LADWP and Inyo County personnel observe and/or receive complaints or concerns about negative impacts related to recreational activity, LADWP or Inyo County shall review the issue and investigate as necessary. For verified impacts or concerns for potential impacts related to recreation in the LORP area, LADWP and/or Inyo County shall implement recreation management strategies as relevant. (EIR/EIS, Section 2.9). (EIR/EIS, Section 10.1.3)

Mitigation Measure RC-2:

LADWP shall conduct a training program for LADWP and Inyo County personnel working within the LORP area on identification and reporting of cultural resources or potential threats to cultural resources at LADWP or Inyo County facilities in the Owens Valley. Personnel will be instructed on how to identify and report cultural resources encountered in the field, and will also receive an overview of the procedures that must be implemented should impacts or threats to cultural resources be documented. The training will be accomplished through either a multi-media (e.g., video) presentation or a seminar conducted by a professional archaeologist in consultation with local Tribes (as listed in EIR/EIS, Section 4.8.2) and other methods as deemed appropriate. As new personnel are hired or when training is updated, a refresher course will be provided. Visual aids such as photographs or sample artifacts, if available, will be used to familiarize LADWP and Inyo County personnel with cultural resources that may be present in the project area. (EIR/EIS, Section 10.1.3)

SOCIOECONOMICS (Overall Project): The LORP would not result in any adverse impacts to socioeconomic conditions in the Owens Valley. Instead, it is anticipated to improve economic conditions due to: (1) increased expenditures for local labor and materials for the construction of the pump station and long-term maintenance activities; and (2) an increase in visitors due to improved recreational opportunities that would create a need for more outdoor recreational services and suppliers. (EIR/EIS, Section 10.2)

Land management actions proposed under the LORP would restrict the acreage available and the timing of grazing by LADWP lessees. Upon initiation of these measures, more active management by both LADWP staff (related to water distribution, salt, fencing, monitoring, etc.) and by lessees (monitoring, herding/rotation) would be required. Optimization of the grazing practices may alter existing grazing patterns (increasing use on currently lightly used areas and the converse). However, improved vegetation management (utilization rates, seasonal restrictions, etc.) is expected to improve grazing over the long-term. Protection of rangeland integrity is expected to ensure the sustainability of grazing operations - an overall economic benefit for lessees. (EIR/EIS, Section 10.2)

HEALTH AND SAFETY (Safety Impacts Related to Flow Increases): The seasonal habitat flows would be ramped up and down typically over 8 to 14 days, depending on the

amount of seasonal habitat flow to be released that year, and would not be a sudden release of water. Furthermore, the gradient of the river is small (1 foot per mile on average), and the river has a meandering channel. Therefore, flow velocity of the baseflows and seasonal habitat flows would not create hazardous conditions for recreational users along the river. However, the depth of the water during seasonal habitat flow releases would be similar to existing conditions in the Owens River above the intake during winter flows, and may be too deep for wading. Overall, the safety impacts related to flow increases under LORP would be less than significant. (EIR/EIS, Section 10.3.2.4)

DELETERIOUS SPECIES (New Zealand Mud Snail): With implementation of the LORP, there is potential for the New Zealand mud snail to spread to the project area due to increased recreational uses and the hydrologic connection to the Owens River upstream of the River Intake, where the snails currently exist. Continuation of existing CDFG outreach programs and precautions taken by LADWP and County staff as described in the EIR/EIS, Section 10.4.2.1, are anticipated to slow the spread of New Zealand mud snail colonization throughout the river, but it is anticipated that the species would eventually be present in the Lower Owens River. Implementation of the LORP may allow for colonization of New Zealand mud snails, but would not be the only cause of the colonization. Therefore, the potential introduction of the New Zealand mud snail into the Lower Owens River is considered an adverse, but less than significant, impact. Implementation of Mitigation Measures V-4, V-5, and V-6 below would further reduce this less than significant impact. (EIR/EIS, Section 10.4.3.1)

Mitigation Measure V-4:

Conduct Training Program for LADWP Personnel and Lessees. LADWP shall conduct a training program for LADWP and Inyo County personnel, lessees, and their employees working within the LORP area on identification and reporting of noxious weeds, including saltcedar, and New Zealand mud snails. The training will be conducted at LADWP or Inyo County facilities in the Owens Valley. The Eastern Sierra Weed Management Area Noxious Weed Identification Handbook will be provided to program participants. The instruction will detail how to accurately describe their locations to aid in verification and timely response and identify the agencies to which sightings of the species should be reported. As new personnel are hired or when training is updated, a refresher course will be provided. In addition, photos of relevant deleterious species will be posted in the assembly rooms of appropriate LADWP and Inyo County facilities. (EIR/EIS, Section 10.4.4)

Mitigation Measure V-5:

Coordinate with CDFG to Implement Public Outreach Program for Preventing the Spread of New Zealand Mud Snails. Upon the implementation of the LORP, LADWP, in coordination with the California Department of Fish and Game, shall expand the existing public outreach program for preventing the spread of New Zealand mud snails to cover the LORP area. LADWP will post information signs instructing the public on how to identify New Zealand mud snails and notifying recreational users to take precautionary measures to prevent the spread of New Zealand mud snails. The signs will be posted at key access points to the LORP area, such as Mazourka Canyon Road, Manzanar Reward Road, the pump station, and the Delta. The

precautionary measures that will be described on the signs include: scrubbing and rinsing waders, boots, watercraft, and equipment before leaving the water (using hot water or drying will enhance this measure); disposing of fish entrails in proper trash receptacles; and reporting to the Non-indigenous Aquatic Species Toll Free Hotline if this species is observed. (EIR/EIS, Section 10.4.4)

Mitigation Measure V-6:

Implement Measures to Prevent Spread of New Zealand Mud Snails during Project Construction and Maintenance. During project construction and maintenance, LADWP and the County will completely dry construction equipment between use in water infested with New Zealand mud snails and non-infested water. If this is not feasible, the equipment will be steam cleaned before being used in non-infested water. (EIR/EIS, Section 10.4.4)

WATER SUPPLY (Impacts on Exports from Owens Valley): The average annual water consumption associated with the LORP, during steady state conditions, is estimated to be about 34,579 acre-feet per year. This water requirement represents a net increase of about 16,294 acre-feet per year over existing water uses in the valley that currently maintain elements of the LORP, including off-river lakes and ponds; wetlands and pasture in the Blackrock Waterfowl Area; and wetlands along the lower reach of the river. This amount of water is slightly more than the LORP water consumption projected by LADWP (i.e., 16,000 acre-feet per year) in its water supply projections for 2020 (Due to a typographical error, Section 10.5.3 of the EIR/EIS, states that the amount of water is slightly less than water supply projections.) Therefore, the proposed project would not cause a reduction in the amount of water that LADWP planned to be available for export from the Owens Valley for municipal uses in the Los Angeles Basin, and therefore, would not have an impact on water supply for municipal users. (EIR/EIS, Section 10.5.3)

1.2 POTENTIALLY SIGNIFICANT IMPACTS THAT WILL BE REDUCED TO LESS THAN SIGNIFICANT THROUGH THE IMPLEMENTATION OF MITIGATION MEASURES

Pursuant to CEQA Guidelines, Section 15091, the following impacts of the LORP are found by the Inyo County Board of Supervisors to have potentially significant environmental impacts, but because of the implementation of mitigation measures identified in the EIR/EIS, such impacts would be avoided or substantially lessened to a less than significant level.

CULTURAL RESOURCES (Construction Impacts on Cultural Resources during Channel Clearing)

Finding: Three historic sites and one prehistoric site are located within or adjacent to the channel clearing area. Changes or alternatives have been incorporated into the LORP which avoid or substantially lessen the significant environmental effects to these sites. (CEQA Guidelines, Section 15091).

Facts Supporting the Finding: One historic site (No. 3 in EIR/EIS, Table 4-14D) is a suspension-style footbridge that crosses the channel. The channel clearing work would be accomplished without disturbing this footbridge; therefore, no impact would occur on this site. The remaining two historic sites (one unevaluated and one eligible for inclusion in the NRHP) are previously recorded sites located near one of the proposed temporary access roads. The prehistoric site (unevaluated) is located adjacent to the sediment stockpile area. These three sites could be disturbed by establishment of the access roads and/or use of construction equipment during the channel clearing work. This impact is considered potentially significant, but mitigable. (EIR/EIS, Section 4.8.4.2) With implementation of the following mitigation measure (CRR-1) (locating the temporary access roads around the sites and installing temporary protective fencing to prevent inadvertent disturbances from heavy equipment or sediment spoil from intruding onto the sites), impacts on cultural resources during channel clearing can be avoided or reduced to less than significant levels:

Mitigation Measure CRR-1:

LADWP shall implement the following management actions to avoid impacts on cultural resources during the channel clearing work:

- *LADWP shall work with a qualified archaeologist to locate the temporary access road for the channel clearing work to avoid the two historic sites identified in the field survey by Far Western (2003).*
- *Temporary construction fencing shall be installed along the perimeter of the area where these two historic sites are located to avoid construction equipment, vehicles, or personnel from accidentally entering and disturbing the site.*
- *Temporary construction fencing shall be installed between the sediment stockpile area and the adjacent prehistoric site to avoid heavy equipment and or sediment spoil from accidentally entering and disturbing the site.*
- *Installation of temporary fencing referenced above shall be conducted under the supervision of a qualified archaeologist.*
- *LADWP shall notify representatives of regional Native American Tribes prior to beginning earthwork for the channel clearing work. Interested Tribal representatives shall be invited to be present (on a volunteer basis) during earthwork.*
- *In the event that previously unknown prehistoric or historic cultural material is encountered, a qualified archaeologist will be contacted and will investigate the find and determine if it represents an intact deposit or archaeological site. LADWP shall implement the recommendations of the archaeologist concerning measures to protect or salvage the site. If prehistoric cultural material is identified by the archaeologist, LADWP shall coordinate the investigations and actions to be taken with appropriate Native American parties. (EIR/EIS, Section 4.8.5)*

CULTURAL RESOURCES Potential for Disturbance of Archaeological Sites from Proposed Flows

Finding: Changes or alternatives have been incorporated into the LORP, and mitigation measures would be implemented, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. (CEQA Guidelines, Section 15091).

Facts Supporting the Finding: Consultations between EPA and OHP (Office of Historic Preservation [California]) resulted in a consensus that under the LORP, areas of new river flows or flooding alone are not expected to create adverse impacts to existing cultural resources and therefore, would not be included in the APE (EIR/EIS, Section 4.8.3.1). The width of the wetted reach of the river is expected to increase by, at most, 40 feet under proposed flow releases (EIR/EIS, Section 4.3.2). Proposed new flows in the river and the Delta would be similar to, and would not exceed, those experienced under natural (i.e., with no diversions from the Lower Owens River to the Aqueduct) flood conditions. No prehistoric or archaeological sites are known to occur along the margins of the Lower Owens River within the floodplain that would be affected by the baseflows and seasonal habitat flows (Far Western, 2001).

Similarly, the Blackrock Waterfowl Habitat Area has been inundated repeatedly since the 1960s, and the proposed discharges under the LORP to Blackrock would be low velocity. Hence, potential changes in landform over time due to the additional flows are not expected to damage or expose any archaeological sites. However, there is a remote possibility that unknown archaeological sites or cultural deposits could be affected by the new flows. While this impact is not expected to occur, it is considered a potentially significant, but mitigable impact. (EIR/EIS, Section 4.8.4.4) With implementation of the following mitigation measure (CRR-2- reporting unexpected finds to a qualified archaeologist for further investigation and implementation of management actions to protect the resource), impacts on cultural resources from proposed flows can be avoided or reduced to less than significant levels:

Mitigation Measure CRR-2:

In the event that previously unknown prehistoric or historic cultural material is observed in areas subject to LORP-related flows or earthwork, LADWP shall retain a qualified archaeologist to investigate the find and determine if it represents an intact deposit or archaeological site. LADWP shall implement the recommendations of the archaeologist concerning measures to protect or salvage the site. If prehistoric cultural material is identified by the archaeologist, LADWP shall coordinate these investigations and actions to be taken with appropriate Native American parties. If any investigations are conducted, interested Tribal representatives would be invited to participate (on a volunteer basis). (EIR/EIS, Section 4.8.5.)

CULTURAL RESOURCES (Impacts to Unknown, but Potentially Present, Buried Cultural Resources at the Pump Station Site)

Finding: Changes or alternatives have been incorporated into the LORP, and mitigation measures would be implemented, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. (CEQA Guidelines, Section 15091)

Facts Supporting the Finding: Two isolated finds located at the pump station site are not significant cultural resources and are not eligible for inclusion on the NRHP. No other cultural resources are known or expected to occur at the pump station site. However, there is always the potential, in a region with known prehistoric use, that cultural material could be unexpectedly encountered during construction. The potential for encountering buried site deposits is considered greater within high alluvial deposition zones near the river delta. Therefore, the potential for encountering an intact, potentially significant, archaeological site is considered a significant, but mitigable impact. (EIR/EIS, Section 5.4.1) With implementation of the following mitigation measure (CRP-1-reporting unexpected finds to a qualified archaeologist for further investigation and implementation of management actions to protect the resource), impacts on cultural resources during pump station construction can be avoided or reduced to less than significant levels:

Mitigation Measure CRP

LADWP shall implement the following management actions to avoid impacts on cultural resources during construction of the pump station:

- *LADWP shall notify representatives of regional Native American Tribes prior to beginning earthwork for the pump station. Interested Tribal representatives shall be invited to participate (on a volunteer basis) in the monitoring of the earthwork.*
- *A qualified archaeologist shall be present during site grading for the pump station to monitor for and avoid cultural resources. In the event that prehistoric or historic cultural material is encountered, the archaeologist will investigate the find and determine if it represents an intact deposit or archaeological site. LADWP shall implement the recommendations of the archaeologist concerning measures to protect or salvage the site. If prehistoric cultural material is identified by the archaeologist, LADWP shall coordinate the monitoring, investigations, and actions with appropriate Native American parties. If any investigations are conducted, interested Tribal representatives would be invited to participate (on a volunteer basis). (EIR/EIS, Section 5.4.3)*

SURFACE WATER HYDROLOGY (Localized Overbank Flooding that could Affect Several Public Roads and Lease Roads that Cross the River e.g., Mazourka Canyon Road, Manzanar-Reward Road, and Keeler Bridge)

Finding: Changes or alternatives have been incorporated into the LORP, and mitigation measures would be implemented, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. (CEQA Guidelines, Section 15091)

Facts Supporting the Finding: The hydraulic modeling and observations of flows during the 1993 field experiment suggest the following effects of baseflows and seasonal habitat flows:

- Once dense, in-channel vegetation is removed, the increase in water depth and width of the wetted channel would be modest under the baseflows, which would be contained within the current active channel. Most of the seasonal habitat flows would also be contained within the active channel, except in localized reaches where the flows may break out of the channel due to low banks or obstructive vegetation.
- The predicted and observed velocities under the baseflows and seasonal habitat flows are not likely to cause bank erosion. However, the velocities may be sufficient to remove limited amounts of cattails and bulrushes in localized areas.
- If cattail and bulrush marsh vegetation is removed from the channel, flow velocities and channel bed scouring would increase. However, the predicted velocities are still relatively low and not considered erosive.
- Predicted velocities under the seasonal habitat flows appear to be sufficient to remove some beaver dams, or breach the dams, but not high enough to remove all dams.

Based on the modeling analysis, the proposed new flows in the Lower Owens River are not expected to cause significant bank erosion, channel degradation, or sediment deposition. However, there is potential for localized overbank flooding that could affect several public roads and lease roads that cross the river (e.g., Mazourka Canyon Road, Manzanar-Reward Road, and Keeler Bridge). This impact could occur if floating debris clogs the culverts and bridges at these crossings, primarily under the seasonal habitat flows. If flow under these roads is obstructed, overbank flooding could affect the roads. This impact is considered potentially significant, but mitigable. (EIR/EIS, Section 4.3.2.) With implementation of the following mitigation measure (H-1--monitoring these crossings during seasonal habitat flows and removing debris as necessary), flooding impacts on roads that cross the river can be reduced to less than significant levels:

Mitigation Measure H-1:

During seasonal habitat flows, Inyo County shall monitor culverts and bridges on County roads along the river and LADWP shall monitor culverts on other roads to determine the potential for debris plugs to form at road crossings. Obstructive debris will be removed as necessary to minimize flooding the roads. (EIR/EIS, Section 4.3.3)

BIOLOGICAL RESOURCES (Disturbance of Desert Sink Scrub Vegetation Related to Use of Haul Roads during Channel Clearing)

Finding: Changes or alternatives have been incorporated into the LORP, and mitigation measures would be implemented, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. (CEQA Guidelines, Section 15091)

Facts Supporting the Finding: The channel clearing work would occur from the top of the west bank of the river using a tracked excavator. Both banks would remain undisturbed. Excavated material would be placed directly into dump trucks, and then hauled to

a permanent sediment stockpile area adjacent to the River Intake. A temporary 20-foot wide haul road would be established on the top of the west bank for the excavator and trucks. It would be created by driving over the existing vegetation in flat areas, and by minor grading where the terrain is uneven. Several temporary roads would be created perpendicular to the main haul road to provide access to an existing dirt road along the Aqueduct. Establishment of these roads would result in the short-term disturbance of about 8 acres of desert sink scrub. This impact is considered significant, but mitigable. (EIR/EIS, Section 4.5.2) With implementation of the following mitigation measure (R-1-restoring the roads to pre-construction grades and vegetative conditions), impacts on desert sink scrub vegetation related to use of haul roads during channel clearing can be avoided or reduced to less than significant levels:

Mitigation Measure R-1:

Temporary access roads used to clear the river channel shall be seeded with native or naturalized grasses and shrubs common to the valley, as available, after completion of the desilting operation to facilitate restoration of vegetative cover and species compatible with the surrounding vegetation. The colonization by non-native aggressive or noxious weeds shall be inhibited by weed control for 3 years after construction. (EIR/EIS, Section 4.5.3.)

BIOLOGICAL RESOURCES (Impacts to Avian Resources from Tule Removal)

Finding: Changes or alternatives have been incorporated into the LORP, and mitigation measures would be implemented, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. (CEQA Guidelines, Section 15091)

Facts Supporting the Finding: Removal of cattails and bulrushes, if it is undertaken, could cause several incidental impacts depending upon the time of year, the amount removed, and the method of removal. Cattails and bulrushes are used for nesting by various bird species and one special status species – least bittern. Mechanical removal of tules during the spring and early summer could disturb nesting birds by destroying cover and nests, altering breeding behavior, and displacing breeding pairs. This impact is considered significant, but mitigable. (EIR/EIS, Section 4.7.2) With implementation of the following mitigation measure (RW-1-scheduling the removal for the fall and winter months), impacts on breeding birds during tule removal can be avoided or reduced to less than significant levels:

Mitigation Measure RW-1:

If necessary to remove limited cattail and bulrush obstructions, mechanical removal of cattail and bulrush stands shall only occur in the fall and winter (October 1 to March 1) to avoid conflicts with breeding birds. Work outside of this time may be conducted if field surveys determine there would be no effect to nesting birds. (EIR/EIS, Section 4.7.3.)

BIOLOGICAL RESOURCES (Temporary Vegetation Impacts at the Pump Station)

Finding: Changes or alternatives have been incorporated into the LORP, and mitigation measures would be implemented, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. (CEQA Guidelines, Section 15091)

Facts Supporting the Finding: The construction of the pump station would cause general disturbance to upland vegetation from equipment staging, overland travel between work areas, construction of the service roads, and installation of the permanent diversion structure. About 21.5 acres of desert greasewood scrub would be temporarily disturbed (see EIR/EIS, Table 5-1). This impact is considered a significant, but mitigable impact. (EIR/EIS, Section 5.1.2.) With implementation of the following mitigation measure (P-1-restoration of disturbed areas with native vegetation) in coordination with CDFG, impacts on upland vegetation during pump station construction can be avoided or reduced to less than significant levels:

Mitigation Measure P-1:

Upland areas disturbed during construction at the pump station site shall be regraded to create natural contours that match adjacent topography, then shall be seeded with native plant species. Restoration shall commence within 1 year of completion of the pump station. The goal of the restoration shall be to restore plant species and cover to pre-construction conditions over time. The species included shall be based on the species removed, availability of seeds or plant materials, and ability to cultivate each species. The colonization by non-native aggressive or noxious weeds shall be inhibited by weed control for 3 years after construction. Revegetation methods, plant maintenance, performance goals, and monitoring methods shall be based on: (1) the guidance in Inyo County's Revegetation Plan prepared pursuant to the Agreement; and (2) results of LADWP's ongoing experimental dryland revegetation studies in the Owens Valley. A 7-year monitoring and maintenance program shall be implemented to ensure successful establishment of the plants. The following are the mitigation goals for revegetation: (1) at least 50 percent of the native perennial species present at the site prior to construction shall be established by year 3 and persist through year 7; (2) plant cover shall achieve 50 percent of pre-construction cover values by year 5 and 65 percent by year 7; (3) newly established plants shall exhibit normal growth rates and healthy conditions for at least 2 years without supplemental watering and weeding; and (4) cover by non-native noxious weeds shall not exceed pre-construction conditions. (EIR/EIS, Section 5.1.4.)

BIOLOGICAL RESOURCES (Impacts on Upland Vegetation from Construction of Berms, Ditches, and Spillgates in the Blackrock Waterfowl Habitat Area)

Finding: Changes or alternatives have been incorporated into the LORP, and mitigation measures would be implemented, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. (CEQA Guidelines, Section 15091)

Facts Supporting the Finding: The only berms and ditches that would be constructed or repaired are located in upland habitats. It is estimated that construction work would disturb about 20 acres for berms and 11 acres for ditches, consisting primarily of desert sink scrub. The berms would be allowed to revegetate naturally, although the tops of the berms would be used for vehicular access. Ditches would be used for conveying water, and as such, would be converted to open water or vegetated wetland habitat. The construction-related disturbance zone around the margins of berms and ditches would be allowed to revegetate naturally. The success of natural revegetation of new berms and construction-related

disturbance zones is uncertain. There is potential for invasion of non-native exotics in dry areas, and saltcedar in moist areas. Hence, habitat disturbance related to the construction of new berms and ditches in the Blackrock Waterfowl Habitat Area is considered a significant, but mitigable impact. (EIR/EIS, Section 7.1.3.3) With implementation of the following mitigation measure (B-1-post-construction seeding with native plants and weeding to prevent an infestation of exotics), impacts on upland vegetation during construction of berms and ditches in the Blackrock Waterfowl Habitat Area can be avoided or reduced to less than significant levels:

Mitigation Measure B-1:

Temporarily disturbed upland habitats in the Blackrock Waterfowl Habitat Area shall be seeded with native or naturalized grasses and shrubs common to the valley, as available, after construction of berms and ditches to facilitate restoration of vegetative cover and species compatible with the surrounding vegetation. The colonization by non-native weeds shall be inhibited by weed control for three years after construction. (EIR/EIS, Section 7.1.4.)

CULTURAL RESOURCES: (Impacts to Prehistoric Sites from Construction Activity in the Blackrock Waterfowl Habitat Area)

Finding: Changes or alternatives have been incorporated into the LORP, and mitigation measures would be implemented, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. (CEQA Guidelines, Section 15091)

Facts Supporting the Finding: Two prehistoric sites, a large flaked and ground stone scatter and an extensive artifact scatter, were identified during the cultural resources field survey in Blackrock. Existing disturbance from nearby dirt roads, road construction, and recreational activities appears to be minimal. These two sites maintain a moderate amount of structural integrity and manifest relatively complex surface assemblages, and remain unevaluated with respect to eligibility for the NRHP.

One of the proposed ditches would be located in proximity of these sites. Several active dirt roads also border these sites, and would be used during project construction. Disturbance of these sites would be considered a potentially significant, but mitigable impact. (EIR/EIS, Section 7.3.1) With implementation of the following mitigation measure (B-2-placement of temporary protective fences if construction work occurs near the site), impacts on prehistoric sites from construction activity in the Blackrock Waterfowl Habitat Area can be avoided or reduced to less than significant levels:

Mitigation Measure B-2:

LADWP shall implement the following management actions to avoid impacts on cultural resources during construction of the proposed ditch to be located in proximity of the two known prehistoric sites in the Blackrock area:

- *LADWP shall notify representatives of regional Native American Tribes prior to beginning construction of the proposed ditch to be located in proximity of the two known prehistoric*

sites. Interested Tribal representatives shall be invited to be present (on a volunteer basis) during the construction of the ditch.

- LADWP shall work with a qualified archaeologist to locate the proposed ditch to avoid the two known prehistoric sites identified in the field survey by Far Western (2001).
- Temporary protective fencing shall be placed between the known prehistoric sites and proposed ditch areas if construction work will occur within 100 feet of these sites. A qualified archaeologist shall supervise the placement of temporary protective fencing.
- All vehicles shall remain on the road in the vicinity of the known prehistoric sites.
- If construction must occur within 25 feet of these sites, an archaeologist shall monitor construction activities. (EIR/EIS, Section 7.3.3.)

HEALTH AND SAFETY (Impacts from Increases in Mosquito Habitat)

Finding: Changes or alternatives have been incorporated into the LORP, and mitigation measures would be implemented, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. (CEQA Guidelines, Section 15091)

Facts Supporting the Finding: An increase in mosquitoes resulting from the LORP in the immediate vicinity of the river channel area, the Delta, and the Blackrock area, is considered to be a less than significant impact. The numbers of mosquitoes would increase when the currently dry areas of the river channel, the Delta, and Blackrock area are wetted under the project, and are expected to be similar to currently-wetted areas in the LORP area, where mosquitoes are now present in abundance. Impacts to human visitors to these areas can be avoided if the visitors take protective measures, such as wearing mosquito repellent and covering exposed skin areas. (EIR/EIS, Section 10.3.2.3.)

However, the substantial increase in potential mosquito breeding habitat created by the LORP (EIR/EIS, Section 10.3.2.1) could result in a noticeable increase in mosquitoes in areas away from the immediate vicinity of the river channel area, the Delta, and the Blackrock area where humans reside. In addition, the increase in mosquito populations could adversely affect birds and other wildlife and some domestic animals (horses) that are susceptible to mosquito-borne diseases (CDC, 2003c). The potential increase of a public health threat and public nuisance caused by an increase in mosquito populations due to the LORP would be significant, but mitigable. (EIR/EIS, Section 10.3.2.3) With implementation of the following mitigation measure (PS-1-implement a program for mosquito monitoring, control, and public education), public health impacts from increase in mosquito habitat can be avoided or reduced to less than significant levels:

Mitigation Measure PS-1:

LADWP shall enter into an agreement with OVMAP to abate the potential increase in mosquitoes resulting from the LORP. Mitigation Measure PS-1 has three components:

- *Pre-project and post-implementation surveillance, monitoring, and control (to be performed by OVMAP)*

- *Agency coordination and LORP management adjustments (to be performed by LADWP)*
- *Public education, program administration, and reporting (to be performed by OVMAP) (EIR/EIS, Section 10.3.3, Appendix H.)*

DELETERIOUS SPECIES (Increases in Noxious Weeds Other than Saltcedar)

Finding: Changes or alternatives have been incorporated into the LORP, and mitigation measures would be implemented, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. (CEQA Guidelines, Section 15091)

Facts Supporting the Finding: Rewatering the Lower Owens River and supplying water to the Delta and to the Blackrock areas could potentially increase the distribution and abundance of perennial pepperweed, Russian knapweed, and other noxious weeds by distributing seeds from upstream sources. The rewatering of the river would also create new wetted channel areas (e.g., river channel and banks upstream of Mazourka Canyon Road), which would be susceptible to infestation by some weeds such as pepperweed. In addition, the anticipated increase in recreation as a result of LORP implementation may also contribute to an increased risk of weed infestation from seed dispersion by foot and vehicular traffic. The potential increase in perennial pepperweed, Russian knapweed, and other noxious weeds would be deleterious to native habitat and is considered significant, but mitigable. (EIR/EIS, Section 10.4.3.2.) With implementation of the following mitigation measures (V-1, V-2, and V-4-implement measures to minimize new infestations; provide funding to Inyo-Mono County Agricultural Commissioner for control of new infestations in the LORP area and treatment of potential seed sources outside of the LORP area; and conduct training for LADWP and Inyo County personnel in weed identification and reporting), impacts from increase in noxious weeds (other than saltcedar) can be avoided or reduced to less than significant levels:

Mitigation Measure V-1:

Implement Measures to Minimize New Infestations. LADWP shall implement the following actions to minimize infestations of noxious weeds:

- 1. Construction and other disturbance of substrates will be minimized.*
- 2. When possible, good water circulation will be provided in project wetlands to minimize accumulation of salts to prevent saltcedar infestation.*
- 3. The use of fire for vegetation management will be minimized.*
- 4. To the extent possible, LADWP will initiate flow releases and initiate dry phases within the Blackrock area between November 1 and March 15 (i.e., when saltcedar is not producing seed) to minimize the chance of invasion by saltcedar.*
- 5. Construction equipment will be maintained "weed free" by washing and inspecting equipment used in weed-infested areas prior to moving to another site.*
- 6. On-site fill materials for construction will be used to the extent possible. If off-site fill materials are necessary, they will be taken from borrow pits located in areas that are free of noxious weeds. (EIR/EIS, Section 10.4.4.)*

Mitigation Measure V-2:

Provide Funding to the Inyo-Mono County Agricultural Commissioner. LADWP shall provide \$50,000 per year to the Agricultural Commissioner to fund the monitoring and control of new infestations of perennial pepperweed and other noxious weeds (excluding saltcedar) in the LORP project area for the first 7 years of LORP implementation. In addition, LADWP shall provide \$150,000 per year for the first 7 years to the Agricultural Commissioner to fund the control of existing perennial pepperweed and other noxious weed populations outside of the LORP area that could serve as seed sources for the LORP area.

The Agricultural Commissioner will develop protocols for monitoring and controlling infestations based upon past experience and current literature. Based on the protocols, the Agricultural Commissioner will use the funds to identify and treat new infestations of noxious weeds within the LORP area in a timely manner, with priority given to the riparian areas. Existing infestations outside of the LORP area that could serve as seed sources for the LORP area will also be monitored and treated. A Memorandum of Understanding between the Agricultural Commissioner and LADWP will be entered into, and will outline the responsibilities of each agency under the protocols. (EIR/EIS, Section 10.4.4.)

Mitigation Measure V-4:

Conduct Training Program for LADWP Personnel and Lessees. LADWP shall conduct a training program for LADWP and Inyo County personnel, lessees, and their employees working within the LORP area on identification and reporting of noxious weeds, including saltcedar, and New Zealand mud snails. The training will be conducted at LADWP or Inyo County facilities in the Owens Valley. The Eastern Sierra Weed Management Area Noxious Weed Identification Handbook will be provided to program participants. The instruction will detail how to accurately describe their locations to aid in verification and timely response and identify the agencies to which sightings of the species should be reported. As new personnel are hired or when training is updated, a refresher course will be provided. In addition, photos of relevant deleterious species will be posted in the assembly rooms of appropriate LADWP and Inyo County facilities. (EIR/EIS, Section 10.4.4.)

DELETERIOUS SPECIES (Increases in Saltcedar from Flow Management)

Finding: Changes or alternatives have been incorporated into the LORP, and mitigation measures would be implemented, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. (CEQA Guidelines, Section 15091)

Facts Supporting the Finding: The rewatering of the river would create new wetted channel areas, including areas that are currently barren of riparian vegetation. For example, much of the river channel and banks upstream of Mazourka Canyon Road lack riparian vegetation due to the lack of flows in the river since 1913. Once wetted, these areas would be susceptible to saltcedar infestation from existing saltcedar populations within the LORP area. The proposed flooding of the Blackrock area would also potentially create additional areas for saltcedar colonization. Under LORP, the proposed baseflows to the Delta would result in

increased flows during the summer (saltcedar growing season) over existing conditions, which would create areas susceptible to saltcedar colonization. The proposed pulse flows to the Delta and any seasonal habitat flows that bypass the pump station during the summer would also result in conditions that may be conducive to saltcedar infestation.

An increase in saltcedar infestations in the LORP area would result in increased water consumption, and could also result in displacement of existing native riparian vegetation, which would have adverse impacts on the abundance and variety of wildlife. In addition, an increase in saltcedar within the LORP boundary would increase the seed source throughout the region, potentially resulting in increases in saltcedar outside the project area. In view of the extent of existing saltcedar populations within the LORP area that could serve as seed sources, the invasiveness and persistence of saltcedar, and the new areas that could be susceptible to saltcedar infestation as a result of LORP, the potential increase in saltcedar resulting from the project is considered significant, but mitigable. (EIR/EIS, Section 10.4.3.3)

Implementation of Mitigation Measures V-1, V-3, and V-4 in combination with the WCB grant to the Inyo County Saltcedar Control Program (see Section EIR/EIS, Section 10.4.1.6) would control potential new saltcedar infestations resulting from the LORP to less than significant levels. From 1998 to June 2004, the Inyo County Saltcedar Control Program has been funded sufficiently to successfully control, treat, monitor, and maintain over one-half of the Lower Owens River channel and floodplain saltcedar populations. Based on this past experience, the potential for a significant increase in saltcedar is considered to be mitigable through the additional guaranteed funding of the Inyo County Saltcedar Control Program as itemized in Mitigation Measure V-3. (EIR/EIS, Section 10.4.3.3) With implementation of the following mitigation measures (V-1, V-3, and V4-implement measures to minimize new infestations; provide funding to and coordinate with the Inyo County Saltcedar Control Program; and conduct training for LADWP and Inyo County personnel in weed identification and reporting), impacts from increases in saltcedar can be avoided or reduced to less than significant levels:

Mitigation Measure V-1 Implement Measures to Minimize New Infestations (Mitigation Measure V-1 is quoted above)

Mitigation Measure V-3:

Provide Funding to and Coordinate with the Inyo County Saltcedar Control Program. In addition to LADWP's contribution to the existing Inyo County Saltcedar Control Program, LADWP will provide funding to Inyo County in order for the County's Saltcedar Control Program to implement the following measures (the measures described below are in addition to the activities that will be conducted as part of the continuation of the existing Inyo County Saltcedar Control Program described in EIR/EIS, Section 10.4.1.6.):

Monitoring and Treatment of New Saltcedar Infestations

Protocols for monitoring and treating new saltcedar infestations in the project area will be developed and implemented by the Inyo County Saltcedar Control Program in

cooperation with LADWP. The protocols will include, but not be limited to, the following:

- 1. Prioritization for monitoring and treatment of areas that are to undergo a change in hydrologic status and that do not have an established cover of native plants.*
- 2. Provisions for treating new saltcedar infestations, including protocols for treating saltcedar near rare plant populations.*
- 3. Provisions for annual pedestrian monitoring of project areas potentially subject to saltcedar infestations.*
- 4. Provisions for annual follow-up treatments of previously treated saltcedar infestations.*

Treatment of Saltcedar Seed Sources

If the ongoing Inyo County Saltcedar Control Program is not able to achieve the priorities for the control of existing saltcedar populations in the LORP area identified in Section 10.4.1.6, the control of existing saltcedar populations will be completed as part of this mitigation measure.

Coordination

In addition to the above, the program will include:

- 1. LADWP will provide to the Saltcedar Control Program reports and data compiled through the LORP monitoring program concerning flows and water levels related to the river baseflow and seasonal habitat flows, releases to the Delta, and water levels at the Off-River Lakes and Ponds and in the Blackrock area.*
- 2. LADWP will notify the Saltcedar Control Program of the timing and extent of annual seasonal habitat flows, increased flow releases to Blackrock units, pulse flows to the Delta, and other changes in land management that could cause a new infestation of saltcedar.*
- 3. LADWP will provide to the Saltcedar Control Program work products relevant to saltcedar control that are prepared through the LORP monitoring program, such as maps, imagery, etc.*

Funding

LADWP will provide matching funds for LORP saltcedar control equal to the amount obtained by the County up to a total of \$1.5 million as described in Section 10.4.1.6. LADWP will provide a guaranteed funding of \$560,000. The intent of this mitigation measure is to suppress increases in saltcedar resulting from LORP implementation. If continuation of the LORP-focused saltcedar control program is required and the matching funds described above are exhausted, funding for the program will be an ongoing post-implementation cost (EIR/EIS, Section 2.2.2.2; EIR/EIS, Section 10.4.4)

Mitigation Measure V-4 Conduct Training for LADWP Personnel and Lessees (Mitigation Measure V-4 is quoted above).

1.3 IMPACTS THAT REMAIN SIGNIFICANT AND UNAVOIDABLE AFTER THE IMPOSITION OF FEASIBLE MITIGATION MEASURES

Pursuant to CEQA Guidelines, Section 15091, the Inyo County Board of Supervisors finds that two impacts of the LORP cannot be fully mitigated to a less than significant level:

- Water quality degradation from initial channel rewatering due to suspension of organic material is considered a significant and unavoidable impact.
- Fish kills, which may occur due to the water quality degradation, are considered a significant unavoidable impact.

These significant impacts are addressed below.

WATER QUALITY (Degradation of Water Quality during Initial Rewatering of a Portion of the Lower Owens River) (Due to a typographical error, the EIR/EIS, incorrectly identifies the Section as 4.1.3, the correct Section number should be 4.4.3.)

Finding: Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the implementation of mitigation measures or the adoption of project alternatives identified in the Final EIR. (CEQA Guidelines, Section 15091)

Facts Supporting the Finding: Based on the available data and analytic tools, it appears that the proposed 40-cfs baseflow and seasonal habitat flows may degrade water quality and adversely affect fish due to the depletion of oxygen and the possible increase in hydrogen sulfide and ammonia. These impacts are only expected to occur along the wetted reach of the river where the organic sediment deposits are present, affecting about 37 channel miles of the 62-mile length of the river. It is anticipated that water quality conditions would improve under the 40-cfs baseflow over time, but may be subject to periodic disturbance by the seasonal habitat flows of up to 200 cfs. The time required to stabilize water quality under the baseflow and seasonal habitat flows is unknown. It is speculated that the impacts would diminish with time and continual flows in the river. Eventually, water quality conditions in the river are expected to improve over current conditions. Over the long-term, increased water availability should improve overall conditions for realizing an increase in beneficial use of the water (mainly increased habitat).

As described in the EIR/EIS, Section 2.3.5.3, the first seasonal habitat flow would be released in the winter (i.e., when temperatures are lower) to reduce the potential for substantial decreases in dissolved oxygen and adverse effects on fish health. However, the effectiveness of the first seasonal habitat flow to reduce water quality impacts during subsequent seasonal habitat flows (scheduled to occur in May/June) is uncertain. In addition, there is still a potential for significant water quality impacts to occur during the establishment of the 40-cfs baseflow.

Spillgate releases (EIR/EIS, Sections 2.3.5.2 and 2.3.5.4) are designed to provide fish with refuge areas of higher quality water (higher dissolved oxygen, lower turbidity) at the

confluences of spillgate channels with the river channel, but the spillgate releases are not intended to improve water quality throughout the river. The spillgate releases would not be of velocities high enough to cause additional stirring of organic sediments. In addition, the ditches downstream of the spillgates are maintained and do not contain substantial amounts of organic sediments. Therefore, spillgate releases are not expected to further depress dissolved oxygen as a result of sediment disturbance.

The proposed baseflow and seasonal habitat flows could cause water quality degradation along the Lower Owens River from Mazourka Canyon Road to the pump station site. This impact is considered significant and unavoidable. The poor water quality conditions would adversely affect the following beneficial uses: Cold Freshwater Habitat, Warm Freshwater Habitat, Commercial and Sportfishing, Non-Contact Water Recreation, Wildlife Habitat. The resulting water quality conditions could result in fish kills. The following water quality objectives may not be met during this period: Biostimulatory Substances, Chemical Constituents, Dissolved Oxygen, Floating Materials, Non-Degradation of Aquatic Communities and Populations, Sediment, Settleable Materials, Suspended Materials, Taste and Odor, Temperature, and Turbidity. There is potential for toxic substances to be released to the water in deleterious amounts – in particular, naturally-occurring hydrogen sulfide and ammonia.

A mitigation measure was considered for implementation to reduce this potentially significant impact. Based on recommendations by the Lahontan Regional Board (NOP letter dated February 24, 2000), stilling ponds were evaluated as a potential mitigation measure for reducing short-term water quality impacts during seasonal habitat flow releases. However, this measure was determined to be infeasible. The use of stilling ponds to capture and settle out sediments could reduce the turbidity effects of initial flow releases; however, this strategy is considered infeasible since it would reduce the ability of seasonal habitat flows to spread channel sediments onto the floodplains. The spreading of sediments onto the floodplains is necessary for riparian habitat development, and is an objective of seasonal habitat flows stated in the MOU. (EIR/EIS, Section 4.1.3.1)

In addition to the mitigation measure, three alternative flow release regimes were considered. (Release regime 1 involved gradual increases in baseflow and deferred seasonal habitat flows. Release regime 2 called for a release of a seasonal habitat flow to flush the system prior to commencing baseflows. Release regime 3 delayed releases to establish baseflows until the winter months.) (EIR/EIS, Section 11.3). However, two of the alternative flow release regimes (2 and 3) would not reduce the significant water quality impacts that would result under the proposed project. It is unknown to what extent the first alternative flow regime would avoid or reduce impacts to water quality compared to the proposed project, but it is expected that there would be water quality benefits. However, this alternative is considered infeasible since it would delay release of the 40-cfs baseflow and therefore, not be environmentally superior to the proposed project. (EIR/EIS, Section 11.3.1) Release regime 1 would also be inconsistent with the establishment of a permanent baseflow of approximately 40 cfs by July 27, 2007, as order by the Inyo County Superior Court.

FISH KILLS DUE TO INITIAL RELEASES (SHORT-TERM IMPACTS) (Potential Fish Kills Associated with the Degradation of Water Quality during Initial Rewatering of a Portion of the Lower Owens River) (EIR/EIS, Section 4.6.2)

Finding: Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the implementation of mitigation measures or the adoption of project alternatives identified in the Final EIR. (CEQA Guidelines, Section 15091)

Facts Supporting the Finding: Based on the analysis of water quality impacts presented in EIR/EIS, Section 4.4.3, it was concluded that the proposed 40-cfs baseflow could cause substantial, though temporary, degradation of water quality downstream of Mazourka Canyon Road. The poor water quality could adversely affect fish due to the depletion of oxygen, and possible increase in hydrogen sulfide, and ammonia. Further, seasonal habitat flows of up to 200 cfs could also cause water quality degradation, possibly more degradation than the baseflow of 40 cfs flows. Despite the degradation, the fishery is expected to recover once water quality conditions improve.

The water quality impacts and resulting fish kill are only expected to occur along the river downstream of Mazourka Canyon Road where the organic sediments are present. Consequently, the reach upstream of Mazourka Canyon Road would be available for fish to use as refugia during adverse water quality conditions. Additional refuge areas would be provided as part of the project (EIR/EIS, Sections 2.3.5.2 and 2.3.5.4) by releasing higher quality water from up to three spillgates. However, since the spillgate releases are miles apart, they would provide refuge areas to only a limited percentage of affected fishes.

The potential degradation of water quality during the initial releases represents a significant and unmitigable impact that could cause substantial fish kills along the river downstream of Mazourka Canyon Road during the initial years of the project, until water quality conditions improve. (EIR/EIS, Section 4.6.2)

A warm water fishery exists today in the river below Mazouka Canyon Road, which suggests that the fishery has recovered from the fish kills that resulted from flows released to the river in 1993. Therefore, it is not expected that the warm water fishery along the Lower Owens River would be destroyed due to water quality degradation from the new flows. However, in the worst-case scenario, the fishery along the river may be subject to a substantial reduction, and it could take many years for the game fishery to recover to pre-project conditions. (EIR/EIS, Section 4.6.2)

To facilitate recovery if natural re-colonization does not occur after water quality conditions improve, LADWP would implement and fund a fish recovery program in cooperation with the California Department of Fish and Game, as described in Mitigation Measure F-1.

Mitigation Measure F-1:

In the event that the natural re-colonization of the game fishery does not occur within 5 years after water quality conditions have improved, or appears to be occurring at a very slow rate, LADWP shall implement and fund a one-time fish-stocking program (depending on availability of fish stock from state fish hatcheries) in coordination with CDFG, in the fifth year after water quality in the river has improved. Fish stocks from sources within the Owens Valley will be used preferentially. Fish stocks from outside the valley will be used if in-valley stocks are not available. The program will be designed to initiate re-colonization and to stimulate population growth to establish game fish populations within 10 years after water quality conditions have improved. (EIR/EIS, Section 4.6.3)

However, since the restocking program would not mitigate the short-term impact of potential fish kills, impacts on fish populations are considered significant even after the incorporation of feasible mitigation. Other mitigation was considered and determined to be infeasible. (EIR/EIS, Section 4.4.3 and 4.6.2) (Due to a typographical error, the EIR/EIS, incorrectly identifies section 4.4.3 as 4.1.3.)

Based on recommendations by the Lahontan Regional Board (NOP letter dated February 24, 2000), temporary removal and restocking of fishes were evaluated as a potential mitigation measure for reducing short-term water quality impacts. However, this measure was determined to be infeasible due to the logistical constraints involved in capturing fish from 30 miles of river channel and transporting and maintaining them in healthy conditions until water quality improves. Netting, trapping, and/or electroshocking of large numbers of fishes, temporarily storing them, then recapturing them for re-release to the river would substantially stress and potentially result in large numbers of injured or dead individuals. The magnitude of any fish kill related to temporary removal is unknown, but could exceed the mortality due to water quality degradation under the LORP. (EIR/EIS, Section 4.6.2)

SECTION 2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

CEQA Guidelines, Sections 15126.2 and 15127, require that an EIR on a public agency plan must analyze the extent to which the proposed project's primary and secondary effects would commit nonrenewable resources to uses that future generations would probably be unable to reverse.

The Inyo County Board of Supervisors finds that the LORP would cause an irretrievable and irreversible commitment of the following: the capital, labor, fuel, and construction materials required to modify the River Intake and to construct the diversion, pump station, power line, stream gauges, lease fences and exclosures, and berms and ditches in the Blackrock Waterfowl Habitat Area. All other actions under the LORP involve alterations of land and water flow patterns that are reversible over time. (EIR/EIS, Section 14.2) The commitment of irretrievable and irreversible resources is considered less than significant and justified in order to implement an overall environmentally beneficial project.

SECTION 3 GROWTH-INDUCING IMPACTS

CEQA requires an EIR to identify any growth-inducing impacts of a project. CEQA Guidelines, Section 15126.2(d) states that a project may have a growth-inducing effect if it would:

- foster economic or population growth or the construction of additional housing, either directly or indirectly; or
- remove obstacles to population growth; or
- require the construction of additional community service facilities that could cause significant environmental effects; or
- encourage and facilitate other activities that would significantly affect the environment.

The Inyo County Board of Supervisors finds that the implementation of the LORP would not involve construction of new homes or businesses and would not include construction of new, potentially growth-inducing, infrastructures such as highways or potable water or wastewater systems. The project is not expected to cause an increase in population in the Owens Valley or to adversely affect the transportation system in the valley. Implementation of the LORP would likely result in increased recreational use in the LORP area (EIR/EIS, Section 10.1), but this increase is not expected to cause significant adverse impacts. (EIR/EIS, Section 10.7)

SECTION 4 ALTERNATIVES

CEQA requires that an EIR evaluate a range of reasonable alternatives to a project, or to the location of the project, which would feasibly obtain most of the basic project objectives but would avoid or substantially lessen any of the significant effects of the project. (CEQA Guidelines, Section 15126.6.) The "No Project" alternative must be evaluated, and if it is the environmentally superior alternative, another environmentally superior alternative must be identified among the other alternatives. (CEQA Guidelines, Section 15126.6(e).)

4.1 SUMMARY

In addition to the LORP, the EIR/EIS, evaluated four CEQA alternatives. In summary, the Inyo County Board of Supervisors finds that the No Project Alternative does not have the beneficial effects of the project or meet the objectives of the LORP. Further, two of the three alternative flow release regime alternatives (2 and 3) do not avoid the significant water quality and fish kill impacts of the LORP and do not meet all project objectives or provide as many environmental benefits as the Project. It is unknown to what extent release regime 1 would avoid or reduce impacts to water quality compared to the proposed project, but it is expected that there would be water quality benefits. However, this alternative is considered infeasible since it would delay release of the 40-cfs baseflow and therefore not be environmentally superior to the proposed project. (EIR/EIS, Section 11.3.1.) Also, release regime 1 would also be inconsistent with the establishment of a permanent baseflow of approximately 40 cfs by July 27, 2007, as order by the Inyo County Superior Court.

Therefore, the LORP is found to be the environmentally superior project as compared to the No Project, Release Regime 1, Release Regime 2, and the Release Regime 3 alternatives. (EIR/EIS, Section 11.3)

4.2 NO PROJECT ALTERNATIVE

Description: Under the No Project Alternative, the actions proposed under the LORP and described in the EIR/EIS, Section 2.0, would not be implemented.

Finding: The No Project Alternative is infeasible because it fails to meet any of the objectives of the LORP or provide any of the environmental benefits of the LORP (CEQA Guidelines, Section 15126.6). Further, the No Project alternative would be inconsistent with the required establishment of a permanent baseflow of approximately 40 cfs by July 27, 2007, as ordered by the Inyo County Superior Court.

Facts Supporting the Finding: Under the No Project Alternative, the adverse impacts of the LORP would not occur; but also, the beneficial impacts of the project would not occur. The enhancement of the aquatic, wetland, and riparian habitats along the river and at Blackrock Waterfowl Area would not occur, nor would any potential habitat enhancements in the Delta Habitat Area (if any). The proposed modification of grazing practices to improve rangelands and protect riparian habitat on LADWP leases would not occur. As a consequence, the poor habitat conditions along the Lower Owens River would persist.

This alternative would avoid the significant impacts of the proposed project – short-term water quality degradation during the initial river rewatering; and potential fish kills during the initial re-watering. However, overall, this alternative would not provide the environmental benefits of the LORP and would therefore not be environmentally superior to the proposed project.

Additionally, this alternative is considered infeasible, as it would be contrary to the MOU and Court Order mandating LADWP to establish a permanent baseflow of approximately 40 cfs by July 27, 2007. Further, since the LORP is identified by LADWP in the 1991 EIR as mitigation for impacts caused by LADWP's groundwater pumping, selecting the No Project Alternative would not provide mitigation for those impacts as required by CEQA. (EIR/EIS, Section 11.2)

4.3 ALTERNATIVE RELEASE REGIME 1 - GRADUAL BASEFLOWS AND DEFERRED SEASONAL HABITAT FLOWS

Description of Alternative: Under this alternative, baseflows would be introduced in a gradual manner over 2 to 3 years to reduce the degradation of water quality and the potential for fish kills. The 40-cfs baseflow would be established along the river in a two-phased approach over a 2 or 3 year period.

Under this alternative, the Phase 1 flows in the river would be initiated once construction activities in the river channel at the pump station have been completed. At that time, water would be gradually released from the River Intake at 1 to 5 cfs increments

daily until a 20-cfs flow has been established throughout all reaches in the river. If adverse water quality conditions are observed, releases from the River Intake would be held steady or reduced in an attempt to improve water quality. In addition, flows downstream of the River Intake would be augmented with water released from the spillgates (to provide fish with refuge areas of higher quality water).

Once a 20-cfs flow has been achieved along all reaches, Phase 2 releases would commence from the Alabama spillgates in 1 to 5 cfs increments daily until the river below the Alabama spillgates has a steady flow of 40 cfs. The releases from Alabama Gates would only affect the lower 17.5 miles of the 62-mile-long Lower Owens River. This represents about 46 percent of the wetted reach of the river. Hence, approximately 54 percent of the currently wetted reach would not be affected by these higher flows, and as such, would not be at risk if there were adverse water quality and fish impacts.

Once a 40-cfs flow has been established between the Alabama spillgates and the pump station, releases from the River Intake would be increased above 20 cfs in approximately 1 to 5 cfs daily increments as described above until the entire river has a continuous 40-cfs flow. The releases from the Alabama spillgates would be gradually reduced until all flows are derived from the River Intake, unless it is necessary to use flows from spillgates to maintain the 40 cfs and/or reduce water quality and fish impacts.

Under this alternative, the 40-cfs baseflow would not be established until water quality conditions are deemed acceptable by the Inyo/Los Angeles Technical Committee, but no later than 36 months after the initial flows. Seasonal habitat flows would be deferred until the second or third year after the initiation of flows, as specified by the Inyo/Los Angeles Technical Committee based on water quality conditions observed during baseflows.

Finding: The Inyo County Board of Supervisors finds that the Release Regime 1 Alternative (Gradual Baseflows and Deferred Seasonal Habitat Flows) is infeasible because it fails to meet some of the basic objectives of the LORP, does not avoid or substantially lessen any of the significant effects of the LORP, or provide as many environmental benefits as the LORP. (CEQA Guidelines, Section 15126.6) Moreover, the alternative would be inconsistent with the required establishment of a permanent baseflow of approximately 40 cfs by July 27, 2007, as ordered by the Inyo County Superior Court.

Supporting Explanation: This alternative would not result in any new impacts compared to the proposed project, nor would it increase the magnitude or extent of any impacts associated with the proposed project. It is unknown to what extent this alternative would avoid or reduce impacts to water quality or fish compared to the proposed project, but it is expected that there would be water quality benefits.

Although this alternative is technically feasible, it is not considered environmentally superior to the proposed project since it would result in a delay in the establishment of the 40-cfs baseflow in the river compared to the proposed project. Since this delay in the implementation of the LORP would continue the degraded state of the river ecosystem and delay achievement of the environmental benefits expected under LORP, this alternative would delay attainment

of project objectives. It is, therefore, found to be inconsistent with the Court Order, not environmentally superior to the proposed project, and therefore, it is not proposed for adoption. (EIR/EIS, Section 11.3.1)

4.4 ALTERNATIVE RELEASE REGIME 2 (BEGIN WITH SEASONAL HABITAT FLOWS TO FLUSH THE SYSTEM)

Description of Alternative: The objective of this alternative is to flush the river of vegetative debris and organic sediments (mostly located downstream of Mazourka Canyon Road), breach beaver dams, and create openings in tule stands in order to prepare the river for the baseflow. This alternative is based on the assumption that the flushing effect of higher flows at the beginning of the project would reduce the duration of subsequent water quality impacts and fish kills by mobilizing and possibly removing organic sediments from the river system. In addition, this alternative is based on the assumption that a flood-like disturbance to the river corridor may stimulate natural vegetation succession processes (i.e., colonization by willows) more quickly.

Under this alternative, the initial baseflows would begin in two phases as defined under the proposed project. However, seasonal habitat flows of 200 cfs would be established immediately following the completion of the pump station (currently estimated to be approximately winter 2006). The seasonal habitat flows would be established along the entire Lower Owens River using a combination of the River Intake and various spillgates, if necessary.

The 40-cfs baseflow would be established along the entire river immediately after the end of the seasonal habitat flows, using a combination of the River Intake and various spillgates to manage water quality conditions.

Finding: The Inyo County Board of Supervisors finds that the Release Regime 2 Alternative (Begin with Seasonal Habitat Flows to Flush the System) is infeasible because it fails to meet some of the basic objectives of the LORP, and the evidence does not indicate that it would avoid or substantially lessen any of the significant effects of the LORP, or that it would provide as many environmental benefits as the LORP. (CEQA Guidelines, Section 15126.6.)

Supporting Explanation: Under this alternative, there is potential for the flushing action of the first seasonal habitat flow to reduce the duration of the water quality and fish impacts during the initial establishment of the 40-cfs baseflow. However, the ecological benefits of this alternative cannot be assessed based on available data and analytic tools. There is much uncertainty about the magnitude and duration of water quality impacts and fish kills under all release regimes. It does not appear that this alternative is environmentally superior to the proposed project; therefore it is not proposed for adoption. (EIR/EIS, Section 11.3.1) Further, implementation of this alternative would be inconsistent with the Order of the Inyo County Superior Court, which does not provide for an initial release of a seasonal habitat flow.

4.5 ALTERNATIVE RELEASE REGIME 3 (DELAY RELEASES FOR BASEFLOWS UNTIL WINTER)

Description of Alternative: Under this alternative, releases to establish the 40-cfs baseflow would occur in the first winter following completion of the pump station when water and air temperatures are lower compared to those scheduled under the proposed release regime. The objective of this alternative is to establish the baseflow in the river when temperatures are cooler, which could reduce the magnitude of potential impacts to water quality and fish. The significant water quality and fish impacts described in Section 4.4.3 may not be avoided under this alternative release regime, but the magnitude of the impact (i.e., the extent of water quality degradation, the length of poor water quality conditions, and the magnitude of fish kills) may be less than under the proposed project.

To reduce the water quality and fish impacts under the proposed project, the initial release to establish the 40-cfs baseflow under this alternative would begin in the first November following completion of the pump station. The releases would continue in a gradual and progressive manner, with the objective of establishing the 40 cfs along the entire river by the following April 1st. During the period of November to April, LADWP would conduct the water quality monitoring described in EIR/EIS, Section 2.3.5.2. In addition, releases would be made from spillgates to reduce water quality and fish impacts, as described in the EIR/EIS, Section 2.3.5.2. The initial seasonal habitat flow would be released to the river in late May or early June, 1 year after the establishment of the 40 cfs baseflow.

Finding: The Inyo County Board of Supervisors finds that the Release Regime 3 Alternative (Delay Releases for Baseflows Until Winter) is very similar to the LORP, but it is infeasible because it may not comply with the Order of the Inyo County Superior Court which requires LADWP to commence Phase 1 releases into the river by January 25, 2007, and to permanently establish a baseflow of approximately 40 cfs by July 25, 2007.

Supporting Explanation: As compared with the proposed project, this alternative would have similar water quality impacts associated with establishment of baseflows (baseflows would be established in the cooler months). It would also delay achievement of LORP goals since establishment of baseflows would be later than under the proposed project. Although this alternative is technically feasible, it is not considered to be environmentally superior to the proposed project and it may be inconsistent with the Court Order; therefore, it is not proposed for adoption. (EIR/EIS, Section 11.3.1)

SECTION 5 STATEMENT OF OVERRIDING CONSIDERATIONS

The Inyo County Board of Supervisors hereby declares that, having reduced the adverse significant environmental effects of the LORP to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the LORP, and having weighed the benefits of the LORP against its unavoidable adverse impacts, the Board has determined that the following social, economic, legal and environmental benefits of the LORP outweigh the potential, unavoidable adverse impacts and render those potential adverse environmental impacts acceptable, and adopts the following statement of overriding considerations:

- Implementation of the LORP would result in an increase of approximately 3,000 acres of wetland and riparian vegetation types along the river. (EIR/EIS, Section 4.5.2.)
- The re-watering would have an overall long-term beneficial impact on the warm water fishery by increasing its productivity (more area) and providing more diverse habitat to support less common species such as the brown trout and smallmouth bass. In general, non-native game fish such as bluegill, bullhead, catfish, carp and largemouth bass exhibit very plastic life history strategies and a wide variety of physiological tolerances. These characteristics allow for rapid distribution into wetted reaches. Within the newly-created river reach below the Intake, brown trout and smallmouth bass may prefer the more riverine reaches. Largemouth bass and bluegill may be more successful in the impounded areas and backwaters with low velocities. The enhancement of the existing warm water fishery is considered a beneficial impact. (EIR/EIS, Section 4.6.2.)
- Rewatering the Lower Owens River is expected to increase the diversity, extent, and productivity of riparian and wetland habitats along the river. Re-watering the Lower Owens River would increase the diversity and abundance of the avifauna, including riparian dependent birds and certain water associated birds. Special status species that could benefit from the re-watering include the willow flycatcher, yellow-billed cuckoo, great blue heron, great egret, black-crowned night heron, Cooper's hawk, sharp-shinned hawk, golden eagle, ferruginous hawk, Swainson's hawk, long-eared owl, Vaux's swift, LeConte's thrasher, and loggerhead shrike. The enhanced riparian habitats along the Lower Owens River would also benefit mammals due to the increased diversity and cover of riparian vegetation. (EIR/EIS, Section 4.7.2)
- The proposed flooding of portions of the Blackrock Waterfowl Habitat Area would increase wetland productivity by periodic wetting and drying, which would promote nutrient cycling. In addition, these cycles would create greater diversity in wetland types and vegetative structure compared to current wetlands. Many of the current wetlands in the Blackrock area consist of dense, impenetrable cattail/bulrush marsh habitats that support only a small group of avian species. The drying of wetlands would provide new forage for migratory birds that is not present in the Blackrock area. Finally, the LORP would increase the amount of open water wetlands in the Blackrock area. These actions would increase opportunities for resident, migratory, and overwintering birds (primarily shorebirds and waterfowl). The establishment of a permanent waterfowl area that is intensively managed for the benefit of waterfowl and other water-associated birds along the Pacific Flyway, is considered a beneficial impact to wildlife. (EIR/EIS, Section 7.2.2.)
- Under the proposed program for off-river lakes and ponds, the amount of water provided to Coyote/Grass Lakes Complex and Goose Lake may be greater than under existing conditions due to the need to create flows in the channels downstream of Goose Lake that would connect to the river. There would be an inflow and outflow from these lakes sufficient to sustain the artificial corridor below the lake, but the lake elevations would remain unchanged from current conditions. The greater inflows and outflows at these lakes may improve water quality and increased turnover rates in the lakes - a potentially beneficial impact. (EIR/EIS, Section 8.4)
- The establishment of permanently watered fish corridors between Goose Lake and the river, and Billy Lake and the river, as part of the riverine-riparian enhancement program could

increase fish production in the lakes by allowing recruitment of fish from the river, as well as providing opportunities for lake and pond fish to feed and reproduce in the ditches between the lakes and the Aqueduct, and between the lakes and the river. The potential increase in available fish habitat and possible enhanced production of the warm water fishery in the lakes and ponds are considered beneficial impacts. (EIR/EIS, Section 8.4)

- The LORP land management plan would modify grazing practices in riparian and upland areas on seven LADWP leases in order to complement the habitat enhancements anticipated with the re-watering efforts under the Riverine-Riparian System. The establishment of pastures with seasonal restrictions and exclosures proposed under LORP would result in a reduction of acreage available for grazing over existing conditions. Initially, this reduction in available acreage would temporarily reduce the amount of forage available for livestock grazing. However, once the river is rewatered under LORP, available forage would increase and improve in condition. In addition, the establishment of utilization rates, modification in timing and duration of grazing, and changes in livestock distribution would also improve rangeland conditions by improving plant vigor and seedling recruitment of forage species. Plant and soil conditions on the leases would improve due to these actions, resulting in a beneficial impact to rangelands. (EIR/EIS, Section 9.1.2)
- In general, implementation of the proposed grazing management actions (i.e., creation of riparian pastures; modification of utilization rates in both riparian and upland pastures; and creation of rare plant, wetland, and waterfowl exclosures) would reduce current grazing impacts to existing biological resources. Beneficial impacts include increased plant production and cover in riparian areas, which would provide more food for small mammals and birds, and cover for ground- and understory-nesting birds. Cattle would graze riparian areas for a shorter period of time, resulting in less frequent disturbance to ground- and understory-nesting birds; hence, the proposed management actions would result in beneficial impacts to riparian biological resources. The application of appropriate grazing strategies in the LORP project area would complement the habitat enhancements anticipated along the river and in the Blackrock and Delta areas where a greater diversity and abundance of aquatic and terrestrial species are anticipated. (EIR/EIS, Section 9.2.2.1.)
- Fences would be installed in the Twin Lakes, Blackrock and Thibaut leases to create rare plant exclosures for populations of Inyo County star-tulip, Owens Valley checkerbloom, and Nevada oryctes. Grazing would be excluded from the Twin Lakes rare plant exclosure and one of the four Blackrock exclosures. In the other three Blackrock exclosures and the 211-acre Thibaut Rare Plant Pasture, grazing would be prohibited during the flowering, fruiting, and seeding period of the species (April - July). These populations have been subjected to grazing for decades and have persisted, despite removal of plants by grazing and trampling effects. The proposed grazing strategies are expected to improve the reproductive success and long-term survival of these rare plant populations. Therefore, impacts to these populations from future grazing strategies are considered beneficial. (EIR/EIS, Section 9.2.2.2.)
- The LORP would result in an improvement of ecological conditions in the project area, which is expected to have beneficial effects on recreational uses and opportunities in the southern Owens Valley:

- Increase in the warm water game fishery in the river would improve the fishing experience and potentially attract more anglers to the area.
- The increased riparian cover along the river and portions of the Delta is expected to increase habitat, improve the aesthetics of the area, and make hiking, bird watching, and photography more enjoyable.
- The increase in the amount and variety of various aquatic, wetland, and riparian habitats along the river, at Blackrock Waterfowl Habitat Area and at the Delta Habitat Area, would increase bird use and variety, which would expand and improve the bird watching experience for amateurs and professionals.
- Increased vegetative cover and increased surface water areas would increase wildlife populations and therefore, increase hunting opportunities.
- Increased flows in the river would increase the area suitable for kayaking, canoeing, and tubing. (EIR/EIS, Section 10.1.2.1.)
- Implementation of the LORP would meet obligations imposed by the Inyo County/Los Angeles Long Term Water Agreement and the MOU, and it would implement mitigation commitments made by LADWP in the 1991 EIR, all of which are considered benefits of the LORP.

The foregoing benefits provided to the public through approval and implementation of the LORP outweigh those significant, adverse environmental impacts of the LORP which cannot be mitigated to a level of less than significant. Each of the LORP benefits outweighs the unavoidable, adverse environmental effects identified in the EIR/EIS, and therefore, those impacts are acceptable.