

**STAFF REPORT
C50**

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04/05/19
PRC 8079.9
D. Simpkin

AMENDMENT OF LEASE

LESSEE:

City of Los Angeles Department of Water and Power

AREA, LAND TYPE, AND LOCATION:

Sovereign land on the dry lakebed of Owens Lake, Inyo County.

EXISTING LEASE:

On June 14, 1999, the Commission authorized the issuance of Lease No. PRC 8079.9, a General Lease – Public Agency Use (Lease), to the City of Los Angeles Department of Water and Power (City) for a period of 20 years, for the Owens Lake South Sand Sheet Air Quality and Sand Fence Effectiveness Monitoring System on Owens Lake (Lake) in Inyo County ([Item C06, June 14, 1999](#)). Since that time, the Commission has authorized 22 amendments to the lease for the construction, operation, and maintenance of additional components of dust control. Exhibit B provides a summary of these amendments. Most recently, on February 4, 2019, the Commission authorized the 22nd Amendment to the Lease ([Item C58, February 4, 2019](#)).

PROPOSED AMENDMENT:

The following sections of the lease are proposed to be amended:

Section 1, Land Use or Purpose, Term and Authorized Improvements, of the Lease would be amended to authorize the following:

- Removal of approximately 2.85 acres of gravel cover in Dust Control Area (DCA) T37-2d (T37-2-L1) and installation of sprinkler shallow flooding dust control
- Modifications to DCA T13-1 Addition and T17-2
- Extend the term of the lease to April 30, 2024

BACKGROUND:

Historical Overview

Owens Lake is located in southwest Inyo County, approximately 200 miles north of Los Angeles. The Lake was a natural and navigable waterway at the time of

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California's statehood and is thus sovereign land of the State. Wildlife, waterfowl, and the nearby communities including the area's original Native American residents depended on and benefited from the Lake, which covered approximately 110 square miles and was up to 50 feet deep in places. Tribes have occupied the area for thousands of years, moving as the historical shoreline fluctuated over time, using and stewarding the natural resources provided by the Lake, known to them as Patsiata. Early settlers diverted water from the Owens River to grow crops and irrigate pasture for livestock, and steamboats carried cargo across the Lake. In 1908, the City commenced construction of an aqueduct to divert water from the Owens River north of the Lake.

After completion of the Los Angeles Aqueduct in 1913, the Lake's water level rapidly declined. By 1930, the Lake was virtually dry with only a small brine pool remaining. The diversion of water led to dust storms carrying away as much as 4 million tons of dust from the lakebed each year, causing respiratory problems for residents in the Owens Valley. The U.S. Environmental Protection Agency designated the southern part of the Owens Valley as a Serious Non-Attainment Area for PM10. PM10 is an abbreviated reference for suspended particulate matter (dust) less than or equal to 10 microns in mean aerodynamic diameter (approximately 1/10 the diameter of a human hair). The Great Basin Unified Air Pollution Control District (District) subsequently designated the Non-Attainment area as the "Owens Valley PM10 Planning Area." The District determined that dust emissions from the dry lakebed of the Lake are responsible for causing the air in the Owens Valley PM10 Planning Area to exceed the PM10 national ambient air quality standards and that water diversions by the City caused the Lake to become dry and the lakebed to be in a condition that produces dust. The District has the authority to issue regulatory orders to the City to control dust emissions.

The Commission's lease with the City has authorized the City to conduct dust control measures on the Lake over the years to comply with regulatory orders by the District. These dust control activities have occurred over multiple phases.

On August 19, 2015, the Commission authorized the City's Owens Lake Dust Control Program Phase 9/10 (Phase 9/10) of the Owens Lake Dust Mitigation Program which allowed the City to construct 3.6 square miles of dust control in 17 Dust Control Areas (DCAs), including Shallow Flooding, Managed Vegetation, and Gravel Cover ([Item C61, August 19, 2015](#)).

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503;
California Code of Regulations, title 2, sections 2000 and 2003.

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Public Trust and State's Best Interests Analysis:

Removal of Gravel Cover and Installation of Sprinkler Shallow Flooding Dust Control

Phase 9/10 included 2.85 square miles of gravel cover and shallow flooding in five DCAs. Of these, DCA T37-2d (T37-2-L1) was authorized for shallow flooding. On December 14, 2017, Commission staff conducted a site visit of DCA T37-2d and found a large portion of the DCA covered in unauthorized gravel. After consultation with local Tribes, the City is now requesting authorization to remove the existing gravel and install sprinkler shallow flooding as approved in the Phase 9/10 project.

The gravel cover will be removed by using an excavator or bulldozer to move gravel into piles above existing geofabric. The gravel piles will be subsequently loaded into dump trucks and hauled to a nearby City facility. The gravel removal is scheduled to begin in summer 2019 and will take up to 2 months to complete.

To comply with existing dust abatement orders, the City will install shallow flooding sprinklers in place of the gravel cover. Sprinkler installation will include:

- Approximately 2,600 feet of above-ground pipe (3-inch whip lines)
- Approximately 900 feet of buried lateral pipes (10-inch HDPE) with a minimum of 3-foot cover
- Approximately 1,100 feet of buried drain line (12-inch perforated pipe) with a minimum 1-foot gravel backfill
- 20 sprinklers at a maximum 80-foot spacing. Typical height of each sprinkler is between 6 to 18 inches

Modifications to Dust Control Areas (DCA) T13-1 Addition and T17-2

On August 22, 2008, the Commission authorized the City to implement Phase 7 of the City's Owens Lake Dust Control Project ([Item C05, August 22, 2008](#)). As part of Phase 7, the City constructed Shallow Flood dust control in DCAs T13-1 Addition and T17-2.

On August 9, 2016, the Commission authorized the 18th Amendment of the lease to implement the 2016 Owens Lake Dynamic Water Management Plan to reduce the volume of water used on Owens Lake while still maintaining dust control, as described in the Phase 9/10 Environmental Impact Report (EIR). Dynamic Water Management (DWM) is an operational modification to Shallow Flooding that allows delayed start dates and/or earlier end dates required for Shallow Flooding in specific

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areas that have historically had low PM₁₀ emissions with the modified time periods. ([Item C42, August 9, 2016](#)). DCAs T13-1 Addition and T17-2 were included in the area authorized for DWM.

The City is requesting authorization to conduct modifications to T13-1 Addition, which would allow the DCA to be evaluated for dust control compliance separately from DCA T13-1 and will allow DWM to be implemented in each DCA independently. Currently, both DCAs are evaluated jointly for shallow flood compliance. The modification would include converting 63.7 out of 79.6 acres of existing lateral Shallow Flood to above-ground whip-lines and sprinklers.

The proposed sprinkler configuration will allow approximately 25 percent of the DCA to remain dry, which the City believes will promote Snowy Plover nesting. A berm road will extend an additional 1,530 linear feet from the existing berm road. An additional 8,490 linear feet of berm will be constructed to route storm flow around the DCA and protect above-grade piping.

Modifications to DCA T17-2 include splitting the DCA into two separate sub-ponds by constructing a 4,000-foot-long berm that would run east-west. Two existing submain discharges would be extended to allow discharge to either side of the berm and a spillway would be installed to allow the southern portion to overflow to the northern portion. As with T13-1 Addition, this will allow DWM to be implemented in each portion separately.

All construction activity for the DCA T13-1 Addition and DCA T17-2 modifications will use the same methods and be subject to all mitigation measures described in the Phase 9/10 EIR.

Extend the term of the lease to April 30, 2024

The lease will expire on April 30, 2019. The City is requesting to extend the term of the lease for an additional 5 years. An extension of the lease would allow the City to complete the Environmental Impact Report for the Owens Lake Master Project (Master Project). The Master Project is the successor project to the Master Plan project that the City initiated in 2010 and abandoned in 2013. The City anticipates presenting the Master Project for adoption by the LADWP Board of Commissioners during the fall of 2020. Staff has participated in the Master Plan/Master Project process starting in 2010 with the City, the District, other State agencies, Native American Tribes, non-governmental organizations, and other interested stakeholders, to develop a framework to manage the variety of

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important resources on the lakebed while continuing to control dust. The Commission's consideration of the Master Project and a new lease is anticipated to occur following completion of the Master Project EIR and action by the City Board of Commissioners. An extension of the lease will allow the City to request additional lease amendments after April 30, 2019, and would keep the lease from entering holdover status while Commission and City staff negotiate a new lease. This will allow the Commission to authorize additional changes to the project, which may be necessary to implement dust abatement or protect Public Trust resources at the Lake. By extending the term of the current lease, Commission staff will have adequate time to analyze all applicable information related to the City's future plans for the Lake and draft a new Lease with sufficient protections for Public Trust resources at the Lake.

Substitution of Mitigation Measure

As part of the Commission's August 19, 2015 authorization for activities associated with Phase 9/10, the Commission also adopted the Phase 9/10 Mitigation Monitoring Program (MMP). The Phase 9/10 MMP contains measures to avoid or substantially reduce the significant environmental impacts identified in the Phase 9/10 EIR, including impacts related to air quality, biological, cultural, and transit. One of the measures for cultural resources, CR-3, requires that California Register of Historical Resources (CRHR) eligible artifacts are to be curated at the repository at the University of California, Riverside. Cultural Mitigation Measure CR-3 provides, in part:

The coordinates of artifacts, features, and sites will be obtained by the archaeologist, and artifacts from ineligible sites and isolated artifacts discovered during construction will be collected, cataloged, and placed in a dry and secure temporary storage area until the end of the Project, when they will be given to the CSLC for dissemination to the Lone Pine Paiute-Shoshone Reservation. Any artifacts that may be collected from CRHR-eligible sites will be curated at the repository at University of California, Riverside.

On December 19, 2018, the Lone Pine Paiute-Shoshone Reservation (LPPSR), Big Pine Paiute Tribe, Timbisha Shoshone Tribe, and Bishop Paiute Tribe requested joint government-to-government Consultation with staff regarding disposition and curation of artifacts collected from the Lake. As evidenced by the above mitigation measure, past practice has been to return artifacts from *ineligible* sites to the Tribes but to curate artifacts from *eligible* sites at an existing repository located at the University of California, Riverside – a great distance from the Tribes' ancestral and

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current lands. The Tribes object to the removal of eligible artifacts from the Owens Valley and from Tribal control. Through the Consultation process, Commission staff and the Tribes will seek mutually agreeable curation practices that would allow the artifacts to remain under local Tribal control while still providing reasonable access to researchers and archaeologists who may have an interest in studying the artifacts.

At this time, based on the below-stated facts and the preliminary consensus from the Consultation process, staff believes that artifacts from CRHR-eligible sites should be curated at the LPPSR repository, located in Lone Pine, California. Staff has conducted a site visit of the facility and believes artifacts will be stored in a secure facility, in an archivally stable environment, and are reasonably available to qualified researchers. In order to facilitate this change, staff proposes substituting the existing mitigation measure CR-3 with the proposed mitigation measure CR-3 shown in full in Exhibit D. In the relevant parts, the proposed mitigation measure would read as follows:

In the third bullet of MM CR-3, the text would be revised as follows:

The qualified archaeologist or LADWP shall be required to secure a written agreement with the Lone Pine Paiute-Shoshone Reservation repository ~~a recognized museum repository, such as the University of California, Riverside,~~ regarding the final disposition and permanent storage and maintenance of any ~~unique~~ archaeological resources or historical resources recovered as a result of the archaeological monitoring, as well as corresponding geographic site data that might be recovered as a result of the specified treatment (i.e., preparation, identification, curation, cataloging, etc.) required before the collection would be accepted for storage.

In the eighth bullet of MM CR-3, the text would be revised as follows:

The coordinates of artifacts, features, and sites will be obtained by the archaeologist, and any artifacts ~~from ineligible sites and isolated artifacts~~ discovered during construction will be collected, cataloged, and placed in a dry and secure temporary storage area until the end of the Project, when they will be given to the CSLC for dissemination to the Lone Pine Paiute-Shoshone Reservation. ~~Any artifacts that may be collected from CRHR-eligible sites will be curated~~ at the Lone Pine Paiute-Shoshone Reservation repository.

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Essentially, approval of this mitigation measure will mean that any artifacts found on the Lake that have not already been transferred under the existing mitigation measure to the University of California, Riverside will now be transferred to the LPPSR.

Public Trust Analysis Conclusion:

The discretionary action to be taken by the Commission is ultimately a policy decision taking into account all relevant factors, including consistency with the Public Trust, in determining whether the project is in the best interests of the State. Each time the Commission takes action to approve or reject a project on sovereign land, it is exercising its authority and responsibility as trustee of the State's Public Trust lands as authorized by law. Application of the Public Trust Doctrine may require a balancing of competing uses and needs.

The removal of gravel from T37-2d and installation of sprinklers would result in the project that was authorized by the Commission in 2015. The Commission has previously determined that the placement of gravel does not promote or enhance Public Trust Values on Owens Lake and that the Sprinkler shallow flood as proposed in Phase 9/10 was in the best interests of the State for the areas in question.

Shallow Flooding in T17-2 and T13-1 Addition was originally part of the City's Phase 7 Dust Control Project and authorized as Shallow Flooding by the Commission on August 22, 2008 ([Item C05, August 22, 2008](#)). The proposed modifications would not significantly alter the existing use, but will allow the City to manage these DCAs more efficiently and effectively without loss of habitat value.

Extending the lease term will ensure that the protections currently in place under the lease for Public Trust resources remain effective until a new lease can be negotiated.

Substituting the Mitigation Measure to allow cultural artifacts to be transferred to the Lone Pine Paiute-Shoshone Reservation repository will allow the artifacts to remain near the Lake where they were discovered. After evaluating the repository, staff determined that the facility is appropriate for curating the cultural artifacts found on the Lake. Therefore, staff believes the proposed substitution is equivalent to the existing mitigation measure and will not cause any significant effect on the environment.

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Staff believes the proposed amendment will not significantly impair Public Trust resources and values, including wildlife habitat, public access, recreation, and aesthetic enjoyment on this portion of the Lake at this time.

OTHER PERTINENT INFORMATION:

1. The proposed action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.

2. **Removal of Gravel Cover and Installation of Sprinkler Shallow Flooding Dust Control in DCA T37-2d (T37-2-L1):**
 - a. **Removal of Gravel:** Staff recommends that the Commission find that this activity is exempt from the requirements of California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300.

 - b. **Installation of Sprinkler Shallow Flooding Dust Control:** An EIR, State Clearinghouse (SCH) No. 2014071057, was prepared for the project by the Los Angeles Department of Water and Power and certified on June 2, 2015. Commission staff has reviewed this document prepared pursuant to the provisions of the CEQA (Pub. Resources Code, § 21081.6).

3. **Modifications to Dust Control Areas (DCA) T13-1 Addition and T17-2 for Dynamic Water Management:** An EIR, State Clearinghouse (SCH) No. 2007021127, was prepared for Phase 7 by the District and certified on February 2, 2008, which authorized shallow flooding in DCAs T13-1 Addition and T17-2. Commission staff has reviewed this document prepared pursuant to the provisions of the CEQA (Pub. Resources Code, § 21081.6). An EIR, State Clearinghouse (SCH) No. 2014071057, was prepared for Phase 9/10 by the Los Angeles Department of Water and Power and certified on June 2, 2015, which analyzed Dynamic Water Management for these DCAs. Commission staff has reviewed this document prepared pursuant to the provisions of the CEQA (Pub. Resources Code, § 21081.6). Commission staff prepared an Addendum to the Phase 9/10 EIR (attached as Exhibit C) and posted the Addendum on the Commission's website.

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4. **Extend the term of the lease to May 30, 2024:** Staff recommends that the Commission find that this activity is exempt from the requirements of California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300.

5. **Substitution of Mitigation Measure CR-3:** Staff recommends that the Commission find that the revised Mitigation Measure CR-3 is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.
6. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are significant by nature of their public ownership (as opposed to environmentally significant). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by California Code of Regulations, title 2, section 2954 is not applicable.

EXHIBITS:

- A. Site and Location Map
- B. Summary of Lease Amendments
- C. Addendum to EIR, SCH No. 2014071057
- D. Proposed Substituted Mitigation Measure CR-3

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

1. **Removal of Gravel Cover and Installation of Sprinkler Shallow Flooding Dust Control in DCA T37-2d (T37-2-L1):**
 - a. **Removal of Gravel:** Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

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- b. **Installation of Sprinklers:** Find that an EIR, State Clearinghouse No. 2014071057, was prepared for the Phase 9/10 Project by the Los Angeles Department of Water and Power and certified on June 2, 2015; that the Commission reviewed and considered the information contained therein at its regularly scheduled meeting on August 19, 2015, adopted a Mitigation Monitoring Program, and adopted Findings made in conformance with the State CEQA Guidelines; that the proposed sprinklers fall under the scope of the prior EIR relied on by the Commission; and that in its independent judgment, none of the events specified in Public Resources Code section 21166 or State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impacts has occurred, and therefore, no additional CEQA analysis is required.

Determine that this activity, as approved, will not have a significant effect on the environment.

2. **Modifications to Dust Control Areas (DCA) T13-1 Addition and T17-2 for Dynamic Water Management:** Find that an EIR, State Clearinghouse (SCH) No. 2007021127, was prepared for Phase 7 by the District and certified on February 2, 2008, which authorized shallow flooding in DCAs T13-1 Addition and T17-2; that the Commission reviewed and considered the information contained therein at its regularly scheduled meeting on August 22, 2008, adopted a Mitigation Monitoring Program, adopted Findings, and adopted a Statement of Overriding Considerations made in conformance with the State CEQA Guidelines; that an EIR, SCH No. 2014071057, and a Mitigation Monitoring Program were prepared by the Los Angeles Department of Water and Power and approved on June 2, 2015, and that the Commission has reviewed and considered the information contained therein together with the Addendum as set forth in Exhibit C; that the Commission adopted a Mitigation Monitoring Program and Findings made in conformance with the State CEQA Guidelines at its regularly scheduled meeting on August 19, 2015; that in its independent judgment, none of the events specified in Public Resources Code section 21166 or State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impacts has occurred, and therefore, no additional CEQA analysis is required.

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3. **Extension of the lease term:** Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.
4. **Substitution of Mitigation Measure CR-3.** Find that the revised Mitigation Measure CR-3 is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease amendment and substitution of the revised mitigation measure will not substantially interfere with the Public Trust needs and values at this location, at this time; and is in the best interests of the State.

AUTHORIZATION:

1. Authorize substitution of mitigation measure CR-3, with the mitigation measure described in Exhibit D, originally adopted by the Commission on August 19, 2015.
2. Authorize the amendment of Lease No. PRC 8079.9, a General Lease—Public Agency Use to allow: (a) removal of approximately 2.85 acres of gravel cover and installation of sprinkler shallow flooding dust control in DCA T37-2d (T37-2-L1); (b) modifications to DCAs T13-1 Addition and T17-2 for Dynamic Water Management, as shown on Exhibit A (for reference purposes only); (c) substitution of mitigation measure CR-3 to require disposition of cultural artifacts to the Lone Pine Paiute-Shoshone Reservation; and to (d) extend the term of the lease to April 30, 2024; all other terms and conditions of the lease will remain in effect without amendment.

NO SCALE

SITE

T13-1 ADDITION - SHALLOW FLOOD MODIFICATIONS
T17-2 - SHALLOW FLOOD MODIFICATIONS
T37-2D - GRAVEL REMOVAL AND SPRINKLER SHALLOW FLOOD INSTALLATION

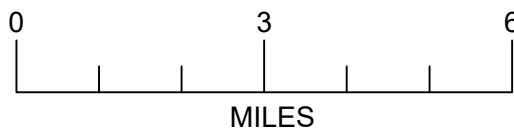
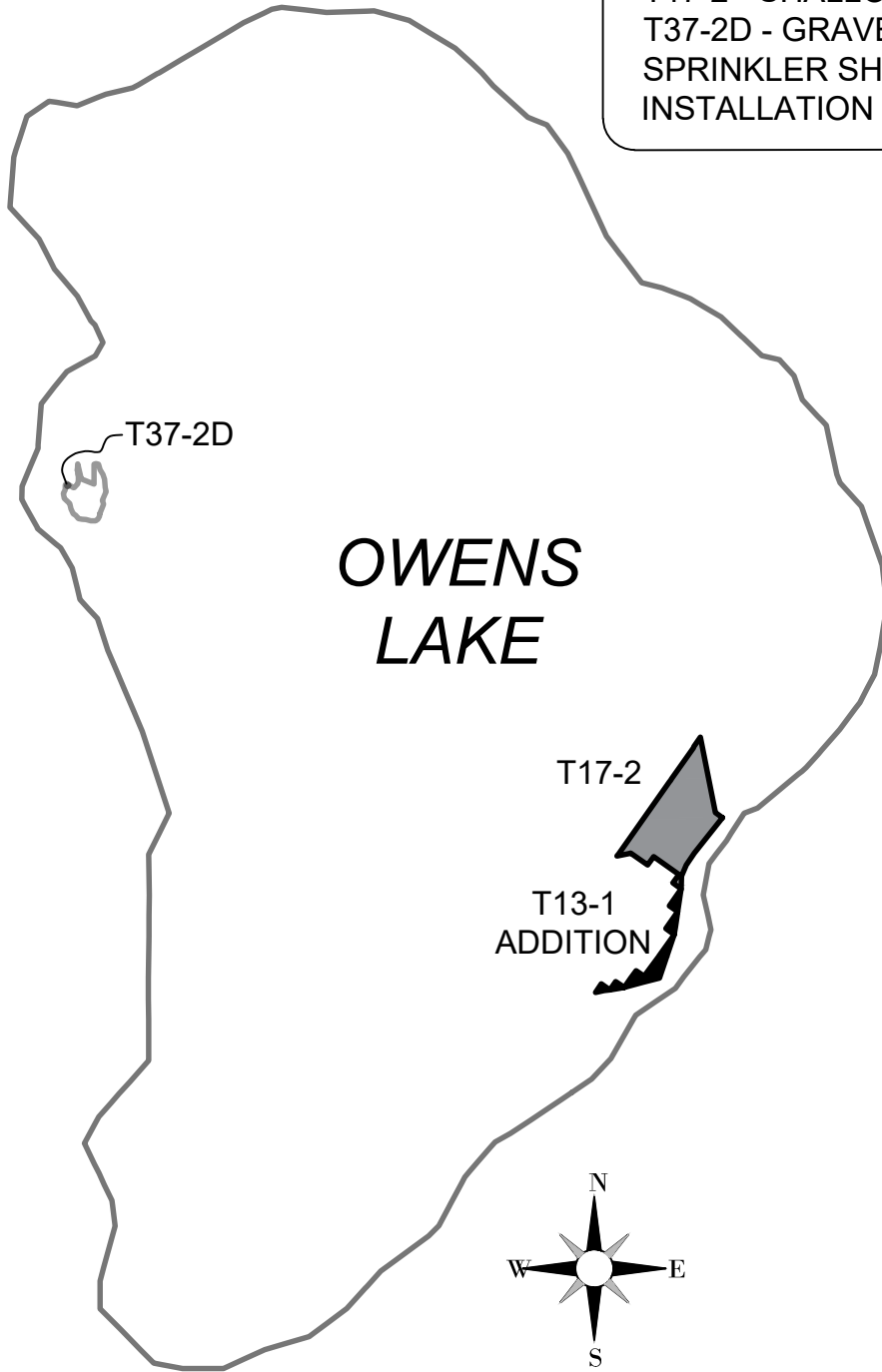


Exhibit A
PRC 8079.9
LADWP
GENERAL LEASE-
PUBLIC AGENCY USE
INYO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B: Summary of Lease Amendments

Below is a summary of the amendments to Lease No. PRC 8079.9 which the Commission has approved to date.

Original Lease. Allowed the City to comply with dust mitigation requirements by installing a South Sand Sheet Air Quality and Sand Fence Effectiveness Monitoring System on the leased premises ("Premises"). (Approved: 6/14/1999; Available at: http://archives.slc.ca.gov/Meeting_Summaries/1999_Documents/06-14-99/Items/061499C06.pdf)

First Amendment. Allowed the City to construct and operate a Shallow Flooding project on 13.5 square miles in the North Sand Sheet area of the Premises. (Approved: 6/27/2000; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2000_Documents/06-27-00/Items/062700C15.pdf)

Second Amendment. Permitted the implementation of the South Zone Dust Control Project on the Premises through the following dust mitigation measures ("DCMs"): (1) 6.4 square miles Managed Vegetation; (2) 1.7 square miles Shallow Flooding; and (3) approximately 40 acres Gravel Cover. (Approved: 11/26/ 2001; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2001_Documents/11-26-01/Items/112601C18.pdf)

Third Amendment. Authorized 154 acres of additional Shallow Flooding for the South Zone Dust Control Project. (Approved: 6/18/2002; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2002_Documents/06-18-02/Items/060802C05.pdf)

Fourth Amendment. Allowed additional Shallow Flooding on the Premises for Phases IV and V of the Owens Lake Dust Control Project. (Approved: 6/26/2006; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2006_Documents/06-26-06/Items/062606C24.pdf)

Fifth Amendment. Allowed additional Shallow Flooding for Phase VII of the Owens Lake Dust Control Project. This included the construction of earthen roads and berms, several miles of pipeline, and other equipment installations. (Approved 8/22/2008; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2008_Documents/08-22-08/ITEMS_AND_EXHIBITS/C05.pdf)

Sixth Amendment. Allowed two earthen berms, two access roads, and two barrier gates on the Premises for Phase VII of the Owens Lake Dust Mitigation Project. (Approved 6/1/2009; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2009_Documents/06-01-09/ITEMS_AND_EXHIBITS/C23.pdf)

Seventh Amendment. Authorized drip irrigation components for Phase VII of the Owens Lake Dust Control Project. (Approved 10/22/2009; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2009_Documents/10-22-09/ITEMS_AND_EXHIBITS/C17.pdf)

Eighth Amendment. Authorized sand fencing and irrigation facilities on area T1A-01 of the Premises. (Approved 12/17/2009; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2009_Documents/12-17-09/ITEMS_AND_EXHIBITS/41.pdf; Note: Recommendation modified; for actual approval, see: http://archives.slc.ca.gov/Meeting_Summaries/2009_Documents/12-17-09/Minutes.pdf)

Ninth Amendment. Allowed: (1) the two new access roads; and (2) soil tillage of 3.12 square miles of land: (Approved: 6/28/2010; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2010_Documents/06-28-10/ITEMS_AND_EXHIBITS/C33.pdf)

Tenth Amendment. Allowed 2.03 square miles of Gravel Cover on 2.03 square miles and roadway expansion. (Approved: 12/10/2010; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2010_Documents/12-10-10/Items_and_Exhibits/50.pdf)

Eleventh Amendment. Allowed the placement of above-grade sprinklers in the Channel Area and area T1A-1. (Approved: 1/26/2012; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2012_Documents/01-26-12/Items_and_Exhibits/C43.pdf)

Twelfth Amendment. Extended the deadline for performing the soil tillage permitted under the Ninth Amendment. (Approved: 6/21/2013; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2013_Documents/06-21-13/Items_and_Exhibits/C61.pdf)

Thirteenth Amendment. Permitted DCMs on 3.1 square miles of the Premises and transitioned DCMs on 3.4 square miles of the Premises. (Approved: 9/20/2013; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2013_Documents/09-20-13/Items_and_Exhibits/C82.pdf)

Fourteenth Amendment. Allowed the City to create a stockpile area on the Premises to store aggregate road base material. (Approved: 4/23/2014; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2014_Documents/04-23-14/Items_and_exhibits/C55.pdf)

Fifteenth Amendment. Allowed the City conserve water by converting 4.12 square miles from Shallow Flooding to tillage with best available control measure backup. (Approved: 9/2/2014; Available at: http://archives.slc.ca.gov/Meeting_Summaries/2014_Documents/09-02-14/Items_and_exhibits/02.pdf)

Sixteenth Amendment. Approved Phase 9/10 project, excluding T18S, allowing 3.6 square miles of new dust control in 17 Dust Control Areas. (Approved 8/19/2015; Available at:

http://archives.slc.ca.gov/Meeting_Summaries/2015_Documents/08-19-15/Items_and_exhibits/C61.pdf)

Seventeenth Amendment. Approved the transition of T18S from 1.82 square miles of shallow flooding to approximately 1.02 square miles of shallow flooding and 0.81 square miles of gravel cover. (Approved 6/28/2016; Available at:

http://archives.slc.ca.gov/Meeting_Summaries/2016_Documents/06-28-16/Items_and_Exhibits/95.pdf)

Eighteenth Amendment. Approved the implementation of the 2016 Owens Lake Dynamic Water Management Plan (Approved 6/9/2016; Available at:

http://archives.slc.ca.gov/Meeting_Summaries/2016_Documents/08-09-16/Items_and_Exhibits/C42.pdf)

Nineteenth Amendment. Approved placement of gravel cover for dust control for the 0.41-acre parcel west of Mainline, between existing DCAs T21 and T21-L3. (Approved 6/22/17; Available at:

http://archives.slc.ca.gov/Meeting_Summaries/2017_Documents/06-22-17/Items_and_exhibits/C58.pdf)

Twentieth Amendment. Approved staff's emergency authorization of emergency measures taken between April 2017 and June 2017 and authorized the Executive Officer to amend the lease to allow for the placement of 0.45 acre of gravel cover in Dust Control Area (DCA) T37-2-L-1/T37-2a. (Approved 11/29/17); Available at:

http://archives.slc.ca.gov/Meeting_Summaries/2017_Documents/11-29-17/Items_and_Exhibits/C54.pdf)

Twenty-first Amendment. Approved the deadline to develop a Tribal Consultation Policy, including adoption of the Policy and the appointment of an official Tribal Liaison, from June 22, 2018 to December 23, 2018. (Approved 6/21/18; Available at:

http://archives.slc.ca.gov/Meeting_Summaries/2018_Documents/06-21-18/Items_and_Exhibits/C58.pdf)

Twenty-second Amendment. Approved use of barn owl boxes, extended use of sand fences, the redesignation of 353 acres of managed vegetation dust control measures to sprinkler shallow flooding, the continued use and maintenance of two previously unauthorized access roads, installation of flood control system in DCA T2-1b (C2-L1), and the continued use and maintenance of 0.81 acre of previously

unauthorized gravel cover. (Approved 2/4/19; Available at:
http://archives.slc.ca.gov/Meeting_Summaries/2019_Documents/02-04-19/Items_and_Exhibits/C58.pdf)

EXHIBIT C

State Clearinghouse No. 2014071057



Established in 1938

**ADDENDUM TO ENVIRONMENTAL IMPACT REPORT
OWENS LAKE DUST MITIGATION PROGRAM – PHASE
9/10 PROJECT**

March 2019



Prepared by:

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MISSION STATEMENT

The California State Lands Commission provides the people of California with effective stewardship of the lands, waterways, and resources entrusted to its care through preservation, restoration, enhancement, responsible economic development, and the promotion of public access.

CEQA DOCUMENT WEBSITE

www.slc.ca.gov/Info/CEQA.html

Geographic Location (State Lands Commission Lease):

Latitude: N 36°26'12.80"
Longitude: W 117°57'35.50"

Cover Photo: Owens Lake, Inyo County California

1.1 SUMMARY AND PROJECT OBJECTIVES

On June 14, 1999, the California State Lands Commission (Commission) authorized the issuance of Lease No. PRC 8079.9, a 20-year General Lease – Public Agency Use (Lease), to the City of Los Angeles Department of Water and Power (City or LADWP) for the Owens Lake South Sand Sheet Air Quality and Sand Fence Effectiveness Monitoring System on Owens Lake, which is located in southwest Inyo County, approximately 200 miles north of Los Angeles. Since that time, the Commission has authorized 22 amendments to the Lease for the construction, operation, and maintenance of additional components of dust control, including the use of Best Available Control Methods (BACM) to mitigate dust emissions on Owens Lake. Approved types of BACM include Shallow Flooding, Managed Vegetation, and Gravel Cover.

On June 2, 2015, the City, as lead agency under California Environmental Quality Act (CEQA), certified an Environmental Impact Report (EIR) for the Owens Lake Dust Mitigation Program (OLDMP) — Phase 9/10 Project (State Clearinghouse No. 2014071057).

The Addendum addresses changes in the Owens Lake Dust Mitigation Program Phase 9/10 Project (Project) being proposed by the City since approval of their associated EIR and authorization by the Commission as a responsible agency under CEQA. Proposed changes to the Project described in this Addendum include constructing berms and installing irrigation pipeline necessary for the implementation of dynamic water management (DWM) in two Dust Control Areas (DCAs) T13-1 Addition and T17-2.

1.2 ADDENDUM PURPOSE

The proposed changes to the previously authorized Project and their associated Mitigation Monitoring and Reporting Programs require Commission approval and therefore CEQA compliance. Pursuant to the State CEQA Guidelines section 15164, the lead agency or a responsible agency for a project shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions requiring preparation of a subsequent EIR (as described in Pub. Resources Code, § 21166 and the State CEQA Guidelines, § 15162) are present. Pursuant to State CEQA Guidelines section 15162, a subsequent EIR is not required unless:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

To implement the proposed modifications to the previously approved Project, the City has submitted an application to the Commission for the following:

- Splitting off a 63.7-acre portion of DCA T17-1 Addition into a separately managed DCA, designated T17-1 Addition and retrofitting the sprinkler system to operate independently in the new DCA;
- Extending a berm/road from the existing road approximately 1,530 linear feet to access the laterals for the sprinkler retrofit of T17-1 Addition. Additional berm of approximately 8,490 linear feet will be added to route stormflows around the DCA and protect aboveground piping);
- Constructing 4,000 feet of east-west berm to divide T17-2 into two sub-ponds and installing infrastructure to serve water to the sub-ponds separately; and
- Constructing a spillway to carry overflow water from the north T17-2 pond to the south T17-2 pond.

Before approving such modifications, the Commission must apply the standards outlined above to ensure that a subsequent EIR is not required. As described in more

detail below, Commission staff has determined, on the basis of substantial evidence in light of the whole record, that:

- minor changes or additions to the previously certified EIR for the Owens Lake Dust Mitigation Program – Phase 9/10 Project are necessary;
- none of the conditions described in State CEQA Guidelines section 15162 calls for the preparation of a subsequent EIR; and
- an addendum is the appropriate CEQA document for analysis and consideration of the portion of the Project on lands under the jurisdiction of the Commission.

Circulation of an addendum for public review is not required (State CEQA Guidelines, § 15164, subd. (c)); however, the decision-making body must consider the addendum in conjunction with the previously certified EIR for the project (State CEQA Guidelines, § 15164, subd. (d)).

1.3 BACKGROUND

Owens Lake was a natural and navigable waterway at the time of California's statehood and is thus sovereign land of the State under the jurisdiction of the Commission. Wildlife, waterfowl, and the nearby communities including the area's original Native American residents depended on and benefited from Owens Lake, which covered approximately 110 square miles and was 50 feet deep in places. Tribes have occupied the area for thousands of years, moving as the historical shoreline shrank and grew over time, using and stewarding the natural resources provided by the Lake, known to them as Patsiata. Early settlers diverted water from the Owens River to grow crops and irrigate pasture for livestock, and steamboats carried cargo across the lake. In 1908, the City began construction of an aqueduct to divert water from the Owens River north of Owens Lake. After completion of the Los Angeles Aqueduct in 1913, the City began transporting river water to Los Angeles, causing Owens Lake water levels to rapidly decline. By 1930, the Lake was virtually dry with only a small brine pool remaining. Since then, dust storms have carried away as much as four million tons of dust from the lakebed annually, causing respiratory problems for residents in the Owens Valley.

The U.S. Environmental Protection Agency has designated the southern part of the Owens Valley as a Serious Non-Attainment Area for PM₁₀ (suspended particulate matter [dust] less than or equal to 10 microns in mean aerodynamic diameter [about 1/10 the diameter of a human hair]). The Great Basin Unified Air Pollution Control District (GBUAPCD or District) subsequently designated the Non-Attainment area as the Owens Valley PM₁₀ Planning Area. The District determined that dust emissions from the dry lakebed of Owens Lake cause air in the Owens Valley PM₁₀ Planning Area to exceed the PM₁₀ national ambient air quality standards, and that water diversions by the City caused Owens Lake to become dry and the lakebed to be in a condition that produces dust. The District has authority to issue Supplemental Control Requirements

Determinations (Orders) to the City for dust control purposes and recently approved the 2016 Owens Valley Planning Area PM₁₀ State Implementation Plan (GBUAPCD 2016).

The City constructs and operates Dust Control Measures (DCMs) on the Lake in compliance with Orders from the District under the authority of California Health and Safety Code section 42316, legal settlement agreements with the District, lease agreements for use of state lands (administered by the Commission), and other regulatory approvals. LADWP has also developed, in coordination with Commission staff and other stakeholders, a Habitat Suitability Model (HSM) for the Lake that includes various physical parameters that can be objectively measured as a means of predicting and monitoring habitat suitability and ensuring maintenance of wildlife habitat and use on the Lake (LADWP 2011).

2.0 DESCRIPTION OF PROJECT MODIFICATIONS AND ADDENDUM DETERMINATION

The following analysis was undertaken to analyze whether the modifications to the previously approved Project proposed by the City, would have any new or substantially more severe potentially significant environmental impacts that were not addressed in the EIR for Phase 9/10 certified by the City in 2015. Commission staff determined the appropriate focus of this analysis, based on CEQA issue areas most likely to be implicated, would be on aesthetics, air quality, biological resources, and cultural resources. The EIR identified these issue areas to have potentially significant impacts by the Phase 9/10 Project. Based on substantial evidence gathered through examination of the City's previously certified EIR and Commission staff's analysis of the anticipated environmental consequences of the requested lease amendments, along with consultation with CDFW, the District, and Tribal representatives, Commission staff determined that:

- Approval of the lease, as amended, would fall under the scope of the prior EIR relied on by the Commission, as a responsible agency, on August 19, 2015 (Phase 9/10); and
- While the lease amendment reflects some changes and additions that are necessary to successfully implement dust mitigation as compared to the originally certified EIR, none of the events identified in CEQA section 21166 or CEQA Guidelines section 15162 has occurred or will occur due to the proposed amendments.

As noted above, if the proposed Project modifications do not involve new or substantially increased significant impacts resulting from a change in the project or a change in the circumstances under which a project will occur, but instead reflect minor changes or additions, CEQA Guidelines section 15164 directs lead or responsible agencies to prepare an addendum to the CEQA document. Pursuant to CEQA Guidelines section 15164, subdivision (e), which states that lead or responsible agencies shall provide an explanation of their decision not to prepare additional environmental analysis in a subsequent document, Commission staff evaluated the proposed modifications to the Project and provides such explanations, below.

Dynamic Water Management

The subject DCAs were constructed as part of the Phase 7 dust control required by the 2008 SIP (GBUAPCD 2008) and analyzed in the 2008 Owens Valley PM Planning Area Demonstration of Attainment State Implementation Plan Subsequent EIR (SCH No.

2007021127). Dust control in T13-1 Addition and T17-2 are managed with Shallow Flooding. Shallow Flooding consists of releasing fresh and/or recycled water into a DCA and allowing it to spread, wet the surface, and thereby suppress windborne dust. In order to meet the 99 percent dust control efficiency standard, generally 72 percent of the surface must be wet or have saturated soil (75 percent wetness coverage is required for areas identified in the 2003 SIP). Prior to the 2016 State Implementation Plan (SIP), the coverage requirement for the 99 percent dust control areas could be reduced progressively during the spring shoulder season (May 16 to June 30); 70 percent areal wetness cover from May 16 to May 31; 65 percent areal wetness cover from June 1 to June 15; and 60 percent areal wetness cover from June 15 through June 30. The fall shoulder season is defined as October 1 to October 15; prior to the 2016 SIP, full levels of dust control were not required until October 16.

Under the 2016 SIP, DWM modifies the dust season for certain areas on Owens Lake to conserve water. This was described in the Phase 9/10 Project Final EIR (Section 2.1.1) as:

An analysis of Owens Lake ambient air quality, meteorological and sand flux data along with lake bed field observations during the past 15 years has revealed that the Shallow Flood BACM [Best Available Control Measure] dust season may be shortened for certain areas of the lake bed that have historically shown little dust activity in the early and/or late portions of the October through June dust season. In addition, wetness cover requirements to achieve the required Minimum Dust Control Efficiency may also vary depending on seasonal conditions that may affect salinity of the surface water and the formation of erosion-resistant brine crusts. Modifications to the dust season for certain areas are currently being considered by GBUAPCD and LADWP to address the commitment in the 2014 Stipulated Judgment to implement a Dynamic Water Management Plan in order to reduce water use on the lake bed. Dynamic Water Management could include modifications to the existing ramping schedules for flow operations and could apply to existing Shallow Flooding dust control areas (DCAs) as well as new areas of Shallow Flooding proposed under the Phase 9/10 Project (T10-1-L1, T37-2-L1, T37-2-L2, T37-2-L3, and T37-2-L4).

DWM is an operational modification to BACM Shallow Flooding that allows delayed start dates and/or earlier end dates required for Shallow Flooding in specific areas that have historically had low PM₁₀ emissions with the modified time periods. DWM is included in the definition of Shallow Flooding BACM defined by the GBUAPCD in the 2016 Owens Valley Planning Area PM₁₀ State Implementation Plan (GBUAPCD 2016). The truncated dust control periods allow for water savings while achieving the required control

efficiency level. If a DWM area becomes susceptible to wind erosion outside of the modified dust control period, the area will be flooded to meet the required control efficiency for that area. Since approval of the Phase 9/10 Project (Avoidance Alternative) and its associated Final EIR in June 2015, GBUAPCD has prepared a Dynamic Water Management Plan (GBUAPCD 2016) to define DWM with greater specificity. The dust season for DWM Plan areas irrigated with sprinklers shall start two weeks earlier and end one month later than shown on Exhibit 4 of the DWM Plan. The standard dust season defined in the 2008 SIP was October 16 to June 30, with ramping of 99 percent control areas after May 15.

While DWM has been addressed in the Phase 9/10 Project EIR, in a previous Addendum to the EIR considered by the Commission on August 9, 2016, and is currently being implemented as part of the OLDMP, the project description clarification that is the focus of this Addendum is the new construction necessary to implement DWM in T13-1 Addition and T17-2. Due to specific site conditions, construction is necessary in these two DCAs in order to implement the changed timing of water application in the DWM Plan. While construction was not described for these specific DCAs, all construction methods and their associated impacts are described in the Phase 9/10 EIR, with their relevant mitigation measures.

T13-1 Addition and T17-2 are two of the existing Shallow Flooding DCAs, constructed under Phase 7 dust control, where DWM could apply, as referenced above. Modified DWM Plan dust seasons are noted by DCA and include October 16 to April 30 for T17-2 north and January 16 to April 30 for T13-1 Addition and T17-2 south.

Since 2010, T13-1 and T13-1 Addition have been evaluated jointly for shallow flood compliance. Modifications are required to operate T13-1 Addition separately from T13-1, and to improve water distribution in the DCA. Challenges to achieving Shallow Flooding criteria in T13-1 Addition result from channeling of surface flows and soft soil conditions that prevent surface grading to correct drainage issues. To improve Shallow Flooding coverage in this DCA, a sprinkler system retrofit is proposed. The modifications include the conversion of 63.7 acres (out of a total 79.6-acre DCA) of existing lateral Shallow Flood with poor coverage to sprinkler Shallow Flood with improved water coverage through installation of above-ground whip-lines and sprinklers. The sprinkler layout is designed such that 25 percent of the DCA will be completely dry, with blocks of that dry area located throughout the DCA and immediately up-gradient outside of the DCA. This type of layout was designed to enable Snowy Plover to nest in the dry area outside of the proposed sprinklers while providing increased foraging habitat in the area with sprinklers. In order to access the laterals for the sprinkler retrofit, a berm/road will extend the existing road approximately 1,530 linear feet. Additional berm of approximately 8,490 linear feet will be added to route stormflows around the DCA and protect aboveground piping.

Commission staff determined the appropriate focus of this analysis, based on CEQA issue areas most likely to be implicated, would be on aesthetics, air quality, biological resources, and cultural resources. Based on substantial evidence gathered through examination of the City's previously certified EIR and Commission staff's analysis of the anticipated environmental consequences of the requested lease amendments, along with consultation with CDFW, the District, and Tribal representatives, Commission staff determined that these proposed changes would require only minor physical changes to the existing DCAs, will not degrade habitat values, and would not increase the severity of potential significant impacts identified in the EIR related to aesthetics, air quality, biological resources, and cultural resources. The project will not change the visual characteristics of the site and will keep dust emissions on these DCAs at or below their current emission levels. It will not substantially reduce migratory waterfowl habitat and will increase snowy plover nesting and foraging habitat. The areas were surveyed for cultural resources prior to the initial construction and are currently actively managed DCAs so no impacts to cultural resources are anticipated.

As a result, the proposed amendment would not create any new significant environmental effects or an increase in the severity of previously identified significant effects in the EIR, including aesthetics, air quality, biological resources, and cultural resources, as indicated in section 15162 of the CEQA Guidelines.

3.0 CONCLUSION

Commission staff prepared this Addendum pursuant to Public Resources Code section 21166 and State CEQA Guidelines sections 15162 through 15164 (see Section 1.2, *Addendum Purpose*). As detailed in the explanations and facts presented in Section 2.0 above, this Addendum to the Phase 9/10 EIR certified by the City on June 2, 2015, supports the conclusion that the changes to the Project would not result in any new or substantially more severe significant environmental effects and do not represent a substantial change to the circumstances under which the Phase 9/10 Project is being carried out. In addition, Commission staff believes that no new information exists that would give rise to a new or substantially more severe significant environmental effect or that would affect the implementation or effectiveness of the previously adopted mitigation measures. In particular, the Project is consistent with State CEQA Guidelines section 15164 in that only minor changes have been made to the Project, and none of the conditions described in Public Resources Code section 21166 or State CEQA Guidelines section 15162 has occurred. Therefore, Commission staff recommends the Commission find that no subsequent or supplemental document is required.

4.0 ADDENDUM PREPARATION SOURCES AND REFERENCES

4.1 ADDENDUM PREPARERS

California State Lands Commission

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4.2 REFERENCES

Great Basin Unified Air Pollution Control District. 2008. Great Basin Unified Air Pollution Control District (GBUAPCD). Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan Final Subsequent Environmental Impact Report. Prepared by Sapphos Environmental, Inc.

Great Basin Unified Air Pollution Control District. 2016. 2016 Owens Valley Planning Area PM10 State Implementation Plan.

Los Angeles Department of Water and Power (LADWP). 2015. Owens Lake Dust Mitigation Program – Phase 9/10 Project. Draft and Final Environmental Impact Report. SCH# 2014071057.

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Reviews)	Verification of Compliance		
					Initials	Date	Remarks
CR-3	Installation of Project facilities could result in disturbance of unknown cultural resources.	<p>Cultural Resources Construction Monitoring Program. Impacts to surface and subsurface cultural resources not previously identified shall be mitigated through preparation of a cultural resources monitoring program and its implementation during construction or other ground-disturbing activities. The Cultural Resources Construction Monitoring Program shall include:</p> <ul style="list-style-type: none"> • The retention of a qualified archaeologist to implement a monitoring and recovery program. The “qualified archaeologist” shall meet the U. S. Secretary of the Interior’s Historic Preservation Professional Qualification Standards for Archaeology. • The Lone Pine Paiute-Shoshone tribe shall be contacted prior to the start of Project construction. Qualified Lone Pine Paiute-Shoshone cultural resources monitors shall be afforded an opportunity to be present during earthwork and excavation activities associated with construction of the Phase 9/10 Project. • The qualified archaeologist or LADWP shall be required to secure a written agreement with <u>the Lone Pine Paiute Shoshone Reservation repository</u> a recognized museum repository, such as the University of California, Riverside, regarding the final disposition and permanent storage and maintenance of any unique archaeological resources or historical resources recovered as a result of the archaeological monitoring, as well as corresponding geographic site data that might be recovered as a result of the 		LADWP			

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Reviews)	Verification of Compliance		
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		<p>treatment (i.e., preparation, identification, curation, cataloging, etc.) required before the collection would be accepted for storage.</p> <ul style="list-style-type: none"> • The qualified archaeologist shall provide cultural resources awareness training prior to the start of construction for all construction personnel. Construction personnel shall be briefed on procedures to be followed in the event that a unique archaeological resource, historical era building or structure, or human remains are encountered during construction. A training log shall be kept on-site throughout the construction period. The qualified archaeologist will also prepare and distribute informative Fact Sheets regarding archaeological and Native American sensitivities that provide samples of possible finds and procedures to be followed in the event of a discovery. The Fact Sheet will also have relevant contact information for the archaeologist, including a telephone number where they can be reached by the construction contractor, as necessary. • The qualified archaeologist shall monitor ground-disturbing activities, including trenching, grading, and other earth-moving activities in each of the Phase 9/10 Project DCAs, including C2-L1, Duck Pond-L1 (including an access road), T10-1-L1 (including an access road), T17-2-L1, T21-L1, T21-L2, T32-1-L1, T35-2-L1, T37-1-L1, T37-2-L1, T37-2-L2, T37-2-L3, T37-2-L4, Duck Pond-L2, T10-3-L1, T21-L3, and T21-L4. In T18S DCA, which was previously disturbed by shallow flooding, the qualified 					

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		<p>archaeologist will determine monitoring locations and frequency. Monitors will move among construction locations as directed by LADWP in consultation with the cultural resources manager and the construction contractor. Backfilling and removal of previously constructed berms composed of previously disturbed soils generally will not require monitoring. In those areas, it will be up to the discretion of the archaeological monitor to determine which areas will require monitoring and how frequently. The archaeologist will consult with LADWP and LADWP will halt work briefly in a single location as necessary to examine soils and possible archaeological features. The archaeologist shall coordinate with the construction manager to divert work around the discovery of any potentially significant archaeological resource, if any are encountered. In the event of a cultural resources discovery, avoidance measures such as staking a 100-foot buffer (or in case of human remains, steel plating) will be used to prohibit or otherwise restrict access to sensitive areas until a qualified archaeologist can assess the significance of the find according to CRHR criteria. If the resource is determined to be significant, the qualified archaeologist shall prepare and implement a treatment plan in consultation with LADWP. Construction will not recommence in the area until authorized to do so by LADWP.</p> <p>If significant historic era buildings or structures are newly identified during construction activities, then Historic</p>					

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		<p>American Buildings Survey/Historic American Engineering Record (HABS/HAER) documentation would be prepared to reduce impacts below a level of significance.</p> <p>Under the Avoidance Alternative to the proposed Project, the treatment plan for newly discovered significant archaeological resources will describe avoidance/preservation in place. If the Avoidance Alternative is not adopted, and the proposed Project for the entire 3.61 square miles of dust control is adopted by LADWP, and if avoidance of newly discovered significant archaeological resources is deemed infeasible, a data recovery plan shall be implemented for the resources and the impact on archaeological resources would be significant with mitigation.</p> <ul style="list-style-type: none"> • If construction personnel discover a cultural resource in the absence of an archaeological monitor, construction shall be halted within 100 feet of the find, and a qualified archaeologist shall be contacted to perform Phase II excavations to evaluate the resource and recommend the appropriate treatment. If the resource is determined to be significant, the qualified archaeologist shall prepare and implement a treatment plan in consultation with LADWP. Construction will not recommence in the area until authorized by LADWP. • The qualified archaeologist shall ensure that all construction personnel are informed of the requirements to notify the Inyo County 					

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		<p>coroner within 24 hours of the discovery of human remains on state lands (as required by Public Resources Code 5097).</p> <ul style="list-style-type: none"> The coordinates of artifacts, features, and sites will be obtained by the archaeologist, and any artifacts from ineligible sites and isolated artifacts discovered during construction will be collected, cataloged, and placed in a dry and secure temporary storage area until the end of the Project, when they will be given to the CSLC for dissemination to the Lone Pine Paiute-Shoshone Reservation. Any artifacts that may be collected from CRHR-eligible sites will be curated at the repository at University of California, Riverside. The qualified archaeologist shall maintain daily monitoring logs during ground-disturbing activities that shall be submitted weekly to LADWP. A complete set of the daily monitoring logs shall be kept on site throughout the ground-disturbing activities and be available for inspection. The daily monitoring log shall indicate the area monitored, the date, assigned personnel including tribal representatives, and the results of monitoring, including the recovery of archaeological resources, sketches of recovered materials, photographic record, and associated geographic site data. In addition, progress reports that describe new discoveries and issues in the field shall be submitted weekly to LADWP. Within 120 days of the completion of the archaeological monitoring, a monitoring report shall be submitted to LADWP, CSLC, and to the EIC at the University of California, Riverside. 					

No.	Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency (Reviews)	Verification of Compliance		
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		<p>The report, when submitted to LADWP, shall signify the completion of the program to mitigate impacts to unique archaeological resources or historical resources.</p> <ul style="list-style-type: none"> • An Unanticipated Discovery Evaluation Protocol shall be developed by the qualified archaeologist. Prior to the evaluation of any newly discovered resources on state lands, the CSLC shall be afforded an opportunity to comment on the research design, including research questions and evaluation methodologies, included in the Unanticipated Discovery Evaluation Protocol. Prior to evaluation of any newly discovered resources on federal lands, the BLM shall be afforded an opportunity to comment on the Unanticipated Discovery Evaluation Protocol. 					