DRAFT MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

IRRIGATION PROJECT IN THE LAWS AREA

PROJECT TITLE: Irrigation Project in the Laws Area

PROJECT LOCATION: The proposed project is located in the northern Owens Valley, to the east of Highway 6, approximately 4 miles north of Bishop, California.

PROJECT DESCRIPTION:

The following is a summary of the actions that are part of the proposed project. Each action is addressed in more detail following the summary.

1. The resumption of full irrigation on 1,518 acres of Los Angeles-owned land in the Laws area of the Owens Valley that has only been partially irrigated for approximately 10 years. A portion of this area is commonly known as the Laws Ranch.
2. The reclassification of 193 acres currently classified as Type E (land that must be irrigated or otherwise supplied with water) under the Inyo County/Los Angeles Long Term Water Agreement (" Water Agreement") to Type A (lands with vegetation that is not irrigated and that is not groundwater dependent). The reclassified land will not be irrigated in the future, but this land will be revegetated. (Under the Water Agreement, there are currently 2,180 acres within the "Laws, California Vegetation and Well Field Management Area" map that are classified as Type E lands. Of the total 2,180 acres, 1,350 of these acres are within in the project area.)
3. The reclassification of 302 acres of land that is currently classified under the Water Agreement as Type A, and 46 acres currently classified as Type C to Type E. The reclassified land will be irrigated as part of the 1,518 acres.
4. The adoption of an amendment to the Water Agreement to modify the management map for the Laws area to reclassify the lands as described above.
5. The revegetation of 233 acres of land that was irrigated in the past and won't be irrigated in the future.
6. The installation of a sprinkler system to irrigate 591 acres of the 1,518 acres that will be irrigated.
7. The provision of an irrigation duty (the amount of water supplied to an area of land during one year) of 3 acre-feet per acre to the 591 acres that will be sprinkler irrigated.
8. A change in source of water to supply the irrigated lands. In the past, the sources of water for previously irrigated areas that are located within the areas that will be sprinkler irrigated under the proposed project were: (1) groundwater pumped from wells in the Laws area (including Wells 365 and 236), (2) diversions from Silver Canyon Creek, (3) diversions from Coldwater Creek, and (4) diversions from the Owens River. Under the proposed project, except for Laws parcel 27, groundwater pumping from currently exempt Well 365, and from Wells 236 and 413, which are proposed for partial exemptions, will be the sole source of water supplied to all areas that are sprinkler irrigated. (Laws parcel 27 will be supplied with diversions from Coldwater Creek.)
9. The partial exemption of Wells 236 and 413 from ON/OFF management under the Water Agreement. Well 236 will supply water for sprinkler irrigation, and Well 413 will serve as a

backup water supply for the Laws community water system, will provide water for fire flow, and will supply water for sprinkler irrigation on lands that comprise the Laws Historical Museum enhancement/mitigation project.

10. The construction of approximately 3.75 miles of water pipeline.
11. Within the project area, 573 acres were cultivated under the provisions of leases granted by the City of Los Angeles. These acres will be irrigated pasture under the project.
12. Approximately 40 acres of Laws parcel 27 will be an irrigated seed farm under the project.
13. Approximately 32 acres of parcel 118 previously designated as mitigation with native vegetation will be placed into irrigated pasture.
14. The reclassification of two acres that are currently classified as Type E, to commercial/light industrial use (the two acres are located in the southeast corner of parcel 101).
15. The granting of new leases by the City of Los Angeles for the area commonly known as the Laws Ranch.

Background

A portion of the project area includes an area commonly referred to as the Laws Ranch. The Laws Ranch has not been leased and has only been partially irrigated for many years. From the early 1960's to the mid-1990's, approximately 5,000 acres were leased by the City of Los Angeles to the Paesano family. Throughout the time that the Paesano family operated the ranch, there was a cooperative effort between LADWP and the lessee to make the Laws Ranch a viable operation. As a result, at any given time, various areas within the ranch property were placed into or removed from irrigation. As a result of litigation between LADWP and the Paesano family, beginning in the mid-1990's, only a portion of the 1,350 acres on the ranch classified as Type E in the Water Agreement have been irrigated on a regular basis.

The Laws Ranch is located in the northern Owens Valley. The ranch lies to the east of Highway 6, approximately 4 miles north of Bishop, California. The land surrounding the ranch is primarily undeveloped open space. All of the land within the project area is owned by the City of Los Angeles.

The Laws Historic Museum E/M Project is located on approximately 36 acres of land owned by Los Angeles. In the past, as an enhancement/mitigation project, LADWP committed to provide a regular water supply to improve the native vegetation on approximately 21 acres (located to the west of the museum), to establish irrigated pasture on approximately 15 acres (located to the east of the museum), and to establish windbreak trees, all adjacent to the museum.

Provisions of the Water Agreement

In 1991 LADWP and Inyo County entered into the Water Agreement. The proposed project is governed by the Water Agreement. The proposed project will be monitored as provided for in the Water Agreement to assure that any significant impacts to the environment attributable to this project will be mitigated as provided in the Agreement.

For management purposes, the Water Agreement divides vegetation of the Owens Valley floor into five management types classified as A, B, C, D, and E.

Water Agreement Section IV.A, concerning Type "E" Vegetation, states:

> *"(Lands supplied with water.) These lands will be supplied with water and will be managed to avoid causing significant decreases and changes in vegetation from vegetation conditions which existed on such lands during the 1981-82 runoff year . . .*
>
> *The Department shall continue to provide water for Los Angeles-owned lands in Inyo County in an amount sufficient that the water related uses of such lands that were made during the 1981-82 runoff year can continue to be made . . .*
>
> *Additionally, the Department shall provide water to any enhancement/mitigation projects added since 1981-1982, unless the Inyo County Board of Supervisors and the Department agree to reduce or eliminate such water supply."*

Lands to be Irrigated and Lands to be Reclassified

Under this project, approximately 1,518 acres will be irrigated (See Figure 1). Under the Water Agreement, 1,350 acres in the project area are currently classified as Type E. Of this acreage, 193 acres will be reclassified from Type E to Type A. The reclassified land will not be irrigated in the future, but the land will be revegetated. (The 193 acres to be reclassified constitutes a portion of the land shown on Figure 1 as "Formerly Irrigated.") In addition, 2 acres that are currently classified as Type E in the community of Laws will be used for commercial/light industrial uses and will not be classified under the Agreement.

Additionally, 302 acres that are currently classified under the Water Agreement as Type A, and 46 acres that are currently classified as Type C will be reclassified as Type E. The reclassified land will be included in the 1,518 acres that will be irrigated under the project. The 348 acres that will be reclassified as Type E are shown as "Newly Irrigated" on Figure 1. Staff from LADWP and the County Water Department examined aerial photos, other data, and records to ascertain which lands in the project area were irrigated at some time in the past, and determined that 1,520 acres were irrigated.

Proposed Amendment of the Water Agreement

To implement the proposed transfer of Type E lands on the Laws Ranch described above, as part of the proposed project, the Water Agreement would be amended by the addition of a new map for the Laws area. Under the proposed amendment, the vegetation classifications shown by management type on the "Laws, California Vegetation and Wellfield Management Area" map included in Exhibit A would be superseded by the vegetation classifications shown by management type on a new map. A copy of the proposed amendment of the Water Agreement, together with the proposed new map, is Attachment 3 hereto. The new map would reclassify 302 acres from Type A to Type E, 46 acres from Type C to Type A, and 193 acres from Type E to Type A.

The Los Angeles Board of Water and Power Commissioners, the Inyo County Board of Supervisors and the Inyo County Superior Court must approve the proposed amendment of the Water Agreement.

Revegetation

A total of 233 acres will be revegetated in the project area. The total of 233 acres consists of the 193 acres that will be reclassified from Type E to Type A, and approximately 40 acres, which comprise Laws parcel 94, which is classified as Type A. The areas to be revegetated are identified on Figure 1. These lands will be revegetated pursuant to the revegetation plans that are Attachment 4 hereto.

Under the plans, the goal is to revegetate these lands to restore native vegetation that is similar in cover and species composition to nearby areas. The goal is a minimum vegetation cover of ten percent comprised of a mixture of native species by the 2013 growing season. Thereafter, the goal is for the vegetation to be self-sustaining for two years (until the 2015 growing season) with no irrigation or on-site revegetation activities. If the goal is not attained, additional activities will be undertaken.

Irrigation Practices, Change in Irrigation Duty and Modification of the Laws Historical Museum Enhancement/Mitigation Project

Under the project, approximately 927 acres will be flood irrigated. These lands were flood irrigated in the past. Of the total flood irrigation acreage, 411 acres are within existing enhancement/mitigation projects and will continue to receive an irrigation duty of 3 acre-feet per acre. Of the total flood irrigation acreage, 516 acres will receive an irrigation duty of 5 acre-feet per acre. (The lands to be flood irrigated are identified on Figure 1.)

Within the project area, 591 acres will be irrigated by sprinkler irrigation systems. (The land to be sprinkler irrigated is identified on Figure 1.) The irrigation duty on the 591 acres will be 3 acre-feet per acre.

The 36 acres comprising the Laws Historical Museum enhancement/mitigation project that were previously flood irrigated will be irrigated by sprinkler system. The Standing Committee must modify the project description of the Laws Historical Museum enhancement/mitigation project to change the irrigation from flood irrigation to sprinkler irrigation and to change the irrigation duty on the portion of the project located west of the museum from 5 acre-feet per acre to 3 acre-feet per acre. Also, since the project description for the area to the east of the museum did not specify an irrigation duty, the Standing Committee will be asked to set a duty of 3 acre-feet per acre for the area to the east of the museum. Because the project is a mitigation measure that was adopted by LADWP at the time of the approval of the 1991 EIR, LADWP will have to make findings under CEQA that the project, as modified, will continue to provide mitigation equal to the mitigation that would be provided if the project were not modified. (The area of the Laws Historical Museum enhancement/mitigation project is shown on Figure 1.)

LADWP will monitor the areas that will be sprinkler irrigated to verify that all of the areas are receiving sufficient irrigation water to allow for the establishment and maintenance of irrigated pasture. If an area is not receiving sufficient irrigation water, LADWP will make adjustments to the sprinkler system, or to the amount of water delivered by the irrigation system, to provide sufficient water to the area.

Change in the Source of Irrigation Water

In the past, the sources of water for areas within the project area that will be sprinkler irrigated under the proposed project were: (1) groundwater pumped from wells in the Laws area (including Wells 365 and 236), (2) diversions from Silver Canyon Creek, (3) diversions from Coldwater Creek, and (4) diversions from the Owens River. Under the proposed project, groundwater pumping from Well 365,

which is currently designated as exempt from ON/OFF management under the Water Agreement (the Technical Group found that its operation has no adverse impacts on groundwater dependent vegetation), and from Well 236 which is proposed for partial exemption (see description below), will be the sole source of water supply water for all areas that are sprinkler irrigated--except for Laws parcel 27 and the Laws Historical Museum enhancement/mitigation project. The water to supply the Laws Historical Museum enhancement/mitigation project will be provided by the recently constructed Well 413. Well 413 is proposed for partial exemption (see description below).

It is estimated that approximately 1,320 acre-feet of groundwater per year will be supplied to four center pivot sprinklers by pumping from Well 365 and Well 236. (It is expected that approximately 900 acre-feet will be pumped from Well 365 and the balance from Well 236. It is estimated that approximately 108 acre-feet of groundwater per year will be supplied for sprinkler irrigation of the Laws Historical Museum enhancement/mitigation project by pumping from Well 413.

Laws parcel 27 (see location on Figure 1) will be supplied with water diverted from Coldwater Creek. A portion of parcel 27 will be sprinkler irrigated and the portion of the parcel that is a seed farm will be drip or sprinkler irrigated. It is estimated that approximately 350 acre-feet per year will be diverted from Coldwater Creek to supply irrigation water to these lands.

The 927 acres that will be flood irrigated under the project will be supplied with approximately 3,800 acre-feet of water per year (not including conveyance losses) by diversions from the Upper McNally Canal. Water will be supplied to the Upper McNally Canal by any or all of the following sources, groundwater pumping in the Laws area, by diversions from Silver Canyon Creek, and by water diverted into the canal from the Owens River. These water sources will be managed as required by the Water Agreement. (It should be noted that, under the Water Agreement, the County has the right to dispute the amount of groundwater pumped from the Laws area and LADWP's operations of the McNally Canals. Such a dispute could result in a reduction in the annual amount of water available for flood irrigation under the project.)

Partial Exemption of Wells 236 and Well 413 From ON/OFF Management Under the Agreement

Well 236. To ensure that there will be sufficient water to supply the sprinkler system if Well 365 is unable to produce the needed water and/or if mechanical problems temporarily prevent the operation of the well, Well 236 will be connected to the sprinkler irrigation system. Well 236 will be operated as necessary to augment irrigation supply produced by Well 365. As part of the project, the Technical Group must partially exempt the operation of Well 236 from ON/OFF management for the time the well is required to augment the supply of water to the irrigation system. It is estimated that, under normal conditions, Well 236 will produce approximately 400 acre-feet of groundwater per year to augment production from Well 365.

Well 413. As part of the project, Well 413 must be partially exempted by the Technical Group for the purpose of serving as a backup supply of water to the Laws community water system, providing water for fire-flow, and providing water to irrigate the approximately 36 acres that comprise the Laws Historical Museum enhancement/mitigation project. It is estimated that approximately 108 acre-feet of groundwater per year will be supplied for sprinkler irrigation of the Laws Historical Museum enhancement/mitigation project.

Construction Of Approximately 3.75 Miles of Water Pipeline

Approximately 3.75 miles of pipelines will be installed to connect Wells 365 and 236 with the sprinkler irrigation system, and to connect Well 413 with the irrigation system at the Laws Historical Museum enhancement/mitigation project. The pipelines will be buried underground where possible. The locations of the pipelines are shown on Figure 1.

The Conversion Of Approximately 573 Acres that were Formerly Cultivated to Pasture

Within the project area, in the past, under the provisions of leases granted by the City of Los Angeles, 573 acres were cultivated. These acres will be irrigated pasture under the project. Under the project, except for the portion of parcel 27 that will be occupied by a seed farm, all irrigated areas on the ranch will become irrigated pasture.

Operation of a Portion of Laws Parcel 27 as an Irrigated Seed Farm

As part of the project, LADWP will initiate a seed farm on a portion of parcel 27 in the 2004 growing season. At present, it is estimated that the seed farm will be approximately 40 acres in size. The planting of native seeds or native containerized plants, or a combination of both, will initiate the seed farm. The seed farm will be irrigated by either a drip irrigation system or a sprinkler irrigation system that will be installed by LADWP. It is estimated that the seed farm will receive an annual irrigation duty of up to 3 acre-feet per acre. Any portion of parcel 27 that is not a part of the seed farm, and that has not already been converted to irrigated pasture, will be converted to irrigated pasture in the 2004 growing season. If, after the seed farm is established, it becomes necessary to expand the seed farm, the seed farm may be expanded into the area of irrigated pasture on parcel 27. If irrigation of the seed farms ceases, unless otherwise agreed by the Technical Group, the area that is no longer irrigated will be converted to irrigated pasture.

Conversion of Approximately 32 acres in Parcel 118 from Revegetation with Native Species to Irrigated Pasture

The mitigation plan adopted by the Technical Group for parcel 118 calls for the revegetation of the parcel with native vegetation. Under the proposed project, approximately 32 acres in the northern portion of the parcel will be reclassified from Type A to Type E, and will converted to irrigated pasture. (See Figure 1.) The Technical Group must approve this modification to the mitigation plan.

Conversion of Two Acres from Type E to Commercial/Light Industrial Use

Two acres located in the southeast corner of parcel 101 (identified on Figure 1) that are currently classified as Type E will be converted to commercial/light industrial use.

Grant of a New Lease by the City Of Los Angeles

The City of Los Angeles anticipates that at the conclusion of the CEQA process it will grant a lease to a portion of the project area. This new leasehold is identified in Figure [2] as “the New Lease.” The City further anticipates that a second portion of the project area will be appended to an existing leasehold. The portion to be added is identified in Figure [2] as “the appended area.” The lessees will be responsible for implementing and maintaining the portions of the project on their leaseholds that are not implemented and maintained by LADWP. A third portion, consisting of the Laws Museum Enhancement/Mitigation project, will remain leased to the City’s current lessee and is identified in

figure [2] as “Existing Lease”. A fourth portion of the project area will not be leased by the City, and the project on that area will be implemented and maintained by LADWP. This portion is identified on Figure [2] as “LADWP area.”

Approvals and Actions Required to Implement the Project

The following approvals and actions are necessary to implement the project:

- Adoption of this negative declaration by LADWP.
- A determination by LADWP that, with the proposed modification of the Laws Historical Museum enhancement/mitigation project, the project will continue to provide mitigation equal to the mitigation that would be provided if the project were not modified.
- Adoption of this negative declaration by the Inyo County Water Commission. (The Water Commission acts as the County’s CEQA agency for purposes of projects arising out of the Water Agreement.)
- Approval of the proposed amendment of the Water Agreement by the LADWP Board of Water and Power Commissioners.
- Approval of the proposed amendment of the Water Agreement by the Inyo County Board of Supervisors.
- Approval of the amendment of the Water Agreement by the Inyo County Superior Court.
- Approval of the partial exemption of Wells 236 and 413 by the Technical Group.
- Approval of the modification of the Laws Historical Museum enhancement/mitigation project by the Standing Committee.
- Modification of the mitigation plan for parcel 118 to convert approximately 32 acres from a revegetation area to irrigated pasture by the Technical Group.
- Grant of a lease by the City of Los Angeles for the New Lease area (see Figure [2].)
- Modification by the City of Los Angeles of an existing lease to add to it the appended area. (See Figure [2].)

The LADWP will use the negative declaration as an informational document to assist it in determining whether to approve and implement the proposed project.

The Inyo County Water Commission will use the negative declaration as an informational document to assist it in making a recommendation to the Inyo County Board of Supervisors on whether the County should proceed with the proposed project. The Inyo County Board of Supervisors will use the negative declaration as an informational document to assist it in: (1) determining whether to approve the proposed amendment of the Water Agreement, (2) providing direction to the County’s representatives to the Technical Group and to the County’s representatives to the Standing Committee in regard to actions and approvals required under the proposed project.

Schedule for Implementing the Project

Implementation of the project is dependent on when the required approvals of the project are obtained. It is hoped that all the approvals will be obtained by the end of June 2003. Flood irrigation will commence as soon after the beginning of the irrigation season as possible, provided a dispute between LADWP and the County does not prevent water from being available to irrigate the portions of the project that will be flood irrigated. Construction of the required pipelines and other components of the sprinkler irrigation systems will commence as soon as possible after the approvals are

obtained. It is expected that sprinkler irrigation will commence before the end of the 2003 irrigation season.

Attachments:

1. Figure 1, “Laws Area Irrigation Plan”
2. Figure 2 “Area to be Leased by Los Angeles”
3. “Proposed Modification of Water Agreement” (included a proposed Management Map for Laws Area)
4. “Revegetation Plans for Lands Removed from Irrigation, Laws Parcels 90, 95 and 129 and Abandoned Agricultural Land Parcel 94”
5. “Archaeological Survey of the Proposed Laws Ranch Irrigation Project, Laws, Inyo County, California” by URS Corporation
6. Memorandum Dated February 25, 2003 from Bob Harrington (Hydrologist III at the Inyo County Water Department) addressing the “Hydrological Impacts of Groundwater Pumping for Laws Irrigation Supply”

References:

Inyo Couny/Los Angeles Long Term Water Agreement

INITIAL STUDY/ CEQA CHECKLIST
IRRIGATION PROJECT IN THE LAWS AREA

	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? *The project will have a positive effect on the scenic vista Highway 6. Lands adjacent to the highway that have been barren for approximately ten years will be converted to irrigated pasture. Lands further from the highway that have been barren for approximately ten years will be converted to irrigated pasture or to native vegetation. The conversion of some of the project area that was previously flood irrigated to sprinkler irrigation will not have a substantial adverse effect on the scenic vista.*	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? *Highway 6 is not a state scenic highway. See above.*	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings? *The overall effect of the project will be to improve the visual character and quality of the site.*	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? *When the center pivot systems are in operation, on the center pivot, a small light will be on. This light will not have an adverse impact on day or nighttime views.*	☐	☐	☒	☐
AGRICULTURE RESOURCES – Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? *233 acres that were irrigated in the past will be converted to native vegetation. However, in the past, no more than approximately 1,400 acres were irrigated in the project area during any one year. Under the project, 1,518 acres will be irrigated each year. Therefore, more land will be irrigated in any given year than was irrigated in the past.*	☐	☐	☐	☒

	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
AIR QUALITY -- Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan? *The proposed project will not conflict with or obstruct any applicable air quality plan.*	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? *The project will have a positive effect by reducing dust blowing from the currently barren areas. During the preparation and planting of the fields, there is the potential to create dust. To ensure that this Is minimized, the area being prepared will be watered with either the irrigation system or a water truck prior to any work being conducted.* *There is a potential that groundwater pumping to supply water to the project could adversely affect groundwater dependent vegetation in the vicinity of the project and cause blowing dust, but with the proposed mitigation, this potential impact will be avoided. See discussion in the text portion of the negative declaration.*	☐	☒	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? *There are* no *criteria pollutants within the project area.*	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations? *There will be no increase in pollutant concentrations.*	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people? *There will be no objectionable odors produced as a result of this project.*	☐	☐	☐	☒
BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? *The Owens Valley vole (Microtus cailfornicus vallicola) has been historically reported in the vicinity of the project but not directly within the footprint of the project. It is not anticipated to be impacted but will likely benefit from the re-irrigation and revegetatlon of the area. Swainson's Hawks are known to nest in the area.*	☐	☐	☐	☒

	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact

No nesting habitat will be impacted by this project. Foraging opportunities will likely be improved as a result of this project.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? ☐ ☒ ☐ ☐

Irrigation water for parcel 27 will come from Coldwater Canyon. Water from springs in this canyon enters a pipe and is conveyed to the parcel. Here, the water either flows in the irrigation pipeline to parcel 27, or is diverted into a terminal ditch that carries the water across parcel 29 and either into the Upper McNally Canal or across the Upper McNally Canal where it spreads over a portion of parcels 30 and 31. In the past, when parcel 27 was irrigated, all the water in the pipeline was conveyed for irrigation of the parcel. When parcel 27 was not irrigated, the water was diverted into a ditch and flowed across parcel 29 and either into the Upper McNally Canal or across the Upper McNally Canal where it spreads over a portion of parcels 30 and 31. Under the project, during the irrigation season (April 1 — September 30) when parcel 27 is irrigated, most, but not all, of the water will be diverted from the pipe. The remainder of the water will flow in the ditch across parcel 29 and on to parcels 30 and 31. The rest of the year, the water will flow in the ditch across parcel 29 and on to parcels 30 and 31. Although there will be a reduction in the flow of the terminal ditch during the irrigation season over the past few years, the reduction is not expected to cause a significant effect on the riparian vegetation adjacent to the ditch. (See discussion in the text portion of the negative declaration.)

At present, water flowing in Silver Canyon Creek is diverted into a ditch that flows between parcel 94 on the south and parcel 90 on the north. The water flows down the ditch into the Upper McNally Canal. In the past, during the irrigation season, all the water in the ditch was diverted to irrigate parcels 90, 94 and 95. When these parcels were not irrigated, the water flowed in the ditch and into the Upper McNally Canal. Under the proposed project, a pipeline will be constructed from Well 365, located adjacent to the ditch, to provide water for sprinkler irrigation; however, water in the Silver Canyon ditch will not be diverted into the pipeline. Water will be diverted from the ditch to supply the revegetation projects on parcels 90, 94 and 95. During the time that the revegetation areas are irrigated, some, but not all, of the water will be diverted from the Silver Canyon ditch. The remainder of the water will flow in the ditch. Although there will be a reduction in the flow of the Silver Canyon ditch, the reduction is not expected to cause a significant effect on the riparian vegetation. (See discussion in the text portion of the negative declaration.).

	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? *There will be no removal, filing, or interruption of any federally protected wetlands as a result of this project.*	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? *No barrier will be placed in a waterway that could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.*	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? *No such ordinance is in effect for this area.*	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? *No such plan is in effect for this area.*	☐	☐	☐	☒
CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries? *(a, b, c, and d) Archaeological investigations were conducted by archaeologists from URS Corporation (See report that is attached hereto). Six previously unrecorded archaeological sites and 11 isolates, were identified within the project area, including the historic town-site of Laws, two historical canals, two historic artifact scatters and one site containing concrete foundations. The proposed project, as planned, should have no direct impact on archaeological or cultural resources. If any unidentified cultural*	☐	☒	☐	☐

	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
resources are encountered during the implementation of this project, work will be halted until a licensed archaeologist is consulted.				
GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. *See iv below*.	☐	☐	☐	☒
ii) Strong seismic ground shaking? *See iv below*	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction? *See iv below*	☐	☐	☐	☒
iv) Landslides? *(i, ii, iii, and iv) Construction and operation of the project will not expose people or structures to increased risk from rupture of an earthquake fault. If a pipeline ruptured during an earthquake, there would be a discharge of water that would not be of a sufficient amount to cause substantial increased risk. The area is prone to strong seismic activity. If the pipeline ruptured, there would be a discharge of water that would not be a significant hazard.*	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil? *The proposed project will not result in a loss of topsoil or increase erosion in the area. The project will decrease soil erosion because currently barren areas will be either re-irrigated or revegetated with native vegetation. Areas that are disrupted during construction for the project will be backfilled and will not result in soil erosion.*	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? *The proposed project would not increase the instability in the area. Since the surrounding area is level, there is minimal chance of landslides.*	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? *The project is not located in an expansive soil area.*	☐	☐	☐	☒

	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? *The are no potential impacts to septic tanks or waste water disposal systems.*	☐	☐	☐	☒
HAZARDS AND HAZARDOUS MATERIALS -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? *There will be diesel and gasoline fuels used In equipment during the construction of the pipeline. These fuels will be contained in the equipment fuel tanks, and any small containers of fuel, would be placed in spill containment areas. No other hazardous material will be transported, used or disposed of during the construction and operation.*	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? *Construction and operation on the project will not release any hazardous materials into the environment. Any small containers of fuel will be stored in spill containment areas.*	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? *There are no schools within 1/4 mile of the project.*	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? *The proposed project location is not on property listed as a hazardous material site.*	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? *The project is not within two miles of an airport.*	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? *The project is not in the vicinity of a private airstrip.*	☐	☐	☐	☒

	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? *The proposed project will not interfere with the operation of emergency vehicles, and the project will not interfere with any response or evacuation plan.*	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? *The project will not increase the likelihood of wildland fire.*	☐	☐	☐	☒
HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements? *Operation of the project will not violate any water quality standards and will not discharge any waste. There will be no irrigation return flows to any water bodies as a result of this project.*	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? *The groundwater pumping that is proposed will not significantly deplete groundwater supplies or interfere with groundwater recharge. However, there is a potential that groundwater pumping to supply water to the project in conjunction with other pumping in the Laws area could adversely affect groundwater dependent vegetation in the vicinity of the project, but with the proposed mitigation, this potential impact will be avoided. See discussion in the text portion of the negative declaration.*	☐	☒	☐	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? *Irrigation water for parcel 27 will come from Coldwater Canyon. Water from springs in this canyon enters a pipe and is conveyed to the parcel. Here, the water either flows in the irrigation pipeline to parcel 27, or is diverted into a terminal ditch that carries the water across parcel 29 and either into the Upper McNally Canal or across the Upper McNally Canal where it spreads over a portion of parcels 30 and 31. In the past, when parcel 27 was irrigated, all the water in the pipeline was conveyed for irrigation of the parcel. When parcel 27 was not irrigated, the water was diverted into a ditch*	☐	☒	☐	☐

	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
and flowed across parcel 29 and either into the Upper McNally Canal or across the Upper McNally Canal where it spreads over a portion of parcels 30 and 31. Under the project, during the irrigation season (April 1 — September 30) when parcel 27 is irrigated, most, but not all, of the water will be diverted from the pipe. The remainder of the water will flow in the ditch across parcel 29 and on to parcels 30 and 31. The rest of the year, the water will flow in the ditch across parcel 29 and on to parcels 30 and 31. Although there will be a reduction in the flow of the terminal ditch during the irrigation season over the past few years, the reduction is not expected to cause a significant effect on the riparian vegetation adjacent to the ditch. (See discussion in the text portion of the negative declaration.) Further, although there will be a reduction in the flow of the terminal ditch during the irrigation season, the reduction will not alter the drainage pattern.				
At present, water flowing in Silver Canyon Creek is diverted into a ditch that flows between parcel 94 on the south and parcel 90 on the north. The water flows down the ditch into the Upper McNally Canal. In the past, during the irrigation season, all the water in the ditch was diverted to irrigate parcels 90, 94 and 95. When these parcels were not irrigated, the water flowed in the ditch and into the Upper McNally Canal. Under the proposed project, a pipeline will be constructed from Well 365, located adjacent to the ditch, to provide water for sprinkler irrigation; however, water in the Silver Canyon ditch will not be diverted into the pipeline. Water will be diverted from the ditch to supply the revegetation projects on parcels 90 and 94. During the time that the revegetation areas are irrigated, some, but not all, of the water will be diverted from the Silver Canyon ditch. The remainder of the water will flow in the ditch. Although there will be a reduction in the flow of the Silver Canyon ditch, the reduction is not expected to cause a significant effect on the riparian vegetation (See discussion in the text portion of the negative declaration.				
The project will not alter any other drainage in the area or the course of any stream or river.				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site? *The project will not alter a drainage in the area in such a manner as to result in flooding on-site or off-site. The project will not alter the course of any stream or river.*	☐	☐	☐	☒

	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? *The project will not create or contribute to runoff water.*	☐	☐	☐	☒
f) Otherwise substantially degrade water quality? *The project will not degrade water quality.*	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? *There is no housing associated with the project.*	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? *The project will not place any structures within a 100 year flood hazard area.*	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? *No. There are no levees or dams associated with the project.*	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒
LAND USE AND PLANNING -- Would the project:				
a) Physically divide an established community? *The proposed project is located in an undeveloped area and would not divide an established community.*	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? *There are no conflicts with plans, policies, or regulations. Groundwater pumping and changes in surface water management practices resulting from the project will be managed consistent with the Water Agreement. See discussion in the text portion of the negative declaration.*	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? *No such plans exist for the project area.*	☐	☐	☐	☒

	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? *No.*	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? *No.*	☐	☐	☐	☒
NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? *Construction will not lead to exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, of applicable standards of other agencies.*	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? *The project will not cause any noticeable groundborne vibrations or groundborne noise levels.*	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? *There will be no substantial permanent increase in ambient noise as a result of this project.*	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? *There will be a temporary increase in ambient noise levels during the installation of the pipeline, but the increase is not substantial.*	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? *The project is not within 2 miles of an airport.*	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? *The proposed project is not within the vicinity of a private airstrip and will not expose residents to excessive noise levels.*	☐	☐	☐	☒

	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? *The project will not induce population growth.*	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? *The project will not displace housing in the area.*	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? *No persons will be displaced as a result of the project.*	☐	☐	☐	☒
PUBLIC SERVICES -- Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new for physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☐	☒
Fire protection? *The proposed project will not require additional fire protection services.*	☐	☐	☐	☒
Police protection? *The proposed project will not impact or require additional police services.*	☐	☐	☐	☒
Schools? *The proposed project will not impact any public school.*	☐	☐	☐	☒
Parks? *The proposed project will not impact park services.*	☐	☐	☐	☒
Other public facilities? *The proposed project will not impact other public facilities.*	☐	☐	☐	☒
RECREATION -- Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? *The proposed project will not impact local park facilities.*	☐	☐	☐	☒

	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? *The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.*	☐	☐	☐	☒
TRANSPORTATION/TRAFFIC -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? *The project will not cause an increase in traffic.*	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? *No. The County has no congestion management plan.*	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? *No change to air traffic is envisioned.*	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? *The project will not substantially increase hazards due to a design feature.*	☐	☐	☐	☒
e) Result in inadequate emergency access? *The project will not result in inadequate emergency access.*	☐	☐	☐	☒
f) Result in inadequate parking capacity? *The project will not result in inadequate parking capacity.*	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? *The project will not conflict with adopted policies, plans, or programs supporting alternative transportation.*	☐	☐	☐	☒
UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? *The project will not result in additional wastewater discharge.*	☐	☐	☐	☒

	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? *The project will not result in additional wastewater discharge.*	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? *The project will not require or result in additional storm water discharge.*	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? *The project will not impact water supplies.*	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? *The project will not result in additional wastewater.*	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? *The project will not result in additional solid waste.*	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste? *The project will not result in additional solid waste.*	☐	☐	☐	☒
MANDATORY FINDINGS OF SIGNIFICANCE:				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? *The project is not expected to cause significant impact to wildlife, plant, or cultural resources. See discussion in the text portion of the negative declaration.*	☐	☐	☒	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? *The project is not expected to cause any impacts that are*	☐	☐	☒	☐

	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
individually limited, but cumulatively considerable. See discussion in the text portion of the negative declaration.				
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? *The project will not have environmental effects which will cause substantial adverse effects to human beings, either directly or indirectly.*	☐	☐	☐	☒

Attachments: Report titled, “Archaeological Survey of the Proposed Laws Ranch Irrigation Project, Laws, Inyo County, California” by URS Corporation

References Cited: None

POTENTIAL SIGNIFICANT IMPACTS AND MITIGATION MEASURES

A discussion of the potential significant impacts of the project and the required mitigation measures that have been incorporated into the project are presented below.

Potential Impacts of Groundwater Pumping Under the Proposed Project:

- The proposed use of currently exempt Well 365 every year to supply irrigation water is not expected to cause significant adverse impacts to groundwater dependent vegetation, or other vegetation, in the Laws area.

- The proposed partial exemption of Well 236 from ON/OFF management during the time that the well is operated to supply water to the sprinkler system when Well 365 is unable to produce the needed water and/or if mechanical problems temporarily prevent the operation of the well, is not expected to cause significant adverse impacts to groundwater dependent vegetation, or other vegetation, in the Laws area.

- The proposed partial exemption of Well 413 from ON/OFF management for the purposes of supplying water to the Laws community water system, for fire flow, and to supply water to sprinkler irrigate the approximately 36 acres that comprise the Laws Historical Museum enhancement/mitigation project, is not expected to cause significant adverse impacts to groundwater dependent vegetation, or other vegetation, in the Laws area.

- The combined operation of Wells 365, 236 and 413, as proposed in the project, is not expected to cause significant adverse impacts to groundwater dependent vegetation, or other vegetation, in the Laws area.

- The cumulative effects of operating Wells 365, 236 and 413, as proposed in the project, in combination with the operation of other wells in the Laws area, and in combination with operations of the Upper and Lower McNally canals (including water spreading in the Laws area from the canals) may cause significant adverse impacts to groundwater dependent vegetation, or other vegetation, in the Laws area.

- Adverse impacts to groundwater dependent vegetation, or other vegetation, caused by the cumulative effect scenario could adversely affect wildlife habitat, air quality and aesthetics.

Analysis

A primary change from conditions under the Agreement that will result from the proposed project is that, except for parcel 27, all the water for sprinkler irrigation would be supplied by Wells 365, 236 and 413. Without the proposed project, all lands proposed for sprinkler irrigation could be supplied at the Department's option from wells in the Laws area (including Wells 365 and 236), by diversions from Silver Canyon Creek, Coldwater Canyon Creek and/or by diversions from the Owens River.

Another change that will result from the proposed project is that the overall water demand of the project will be reduced. Without the reduction in irrigation duty under the proposed project, the project water demand (excluding conveyance losses) would be approximately 6,800 acre-feet per

year. Under the project, with a reduction of irrigation duty from 5 acre-feet per acre to 3 acre-feet per acre on 576 acres, there will be a reduction in the project's water demand to approximately 5,600 acre-feet, a reduction of approximately 1,200 acre-feet per year. (Note: although the project description for the area to the east of the Laws Historical Museum did not specify an irrigation duty, it has been estimated that the 15 acres east of the museum received approximately 3 acre-feet per acre in the past.)

A report from Dr. Robert Harrington, a hydrologist with the Inyo County Water Department that analyzes the potential decline in groundwater levels that may result from the scenarios described above is attached. As is indicated by the report, it appears that if only Wells 365, 236 and 413 were operated, groundwater levels under areas of groundwater dependent vegetation would not be lowered to the degree that significant adverse impacts to the vegetation would result. However, if other wells in the Laws area are also operated, depending on the amount of recharge to the area, it appears that the operation of Wells 365, 236 and 413, in combination with the operation of the other wells, could lower the groundwater levels under areas of groundwater dependent vegetation to the extent that there could be adverse impacts to the vegetation.

Mitigation

The requirements for mitigating an adverse impact to groundwater dependent vegetation, and for mitigating any other significant impact to the environment, that may result from pumping from Wells 365, 236 and 413, in combination with operation of other wells in the Laws area, are presented in the Water Agreement. Under Section III of the Water Agreement, the overall goal is to manage the water resources within Inyo County to avoid certain described decreases and changes in vegetation and to cause no significant effect on the environment which cannot be acceptably mitigated while providing a reliable supply of water for export to Los Angeles and for use in Inyo County.

Section IV.A of the Water Agreement addresses management goals and mitigation responsibilities. Section IV.A provides in pertinent part:

> *IV. VEGETATION MANAGEMENT GOALS AND PRINCIPLES*
> *The management goals and principles for each vegetation management type are described below.*
>
> *A. VEGETATION MANAGEMENT*
>
> *Type A Vegetation Classification*
>
> *This zone, composed of vegetation with a calculated evapotranspiration rate approximately equal to precipitation, is not affected by groundwater pumping or by changes in surface water management practices since such vegetation survives on available precipitation.*
>
> *Type B, C, and D Vegetation Classifications*
>
> *The goal is to manage groundwater pumping and surface water management practices so as to avoid causing significant decreases in live vegetation cover, and to avoid causing a significant amount of vegetation comprising either the Type B, C, or D classification to change to vegetation in a classification type which precedes it alphabetically (for example, Type D changing to either Type C, B, or A vegetation).*

Methods that will be used to achieve this goal include an extensive monitoring program, discretion vested in the Technical Group and/or Standing Committee to take appropriate action, provisions for automatic turning off of wells (see section V), provisions for determining whether significant decreases or changes in vegetation have occurred (see section IV.B), provisions for mitigation, and provisions for dispute resolution.

Type B, C, and D classifications are each comprised of several vegetation communities defined in the "Land Classification and Natural Community Descriptions for the Owens Valley" (1987). It is recognized that a change in vegetation from one of these communities to another, as long as the change is not to a community that would fall outside the same classification will not be considered significant. A decrease in live salt cedar cover in the Type D classification generally will not be considered significant.

Notwithstanding the fact that wells may have been turned off due to insufficient soil moisture, any decreases or changes in vegetation that are determined to be significant by the Technical Group shall be mitigated as soon as a reasonable and feasible mitigation plan is developed by the Technical Group and implemented by the Department. In developing this mitigation plan, the Technical Group shall consider the potential environmental and water supply effects of any proposed plan. Implementation of this plan shall be commenced by the Department within twelve (12) months of a determination by the Technical Group or by dispute resolution that a significant decrease or change has occurred.

A mitigation plan developed by the Technical Group could include restoring perennial vegetation cover in an area where there has been a significant decrease in live perennial vegetation cover, and/or restoring vegetation in an affected area to a vegetation community that falls within the classification shown on the relevant vegetation management map as soon as it can be reasonably restored. Mitigation activities could include, but are not limited to, surface water application or reduction in groundwater pumping (if groundwater pumping has not already been terminated in the affected area in accordance with the provisions of section V).

In addition to mitigation prescribed by the Water Agreement for significant decreases or changes in vegetation, Section III.F of the Water Agreement provides in pertinent part:

…any significant effect on the environment of Inyo County attributable to groundwater pumping or to Department surface water management practices, shall be mitigated as soon as a reasonable and feasible mitigation plan is developed. Implementation of this plan shall be commenced within twelve (12) months of a determination by the Technical Group or by dispute resolution that a significant effect on the environment has occurred.

Section IV. B of the Water Agreement addresses “significance.” Section IV. B provides in pertinent part:

B. DETERMINATION OF "SIGNIFICANT" AND "SIGNIFICANT EFFECT ON THE ENVIRONMENT

In determining (1) whether a decrease in live vegetation cover is "significant," or (2) whether a change in vegetation from one vegetation classification to another is

"significant," or (3) whether a "significant effect on the environment" has occurred, it is recognized that it is infeasible to develop definitions of these terms for use in all areas and under all conditions. Therefore, a determination of what is a significant decrease or change in vegetation and of what is a significant effect on the environment will be made by a case by case analysis.

The first step in this case by case analysis is to determine whether the decrease or change can be measurably demonstrated. If so, it must then be determined by the Technical Group if the decrease or change, or if a potential significant effect on the environment, is or is not attributable to groundwater pumping and/or to surface water management practices.

Decreases and changes in vegetation and other environmental effects shall be considered "attributable to groundwater pumping, or to a change in surface water management practices," if the decrease, change, or effect would not have occurred but for groundwater pumping and/or a change in past surface water management practices. This shall be determined by an analysis of all relevant factors, including a comparison of the affected area with an area of similar vegetation, soils, rainfall, and other relevant conditions where such a decrease, change, or effect has not occurred, or has not occurred to the same degree.

If the decrease, change, or effect is determined to be attributable to groundwater pumping or to changes in past surface water management practices, the Technical Group then shall determine whether the decrease, change, or effect is significant. In making this determination, the factors to be considered by the Technical Group shall include, but are not limited to:

The size, location, and use of the affected area;
- *The degree of the decrease, change or effect within the affected area;*
- *The permanency of the decrease, change, or effect;*
- *Whether the decrease, change, or effect causes a violation of air quality standards;*
- *Whether the decrease, change, or effect affects human health;*
- *Available factual and scientific data;*
- *Whether effects of the decrease, change, or effect are limited, but the incremental effects are substantial when viewed in connection with decreases or changes in other areas that are attributable to groundwater pumping or to changes in surface water management practices by the Department;*
- *Enhancement and mitigation projects that have been implemented by the Department.*

Under the Water Agreement, if a significant decrease or change in vegetation occurs or if there is another significant impact on the environment, the impact must be mitigated. Section III. C of the Water Agreement defines the term “mitigation” as follows:

C. DEFINITIONS. Unless otherwise specifically defined in these goals and principles, the terms "mitigation" and "feasible" are to be defined as under the California Environmental Quality Act ("CEQA") as of July 1, 1989. The definition of these terms as set forth in CEQA and the Guidelines for Implementation of CEQA on July 1, 1989 are:

Mitigation:

1. *Avoiding the impact altogether by not taking a certain action or parts of an action,*
2. *Minimizing impacts by limiting the degree or magnitude of the action and its implementation,*
3. *Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment,*
4. *Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action,*
5. *Compensating for the impact by replacing or providing substitute resources or environments.*

(Guidelines for Implementation of the California Environmental Quality Act - Section 15370)

As described above, the Technical Group is required to develop and implement mitigation within twelve (12) months of a determination by the Technical Group or by dispute resolution that a significant decrease or change in vegetation has occurred or that a significant effect on the environment has occurred. Section I.C.2 and Section I.D of the Green Book, the technical appendix to the Water Agreement, describes how a mitigation plan is to be developed and implemented. Section I.C.2 and Section I.D provide as follows:

2. Development and Implementation of a Mitigation Plan

If it is established that there has been a significant decrease in live vegetation cover, or a significant amount of vegetation has changed from one vegetation classification to a lower classification, or any other significant effect on the environment has occurred, then any such significant impact will be mitigated as soon as a reasonable and feasible mitigation plan is developed. The Technical Group is responsible for developing a mitigation plan for the affected area, and the Department will commence implementation of the plan within 12 months after the significant impact has been established. A written mitigation plan will be prepared by the Technical Group and submitted to the Standing Committee during this 12-month period; however, the Technical Group is not precluded from implementing any necessary interim mitigation measures during this period.

a. *In developing a mitigation plan, the Technical Group shall first establish a goal for the plan in conformance with the goals and principles of the Agreement. Thus, if there has been a significant decrease in live perennial vegetation cover or a change in a significant amount of vegetation from one classification to another, a primary goal of the plan would be to avoid causing further decreases or changes.*

   Generally, if there has been a significant decrease in vegetation live cover, the preferred goal of the plan would be to restore the same type of perennial vegetation cover in the affected area; and, if there has been a significant change in vegetation type, the preferred goal of the plan would be to restore vegetation to a vegetation community that falls within the type classification depicted on the vegetation management map. If any other significant effect on the environment occurs, the goal of the plan would be to reduce the impact to a level that is no longer significant.

Generally, compensatory mitigation (compensating for an impact to the environment by improving or enhancing an area located away from the affect area) would not be a preferred goal of a mitigation plan.

b. *In selecting the means of achieving the goals of the mitigation plan, the Technical Group will consider the feasible alternatives. When it is determined that the expertise of a consultant would be beneficial, such consulting services may be retained.*

i. Alternative means of achieving the mitigation goal that will be considered include:

- *If the impact is attributable to groundwater pumping, cessation of groundwater pumping from wells that affect the impacted area would be the first consideration for mitigation. Also considered will be a change in the future management of groundwater pumping from the well to avoid repetition of the impact.*
- *Surface water application to repair, rehabilitate, and/or restore the impacts will be considered as an alternative. Any water supply needed for the proposed mitigation shall be evaluated as to its potential for inducing further adverse environmental impacts.*
- *Revegetation of the affected environment shall be considered as an alternative. Generally, the preferred goal of revegetation would be to restore vegetation cover to the ecological viability which existed prior to the impact. A primary consideration in revegetation would be to use native species which grow in Owens Valley. Revegetation efforts will incorporate procedures to control weeds and fugitive dust. Full restoration may require a long period of time.*

c. *As part of each mitigation plan, the Technical Group shall develop a reporting and monitoring program. At least once per year, the Technical Group shall report, in writing to the Standing Committee, on the effectiveness of the mitigation plan in achieving its goal.*

Should a mitigation plan fail to substantially achieve its goals, the Technical Group shall implement alternative, feasible mitigation, if any exists, that will achieve the goals. If no such alternative exists, a new mitigation goal will be developed and implemented for the affected area. The Technical Group shall report the change in writing to the Standing Committee, together with reasons for the change, and a new mitigation monitoring and reporting program will be adopted by the Technical Group.

d. *If, through seasonal water balance calculations or through other means, the Technical Group projects that significant decreases or changes in vegetation could occur, the Technical Group will take such action as it deems feasible and necessary to avoid the projected impact. Such action would be in addition to the provisions for automatic well turn-off.*

D. Other Vegetation

For management purposes, vegetation in Owens Valley has been divided into five management classifications based on the dominant vegetation species. However, each

vegetation classification is comprised of vegetation species other than the dominant species.

1. Management

Certain vegetation of significant environmental value are not shown on the management maps because they are not the dominant species. This vegetation will be identified by the Technical Group for monitoring purposes on overlays to the management maps. Areas of this vegetation include riparian vegetation dependent upon springs and flowing wells, stands of tree willows and cottonwoods, and areas with rare or endangered species. The monitoring sites will be located in areas where there is a potential for impact to such vegetation by groundwater pumping or changes in surface water management practices (although certain areas of rare or endangered species will be monitored, these areas will not be publicly identified on the management maps in the interest of protecting such vegetation).

If, through field observation, monitoring, and other evaluations, it is determined that groundwater pumping or changes in surface water management practices has resulted in severe water deficit stress that could cause a significant decrease or change in this vegetation, the Technical Group will take such action as is feasible and necessary to prevent significant impacts and to reduce any impacts to a level that is not significant.

2. Monitoring

Monitoring at each identified site will consist of one or more field visits during the period when groundwater pumping and changes in surface water management practices could affect such vegetation in an attempt to obtain advance knowledge of potential water stress. Shallow piezometers will be installed and monitored where and when deemed necessary (for rare and endangered species, only a qualitative assessment will be made in order to minimize the disturbance from monitoring). If an impact is suspected, more intensive measurements, such as vegetation transect procedures, would be undertaken as determined appropriate by the Technical Group.

3. Mitigation

The procedures set forth in Section I.C will be used to determine whether an impact to vegetation of concern is measurable, attributable to groundwater pumping or changes in surface water management, and is significant, and thus, if a mitigation plan should be developed and implemented.

Significance after Mitigation

Under the Water Agreement, the potential impacts described above are to be avoided, or if such impacts occur, they will be mitigated so that the impact is less than significant.

Agencies Responsible for Implementing and Monitoring the Mitigation Measures

LADWP and the County of Inyo, as provided in the Water Agreement.

Potential Impacts of Altering the Flow in a Ditch that Carries Water Diverted from Coldwater Canyon

- The use of water diverted from Coldwater Canyon to irrigate parcel 27 could adversely affect vegetation that is adjacent to the ditch, below the point of diversion.

- The use of water diverted from Coldwater Canyon to irrigate parcel 27 could adversely affect vegetation located on parcels 29, 30 and 31.

Analysis

Under the proposed project, as has been done in the past, irrigation water for parcel 27 will be diverted from Coldwater Canyon. Water from springs in this canyon currently enters a pipe, then exits the pipe, and runs through a terminal ditch, across parcel 29, over the Upper McNally Canal, and the water then spread over a portion of parcels 30 and 31. In the past, when parcel 27 was irrigated, all the water in the pipeline was conveyed to parcel 27, and no water flowed in the ditch. When parcel 27 was not irrigated, the water flowed in the ditch across parcel 29, and either was placed into the Upper McNally Canal, or was conveyed over the Upper McNally Canal and spread over a portion of parcels 30 and 31.

Under the project, during the irrigation season (April 1 to September 30) when parcel 27 is irrigated, the irrigation water will be conveyed through the pipe carrying water from Coldwater Canyon. During the time that parcel 27 is irrigated, the flow in the terminal ditch will be reduced, but should not be eliminated. The portion of the flow not diverted will cross parcel 29 and be spread on portions of parcels 30 and 31. (The point where water will be diverted from the pipeline to parcel 27 will be at the same location as in the past.) During the rest of the year, the flow in the ditch will not be reduced. Although there will be a reduction in the terminal ditch flow during the irrigation season, the reduction should be less than in the past and is not expected to cause a significant effect on the riparian vegetation adjacent to the ditch or to cause a significant reduction in the vegetation on parcels 29, 30 and 31.

Mitigation

Should a change in surface water management practices in the terminal ditch cause a significant adverse impact as determined under the Water Agreement, such impact would be mitigated as provided in the Water Agreement.

Significance after Mitigation

With the incorporation of the mitigation described above, a change in surface water management practices will not cause a significant adverse effect on the riparian vegetation adjacent to the terminal ditch or cause a significant reduction in the vegetation on parcels 29, 30 and 31.

Agency Responsible for Implementing and Monitoring the Mitigation Measure

LADWP and the County of Inyo, as provided in the Water Agreement.

Potential Impacts of Altering the Flow in Silver Canyon Ditch

- The use of water from the Silver Canyon ditch to irrigate areas that will be revegetated on parcels 90, 94 and 95 could adversely affect vegetation that is adjacent to the ditch and downstream from the point of diversion.

Analysis

At present, water flowing in Silver Canyon Creek is diverted into the Silver Canyon ditch. The ditch is located between parcels 94 and 95 on the south and parcel 90 on the north. (See Figure 1.) The diverted water flows down the Silver Canyon ditch to the Upper McNally Canal.

In the past, during the irrigation season, all the water in the ditch was diverted to irrigate parcels 90, 94 and 95. When these parcels were not irrigated, the water flowed in the ditch and into the Upper McNally Canal. Under the proposed project, a pipeline will be constructed from Well 365, located adjacent to the ditch, to provide water for sprinkler irrigation. Water in the Silver Canyon ditch will not be diverted into the pipeline; however, water will be diverted from the ditch to supply the revegetation projects on parcels 90, 94 and 95.

Under the project, the revegetation areas on parcels 90, 94 and 95 will be irrigated. The irrigation water will be diverted from the Silver Canyon ditch. (The diversion point will be above Well 365.) During the time that the revegetation areas are irrigated, the flow in the Silver Canyon ditch will be reduced, but not eliminated. During the rest of the year, there will be no diversions from the ditch. Although there will be a reduction in the flow of the Silver Canyon ditch, the reduction is not expected to cause a significant effect on the riparian vegetation adjacent to the ditch.

Mitigation

Should a change in surface water management practices in the Silver Canyon ditch cause a significant adverse impact as determined under the Water Agreement, such impact will be mitigated as provided in the Water Agreement.

Significance after Mitigation

As designed, and with the incorporation of the mitigation described above, a change in surface water management practices will not cause a significant adverse effect on the riparian vegetation adjacent to the ditch.

Agency Responsible for Implementing and Monitoring the Mitigation Measure

LADWP and the County of Inyo, as provided in the Water Agreement.

Potential Impacts of Reducing the Irrigation Duty from 5 Acre-feet per Acre to 3 Acre-feet per Acre and of Changing from Flood Irrigation to Sprinkler Irrigation

- Under the project, the irrigation duty on 576 acres will be reduced from 5 acre-feet per acre to 3 acre-feet per acre. The reduction in irrigation duty could reduce the amount of vegetation coverage compared to the coverage that would result from the application of 5 acre-feet per acre via flood irrigation.
- The use of sprinkler irrigation and the reduction in irrigation duty could reduce the amount of groundwater recharge.

Analysis

The use of sprinkler irrigation will provide a more uniform coverage of water than would occur using flood irrigation. Therefore, even with a reduction in the irrigation duty, the areas of pasture irrigated with sprinklers should have a more uniform vegetation cover, when compared to the areas irrigated by flood irrigation. Consequently, the conversion to sprinkler irrigation, and the reduction in irrigation duty, will not cause a significant decrease in vegetation cover.

The conversion to sprinkler irrigation, and the reduction in irrigation duty, will cause a reduction in the amount of groundwater recharge. The U.S. Geological Survey estimates that approximately 50 percent of the water applied in flood irrigation percolates into the ground or evaporates. In contrast, it is estimated that approximately 20 percent of the water applied via sprinkler irrigation will percolate into the ground. As explained above, a resulting reduction in groundwater recharge, when combined with the proposed groundwater pumping from Wells 365, 236 and 413, in combination with the operation of other wells in the Laws area, and in combination with the frequency of the operations of the Upper and Lower McNally canals (including water spreading in the Laws area from the canals) could cause significant adverse impacts to groundwater dependent vegetation, other vegetation, or cause other significant adverse impacts in the Laws area. Under the Water Agreement, any such impacts will be mitigated so that the impact is less than significant.

Mitigation

Should the reduction in recharge resulting from the reduction in irrigation duty cause significant adverse impacts to groundwater dependent vegetation, other vegetation, or cause other significant adverse impacts in the Laws area, under the Water Agreement, any such impacts will be mitigated so that the impact is less than significant.

Significance after Mitigation

With the incorporation of the mitigation described above, the reduction change from flood irrigation and the reduction in irrigation duty will not cause a significant adverse effect on the sprinkler irrigated areas, to groundwater dependent vegetation, other vegetation, or cause other significant adverse impacts in the Laws area.

Agencies Responsible for Implementing and Monitoring the Mitigation Measures

LADWP and the County of Inyo, as provided in the Water Agreement.

Potential Impacts of Constructing Water Pipelines

- The construction of the pipelines that are a part of the proposed project could cause significant adverse impacts to cultural resources.

Analysis

Approximately a total of 3.75 miles of pipelines will be installed to connect Wells 365 and 236 with the sprinkler irrigation system, to connect Well 413 with the irrigation system at the Laws Historical Museum enhancement/mitigation project. The pipelines will be buried underground where possible. The locations of the pipelines are shown on Figure 1. Archaeological investigations were conducted by archeologists from URS Corporation. Six previously unrecorded archaeological sites and 11 isolates, were identified within the project area, including the historic town-site of Laws, two historical canals, two historic artifact scatters and one site containing concrete foundations. The proposed project should have no direct impact on archeological or cultural resources.

Mitigation

If any unidentified cultural resources are encountered during the implementation of this project, including pipeline construction, work will be halted until a licensed archaeologist is consulted.

Significance after Mitigation

As designed, and with the incorporation of the mitigation described above, the implementation of the project, including the construction of the pipelines, will not cause a significant adverse effect on the cultural resources.

Agency Responsible for Implementing and Monitoring the Mitigation Measure

LADWP

Potential Impacts Caused by the Growth of Noxious Weeds

- Irrigation as proposed within the project area could result in the growth of noxious weeds

Analysis

In Laws and other areas of the Owens Valley, the application of water to the land has resulted in the growth of noxious weeds.

Mitigation

If noxious weed rated A or B by the California Department of Food and Agriculture is observed within an irrigated area within the project area, LADWP or its lessee or lessees, in conjunction with Inyo County's weed abatement program, will promptly treat or remove the weed.

Significance after Mitigation

None

Agency Responsible for Implementing and Monitoring the Mitigation Measure

LADWP and the County of Inyo.

FINDINGS

This Initial Study and an Evaluation of Potential Impacts has been prepared by LADWP. The Initial Study, including the above environmental checklist, indicates that the proposed project, as mitigated, will not have a significant adverse impact on the environment for the following reasons:

Based upon the Initial Study and Environmental Evaluation of the proposed project, and the mitigation measures incorporated herein, it has been found the project does not have the potential to create a significant impact on flora or fauna; natural, scenic and historic resources; the local economy; or public health, safety and welfare. This constitutes a negative finding for each of the Mandatory Findings required pursuant to Section 15065 of the California Environmental Quality Act (CEQA) Guidelines.

CONCLUSION

This document constitutes a Negative Finding for the Mandatory Findings required pursuant to Section 15065 of the California Environmental Quality Act (CEQA) Guidelines.

The review period for this Draft Mitigated Negative Declaration expires on April 16, 2003. LADWP is not required to respond to any comments received after this date.

Additional information is available from the LADWP and the Inyo County Water Department. Please contact, Mr. Clarence Martin at LADWP, or Mr. Greg James at the Inyo County Water Department, if you have any questions regarding this project.

_____ _____

Date:

ENVIRONMENTAL DETERMINATION

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

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

_____ _____
Date