CALENDAR ITEM
C82

A 34 09/20/13
PRC 8079.9
S 18 D. Simpkin

AMENDMENT OF LEASE

APPLICANT:
City of Los Angeles
Department of Water and Power
111 North Hope Street
Los Angeles, CA 90012

AREA, LAND TYPE, AND LOCATION:
Sovereign land in the dry lake bed of Owens Lake, Inyo County.

AUTHORIZED USE:
Research and monitoring at the South Sand Sheet, implementation of shallow flooding and monitoring at the North Sand Sheet, and the construction and operation of the South Zone Dust Control Project. Construction, installation, operation, and monitoring of shallow flooding dust control measures (DCMs) associated with Phases IV, V, and VII of the Owens Lake Dust Control Project. Construction, installation, operation, and monitoring of 0.5 square mile of channel area improvements. Construction of sand fence and vegetation enhancement in Cell T1A-1, in support of the Phase VII Owens Lake Dust Control Project. Construction, use, and maintenance of two access roads (one access road to cell T37-1, and one access road to cell T37-2); and, implementation of soil tillage totaling 3.12 square miles on dust control cell areas T1A-3, T1A-4, T12-1, T32-1, T37-1, and T37-2. Construction, operation, and maintenance of 2.03 square miles of DCMs associated with Phase VIII of the Owens Lake Dust Control Project including placement of gravel on top of permeable geotextile fabric, placement of road material to expand an existing roadway, construction of earthen berms, and placement of gravel for maintenance purposes. Placement of above-grade sprinkler systems within the Channel Area and Area T1A-1. The construction, use, and maintenance of a 30-inch high-density polyethylene (HDPE) submain and access road from cell area T35-1 to cell area T37-1.

LEASE TERM:
20 years, beginning May 1, 1999.

CONSIDERATION:

The public health and safety, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

PROPOSED AMENDMENT:

The **Land Use or Purpose** of Section 1 of the Lease would be amended to authorize the construction, use, and maintenance of 3.1 square miles of dust control measures in six Dust Control Areas (DCAs) and 3.4 square miles of transitioned dust control measures in seven DCAs associated with Phase 7a of the Owens Lake Dust Control Project (OLDCP). The cells in Phase 7a are T1A-3, T1A-4, T12-1, T32-1, T37-1, and T37-2. The seven transition cells are T1A-2a, T28N, T28S, T30-1 (consisting of parts a and b), T36-1b, T35-1, and T35-2.

The **Authorized Improvements** provision of Section 1 of the Lease would be amended to include the following:

- Shallow flooding in cell T1A-4 and a portion of cell T37-2;
- Managed vegetation in portions of cell T32-1 and portions of cell T37-2;
- Gravel cover in cell T1A-3 and a portion of cell T37-1;
- Tillage test in cell T12-1, with transition to gravel if tillage is unsuccessful;
- Conversion of approximately 3.4 square miles of existing shallow flooding to a hybrid Best Available Control Measure (BACM) consisting of managed vegetation, gravel cover and shallow flooding (Transition Areas) in cells T1A-2a, T28N, T28S, T30-1a, T30-1b, and T36-1b;
- Conversion of existing shallow flooding cells T35-1 and T35-2 to gravel cover;
- Three new turnout facilities and the modification to four existing turnout facilities;
- Irrigation and drainage systems and other infrastructure to support shallow flooding, managed vegetation, and tillage;
- Construction of trails, boardwalks and visitor outlooks;
- Installation or reconfiguration of DCA berms;
- Improvements to an existing dirt access road;
- Construction of a new 30-inch diameter high-density polyethylene (HDPE) water supply pipeline from cell T36-South to cell T37-2; and
- Elimination of the proposed construction of the 30-inch diameter HDPE submain and access road previously authorized in the 12th Amendment of this Lease.

Section 2, Special Provisions of the Lease would be amended to include in substantially the same form, but not be limited to, the following:

a) Lessee shall submit to Commission staff for its review and approval a Phase 7a habitat monitoring protocol to be used with the Habitat Suitability Model (HSM) for planning the construction and conversion of the cells affected by this Lease Amendment, including post-construction evaluation, operational changes or remediation if needed, and for periodic monitoring and adaptive management practices.

b) Lessee shall comply with the Mitigation Monitoring and Reporting Program described in Exhibit C for the Owens Lake Phase 7a Dust Control Measures Project adopted by Lessor except as modified by specific provision of this Lease Amendment. In the event of any conflict between the provisions of the Mitigation Monitoring and Reporting Program and this Lease Amendment, the provision of the Lease Amendment shall prevail.

c) Lessee acknowledges that Lessor's approval and issuance of this Lease Amendment for the placement of gravel dust control measures on the Owens Lake bed is no assurance that future use of gravel cover would be allowed on sovereign lands of the Owens Lake bed. Lessee acknowledges that it is Lessor's position that placement of gravel cover on the Lake bed does not protect or promote its Public Trust uses and values and that any future request for the placement of gravel cover on Owens Lake is subject to further evaluation by the Lessor on a case-by-case basis, as with any other project, taking into account all relevant factors, including other components of the project that may enhance Public Trust uses and values, 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 it is exercising its authority and responsibility as trustee of the State's Public Trust lands as authorized by law (Public Resources Code section 6301 and 6216).

d) Lessee shall comply with the following with respect to archaeological surveys, cultural and paleontological resources:
   i) Artifacts collected from the Lease Premises shall remain State property until further action by the Lessor's Executive Officer. Lessee will request the transfer of title or control of artifacts collected from sites determined eligible to the National Register of Historic Places or the California Register of Historical Resources, or that qualify as a "unique archaeological resource" under Public Resources Code section 21083.2,

to a recognized museum curation facility. After receiving written permission from the Commission's Executive Officer, such artifacts will be transferred to the curation facility. Such artifacts will be curated at no cost to the State.

ii) Lessee will provide a list of all artifacts collected from the Lease Premises from sites or areas that are determined ineligible to the National Register of Historic Places or the California Register of Historical Resources, and are not a "unique archaeological resource." The Commission plans to offer such artifacts to culturally affiliated Native American tribes. If requested by the Commission, Lessee will make these artifacts available at a mutually agreeable time and place.

iii) Native American representatives shall be notified of all archaeological field work and be invited to be present.

iv) Any paleontological resources recovered from the Lease Premises shall remain State property until further action by the Lessor's Executive Officer. Lessee will request the transfer of title or control of such resources to an appropriate repository. After receiving written permission from the Commission's Executive Officer, such artifacts will be transferred to the repository. Such resources will be curated at no cost to the State.

v) Should human remains be discovered on the Lease Premises, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Inyo County Coroner shall be notified immediately for the procedures to follow. The Inyo County Coroner will notify the Native American Heritage Commission if the coroner has reason to believe that the remains are those of a Native American. Lessee, or its authorized subcontractor, will notify the Commission by telephone within 24 hours of the discovery of Native American human remains so that the Lessor can make the decisions required as the landowner under Public Resources Code section 5097.98. Where the location of any human remains on State, Federal, or private land is unclear, Lessee agrees to conduct a cadastral survey by a California licensed surveyor within 48 hours to determine ownership of the land containing the human remains.

Section 3, Land Description, of the Lease would be amended to include the attached Exhibit A.

BACKGROUND:

Owens Lake is located in southwest Inyo County, approximately 200 miles north of Los Angeles. Owens Lake was a natural and navigable waterway at the time of California's statehood and is thus sovereign land of the State. The lake covered approximately 110 square miles and was 50 feet deep in places. Wildlife, waterfowl, and the nearby residents depended on and benefited from Owens Lake. 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 of Los Angeles (City) commenced 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 lake 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 four million tons (3.6 million metric tons) of dust from the lakebed each year, causing respiratory problems for residents in the Owens Valley. The United States Environmental Protection Agency (U.S. EPA) 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 Owens 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 Owens Lake to become dry and the lakebed to be in a condition that produces dust. The District has the authority to issue orders to the City to control dust.

On March 17, 2011, the District issued Stipulated Order for Abatement No. 110317-01 (Order No. 110317-01). Order 110317-01 requires the City to construct the Phase 7a dust control project on approximately 3.1 square miles of the Owens Lakebed and allows it to transition existing DCAs.

Due to the discovery of cultural resources in the Phase 7a areas, the City determined that it would be unable to meet the deadlines set forth in Order No. 110317-01. Due to disagreements between the City and the District, both parties

entered into settlement meetings in April, May and June 2013 to resolve issues related to Order No. 110317-01.

The City and District have entered into the *Settlement Agreement and Release Between the Great Basin Unified Air Pollution Control District and City of Los Angeles Acting by and Through its Department of Water and Power Concerning Modification to Phase 7a Stipulated Order for Abatement No. 110317 and Keeler Dunes Project* (Settlement Agreement). The project being brought before the Commission reflects changes to Phase 7a pursuant to the Settlement Agreement.

OTHER PERTINENT INFORMATION:

1. On June 14, 1999, the Commission authorized the issuance of Lease No. PRC 8079.9, a General Lease – Public Agency Use, to the City for a period of 20 years, for the Owens Lake South Sand Sheet Air Quality and Sand Fence Effectiveness Monitoring System. Since that time, the Commission has authorized 13 amendments to the Lease for the construction, operation, and maintenance of additional components of dust control.

2. On March 29, 2012, the Commission authorized the 12th Amendment to Lease No. PRC 8079.9, for the construction, use, and maintenance of a 30-inch diameter water submain and access road from cell T35-1 to cell T37-1. The 12th Amendment was executed by both parties; however, due to the discovery of cultural resources, the proposed submain and access road were never constructed and a new alignment was incorporated into the Phase 7a Project. Commission staff is now recommending that the improvements authorized by the 12th Amendment be eliminated from the Lease.

3. The City has submitted an application to amend Lease No. PRC 8079.9 in support of the OLDCP Phase 7a.

4. The Phase 7a Project consists of 3.1 square miles of dust control measures in six DCAs and 3.4 square miles of transitional dust control measures in seven existing DCAs. Phase 7a will utilize a combination of shallow flooding, managed vegetation, and gravel cover, as well as a tillage test area. There will also be a mix of public amenities including a visitor outlook, a boardwalk loop trail and elevated boardwalk with three overlook plaza features.

5. Phase 7a will include the conversion of existing shallow flood areas to gravel cover. Overall, approximately 714 acres of Gravel Cover are proposed. As a reference, the Commission previously authorized the placement of approximately 1,400 acres of gravel cover under Phase 8 of the OLDCP.

6. An EIR, State Clearinghouse No. 2011051068, was prepared for this project by the City of Los Angeles Department of Water and Power (LADWP) and certified on June 4, 2013. The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program prepared pursuant to the provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21081.6) and adopted by the lead agency.

   Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15096) are contained in Exhibit D, attached hereto.

7. 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.

FURTHER APPROVALS REQUIRED:

Great Basin Unified Air Pollution Control District
United States Army Corps of Engineers
California Department of Fish and Wildlife
California Department of Transportation
Regional Water Quality Control Board

EXHIBITS:

A. Land Description
B. Site and Location Map
C. Mitigation Monitoring Program
D. CEQA Findings

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an EIR, State Clearinghouse No. 2011051068, was prepared for this Project by the City of Los Angeles Department of Water and Power and certified on June 4, 2013, and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

Adopt the Findings, made in conformance with California Code of Regulations, Title 14, sections 15091 and 15096, subdivision (h), as contained in Exhibit D, attached hereto.

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

AUTHORIZATION:

Authorize the Amendment of Lease No. PRC 8079.9, a General Lease – Public Agency Use, effective September 20, 2013, to amend the Land Use or Purpose, the Authorized Improvements, the Special Provisions, and the Land Description as described herein to authorize the construction, use, and maintenance of 3.1 square miles of dust control measures in six Dust Control Areas (DCAs) and 3.4 square miles of transitioned dust control measures in seven DCAs on lands described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; eliminate the proposed 30-inch diameter submain and access road authorized in the 12th Amendment; and delegations to the Commission's Executive Officer to review and approve a habitat monitoring protocol and the future application of any increased habitat value and to approve the transfer of title or control of archaeological

artifacts and paleontological resources; all other terms and conditions of the lease will remain in effect without amendment.

Exhibit A. Legal Descriptions
Owens Lake Dust Mitigation Program Phase 7a
PRC 8079.9

Eleven parcels of State-owned sovereign land in, and contiguous with the bed of Owens Lake in the County of Inyo, State of California, being more particularly described as follows:

Parcel D1 (Managed Vegetation T32-1)

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears South 56°13'23" East, a distance of 19,843.86 feet; thence along the following described courses:

North 00°00'04" West, 493.64 feet;
South 41°57'38" West, 32.50 feet;
South 38°44'32" West, 176.89 feet;
North 87°00'25" West, 176.77 feet;
North 47°05'47" West, 114.93 feet;
North 64°37'37" West, 50.15 feet;
North 25°09'14" West, 64.07 feet;
North 14°17'02" West, 100.54 feet;
North 05°57'19" West, 52.06 feet;
North 18°47'30" East, 45.35 feet;
North 20°10'43" East, 13.26 feet;
North 34°52'55" West, 1.28 feet;
North 75°07'06" West, 67.13 feet;
North 89°36'02" West, 54.22 feet;
South 88°48'29" West, 86.84 feet;
North 81°24'35" West, 46.93 feet;
South 78°48'02" West, 3.74 feet;
South 65°36'35" West, 52.30 feet;
South 88°48'29" West, 136.65 feet;
North 12°30'07" West, 84.46 feet;
North 20°43'43" West, 72.42 feet;
North 01°11'31" West, 42.41 feet;
North 05°55'59" East, 66.23 feet;
North 54°06'47" East, 93.87 feet;

North 75°48′47″ East, 55.86 feet;
North 88°48′29″ East, 55.86 feet;
South 64°37′37″ East, 9.78 feet;
North 15°13′40″ West, 36.79 feet;
North 06°56′17″ East, 85.40 feet;
North 62°14′37″ East, 74.41 feet;
North 72°51′42″ East, 30.40 feet;
North 81°12′49″ East, 53.75 feet;
South 78°39′48″ East, 19.59 feet;
North 17°34′53″ West, 18.77 feet;
North 01°11′31″ West, 44.00 feet;
North 04°35′13″ West, 62.64 feet;
North 03°49′55″ East, 183.04 feet;
South 88°17′35″ East, 49.28 feet;
North 31°34′16″ West, 55.77 feet;
North 39°20′56″ West, 91.61 feet;
North 29°48′09″ West, 140.57 feet;
North 23°33′23″ West, 184.37 feet;
North 10°16′56″ West, 200.90 feet;
North 10°41′48″ East, 91.07 feet;
North 18°47′28″ East, 48.13 feet;
North 20°36′34″ East, 48.32 feet;
North 32°29′53″ East, 93.24 feet;
North 16°03′46″ East, 353.80 feet;
North 22°46′14″ East, 110.50 feet;
North 56°04′22″ East, 94.73 feet;
North 81°40′59″ East, 227.09 feet;
South 74°45′45″ East, 202.76 feet;
North 02°39′10″ West, 383.99 feet;
North 59°21′15″ West, 564.61 feet;
South 39°10′00″ West, 1,676.80 feet;
South 89°01′38″ West, 707.86 feet;
South 31°28′10″ East, 2,445.22 feet;
South 83°44′15″ East, 157.42 feet;
South 83°56′06″ East, 913.01 feet to the point of BEGINNING.

Parcel T30-1 (Hybrid Areas)

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears South 60°48'56" East, a distance of 8,687.90 feet; thence along the following described courses:

North 36°58'16" East, 799.41 feet, more or less, to the meander line of said Owens Lake;
North 9°43'00" West, leaving said meander line, 324.25 feet, more or less, to the North line of Section 36, Township 16 South, Range 37, M.D.M.;
South 89°18'43" West, along said North line 185.79 feet, more or less, to said meander line;
North 24°39'47" West, 4,292.72 feet along said meander line;
North 25°53'38" West, 1,535.69 feet along said meander line;
North 35°58'20" West, 128.09 feet along said meander line;
South 00°00'06" West, leaving said meander line, 196.50 feet;
North 84°30'01" West, 772.33 feet;
North 09°26'19" West, 1,553.80 feet to said meander line;
North 35°58'20" West, 177.64 feet along said meander line;
North 67°50'15" West, leaving said meander line, 1,156.93 feet;
North 02°41'44" East, 104.08 feet to said meander line;
North 68°41'25" West, 311.74 feet along said meander line;
North 47°38'11" West, 749.16 feet along said meander line;
South 89°18'34" West, leaving said meander line, 2,307.60 feet;
South 00°55'42" East, 1,449.42 feet;
South 88°18'59" West, 574.91 feet;
South 00°01'17" East, 135.23 feet;
South 33°25'56" East, 522.85 feet;
South 58°02'38" East, 3,327.87 feet;
South 46°25'26" East, 3,462.34 feet;
North 44°31'22" East, 793.12 feet;
South 20°24'57" East, 617.35 feet;
South 32°30'34" East, 3,353.86 feet to the point of BEGINNING.

Parcel T28 North and South (Hybrid Areas)

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears South 85°10'10" East, a distance of 2,345.64 feet; thence along the following described courses:

North 65°55'47" West, 1,812.18 feet;
North 48°22'54" West, 3,972.74 feet;
North 48°22'56" West, 622.05 feet;
North 32°30'34" West, 3,648.04 feet;
North 20°24'58" West, 617.35 feet;
South 44°29'43" West, 4,466.82 feet;
South 36°26'59" East, 4,782.46 feet;
South 74°13'58" East, 2,841.06 feet;
North 85°44'13" East, 4,834.00 feet to the point of BEGINNING.

Portion of Parcel D11 (Tillage T12-1)

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 21°17'00" East, a distance of 38,796.81 feet; thence along the following described courses:

South 12°09'20" West, 410.48 feet;
South 77°55'55" West, 240.65 feet;
South 11°58'29" East, 536.83 feet;
South 12°09'20" West, 931.15 feet;
South 18°52'08" East, 1,266.84 feet;
South 47°14'45" East, 1,095.27 feet;
South 68°17'26" East, 1,582.26 feet;
North 09°20'45" West, 939.04 feet;
North 08°28'55" East, 1,474.76 feet;
North 09°42'57" West, 1,860.78 feet;
North 35°16'57" East, 155.12 feet;
North 88°08'36" West, 2,119.22 feet to the point of BEGINNING.

Portion of Parcel D14 (Shallow Flood T1A-4)

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 26°36'43" East, a distance of 47,072.22 feet; thence along the following described courses:

South 47°40'12" West, 772.51 feet;
South 52°54'58" West, 855.00 feet;
South 77°16'06" West, 164.02 feet;
North 83°36'18" West, 472.39 feet;
North 86°11'12" West, 1,326.44 feet;
South 54°06'31" West, 628.32 feet;
South 54°08'19" West, 790.32 feet;
South 35°36'44" West, 1,038.96 feet;
South 35°14'05" West, 970.67 feet;
North 74°04'06" West, 652.11 feet;
North 86°03'35" West, 743.20 feet;
South 55°43'25" West, 680.79 feet;
South 15°06'32" West, 1,870.23 feet;
South 08°10'32" East, 2,349.07 feet;
South 23°09'04" East, 598.88 feet;
South 38°26'49" East, 727.73 feet;
North 35°18'31" East, 6,563.35 feet;
South 54°42'45" East, 868.03 feet;
North 68°21'32" East, 2,418.44 feet;
North 34°45'52" East, 313.17 feet;
North 06°42'27" West, 569.55 feet;
North 06°36'41" East, 603.67 feet;
North 17°39'51" East, 1,108.81 feet;
North 35°15'46" East, 270.30 feet;
North 54°44'36" West, 620.74 feet to the point of BEGINNING.

Portion of Parcel D19 (Gravel T1A-3)

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 33°40'41" East, a distance of 55,960.48 feet; thence along the following described courses:

South 44°26'33" West, 447.01 feet;

South 22°16’45” East, 340.29 feet;
South 61°25’00” West, 2,371.53 feet;
South 68°20’59” West, 382.55 feet;
South 00°56’46” West, 875.17 feet;
South 56°59’10” East, 462.66 feet;
South 85°35’42” East, 264.27 feet;
South 85°35’24” East, 403.12 feet;
South 88°15’23” East, 115.38 feet;
South 85°38’43” East, 310.86 feet;
South 29°10’49” East, 36.33 feet;
South 48°49’49” West, 23.53 feet;
North 84°30’38” West, 38.55 feet;
South 04°52’57” West, 60.70 feet;
South 85°05’48” East, 172.58 feet;
North 05°34’30” East, 60.77 feet;
North 84°38’48” West, 47.44 feet;
North 33°42’13” West, 23.94 feet;
North 05°02’42” East, 151.06 feet;
North 00°00’00” East, 22.13 feet;
North 13°23’14” West, 26.40 feet;
North 22°48’49” West, 509.65 feet;
North 10°42’43” West, 363.21 feet;
North 43°23’48” West, 220.22 feet;
North 23°59’39” West, 356.09 feet;
North 18°50’09” West, 72.32 feet;
North 62°13’15” East, 792.59 feet;
South 36°51’16” East, 379.22 feet;
North 79°54’51” East, 74.88 feet;
North 76°16’54” East, 268.46 feet;
North 88°48’38” East, 71.51 feet;
South 47°06’25” East, 167.20 feet;
North 72°58’41” East, 201.66 feet;
North 82°09’11” East, 62.40 feet;
North 83°06’00” East, 115.32 feet;
South 06°14’30” East, 196.83 feet;
South 53°34’31” East, 87.16 feet;
North 82°02’59” East, 210.97 feet;
South 28°54’26” East, 103.71 feet;
South 01°11’22” East, 128.79 feet;
South 63°36’35” West, 137.23 feet;
South 08°23’02” East, 109.34 feet;
South 10°02’31” East, 71.62 feet;
South 19°20’21” East, 193.87 feet;
South 20°36’43” West, 146.19 feet;

South 21°52’17” West, 133.03 feet;
South 20°57’59” East, 98.92 feet;
South 46°37’03” East, 62.08 feet;
South 03°12’33” West, 183.37 feet;
South 01°10’44” West, 211.74 feet;
South 04°46’02” West, 161.92 feet;
South 50°48’30” West, 32.14 feet;
North 85°31’40” West, 151.22 feet;
South 05°21’30” West, 63.17 feet;
South 85°07’58” East, 146.70 feet;
South 38°58’17” East, 39.60 feet;
South 01°30’30” West, 49.81 feet;
South 21°40’49” East, 51.97 feet;
South 42°00’16” East, 57.84 feet;
South 29°38’40” East, 85.68 feet;
South 59°17’41” East, 52.60 feet;
North 84°09’13” East, 95.89 feet;
South 76°44’02” East, 218.97 feet;
South 68°34’10” East, 87.92 feet;
South 36°00’50” East, 113.17 feet;
South 02°50’18” East, 164.72 feet;
South 07°05’44” East, 111.31 feet;
South 31°16’56” West, 107.65 feet;
South 69°58’56” West, 39.89 feet;
North 88°19’57” West, 160.74 feet;
South 89°14’00” West, 56.07 feet;
South 73°38’49” West, 20.06 feet;
South 60°22’37” West, 120.97 feet;
North 87°48’46” West, 188.30 feet;
South 88°48’38” West, 118.06 feet;
North 62°41’00” West, 289.15 feet;
North 83°06’45” West, 119.17 feet;
North 61°27’33” West, 59.12 feet;
North 84°48’31” West, 50.63 feet;
South 68°15’07” West, 73.82 feet;
South 37°27’25” West, 314.30 feet;
South 12°49’36” East, 216.57 feet;
South 04°22’09” East, 658.51 feet;
South 50°43’50” West, 493.58 feet;
South 89°56’10” West, 327.92 feet;
South 64°39’56” West, 55.06 feet;
South 34°37’58” West, 83.94 feet;
South 30°55’01” West, 350.45 feet;
South 63°36’34” West, 245.17 feet;

North 89°35’53” West, 409.71 feet;
North 69°16’41” West, 140.73 feet;
South 72°52’33” West, 91.12 feet;
North 33°20’25” West, 57.18 feet;
South 55°14’14” West, 50.70 feet;
South 31°52’58” East, 3,124.91 feet;
North 00°32’18” East, 540.90 feet;
North 18°05’48” East, 1,316.83 feet;
North 63°53’16” East, 1,105.84 feet;
North 63°57’19” East, 542.61 feet;
North 32°52’33” East, 1,185.47 feet;
North 26°31’53” East, 582.03 feet;
North 20°54’35” West, 1,270.70 feet;
North 11°27’53” West, 779.59 feet;
North 11°26’29” West, 1,593.25 feet;
North 41°36’03” West, 1,090.43 feet;
North 65°35’03” West, 618.87 feet to the point of BEGINNING.

Portion of Parcel D19 (Hybrid Areas T1A-2-a)

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped “MM #58”, as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 36°51’20” East, a distance of 65,064.99 feet; thence along the following described courses:

South 00°26’50” East, 839.35 feet;
South 01°13’07” East, 796.62 feet;
North 89°22’45” East, 827.12 feet;
South 03°19’12” East, 824.37 feet;
South 12°20’07” East, 1869.95 feet to the beginning of a tangent curve concave to the northeast having a radius of 1955.50 feet;
Northwesterly along said curve through a central angle of 87°23’47”, an arc distance of 2982.83 feet;
North 80°16’06” East, 2550.51 feet;
North 25°21’21” West, 272.13 feet;
North 50°00’12” West, 463.61 feet;
North 72°13’08” West, 491.92 feet;
North 74°36’06” West, 712.93 feet;
North 59°25’47” West, 718.10 feet;
North 59°11’02” West, 548.59 feet;

North 57°04’29” West, 544.33 feet;
North 33°23’06” West, 463.84 feet;
North 33°55’28” West, 483.91 feet;
North 27°15’52” West, 760.69 feet;
North 33°01’00” West, 496.20 feet;
North 29°34’56” West, 611.44 feet;
North 18°49’34” West, 338.95 feet;
South 88°56’20”” West, 493.91 feet;
North 00°37’48 West, 819.63 feet;
South 88°58’57” West, 820.62 feet to the point of BEGINNING.

Parcel D4 (Managed Vegetation and Shallow Flood T37-2)

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped “MM #58”, as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears North 74°57’18” East, a distance of 41,494.78 feet; thence along the following described courses:

North 00°18’06 West, 2557.52 feet;
North 39°50’13” East, 224.03 feet;
North 13°10’58” East, 506.46 feet;
North 02°13’54” West, 474.27 feet;
North 02°13’22” West, 387.29 feet;
North 15°58’15” West, 214.67 feet;
North 07°13’23” West, 389.39 feet;
South 79°04’18” East, 382.95 feet;
North 82°10’36” East, 575.37 feet;
North 28°04’58” East, 945.22 feet;
North 30°55’54” East, 466.92 feet;
North 23°04’23” East, 589.44 feet;
North 00°50’55” West, 737.56 feet;
North 28°23’34” West, 165.11 feet;
North 03°48’24” West, 332.61 feet;
North 30°06’07” West, 360.82 feet;
North 33°56’23” East, 283.89 feet;
North 06°23’18” West, 202.65 feet;
North 55°18’04” West, 176.33 feet;
South 89°51’34” West, 178.98 feet;
South 52°29’45” West, 229.97 feet;
South 07°02’07” West, 241.52 feet;
South 09°16’59” East, 185.59 feet;

South 17°12’54” West, 591.11 feet;
South 28°32’38” West, 124.88 feet;
South 85°32’56” West, 135.30 feet;
North 72°53’22” West, 196.82 feet;
North 49°32’22” West, 463.10 feet;
North 22°14’05” West, 101.68 feet;
North 21°10’25” East, 277.31 feet;
North 54°04’54” West, 126.16 feet;
North 82°41’43” West, 299.87 feet;
South 74°33’11” West, 253.20 feet;
South 55°13’47” West, 763.91 feet;
South 33°16’48” West, 452.79 feet;
South 22°23’57” West, 549.66 feet;
South 17°22’05” East, 767.10 feet;
South 42°56’27” East, 949.00 feet;
South 79°06’12” West, 1187.41 feet;
South 02°18’39” East, 755.74 feet;
South 24°51’33” West, 1336.89 feet;
South 36°31’58” East, 886.07 feet;
South 04°28’04” East, 1028.01 feet;
South 62°29’22” East, 452.70 feet;
South 12°26’53” East, 783.80 feet;
South 67°39’32” East, 992.47 feet to the point of BEGINNING.

Parcel D2 (Gravel T37-1)

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped “MM #58”, as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears South 79°25’51” East, a distance of 42,309.76 feet; thence along the following described courses:

North 01°18’25” West, 2994.61 feet;
South 40°26’07” West, 56.82 feet;
South 41°52’55” West, 63.83 feet;
South 39°35’05” West, 16.41 feet;
South 36°28’00” West, 50.13 feet;
South 40°38’10” West, 29.56 feet;
South 46°23’46” West, 22.55 feet;
South 52°32’27” West, 22.78 feet;
South 59°56’34” West, 23.99 feet;
South 68°26’05” West, 25.94 feet;

South 78°40′09″ West, 32.38 feet;
South 87°51′45″ West, 2.14 feet;
South 53°57′25″ West, 20.38 feet;
South 62°59′14″ West, 138.99 feet;
South 86°00′07″ West, 214.90 feet;
North 60°13′40″ West, 111.35 feet;
North 03°34′18″ East, 111.77 feet;
North 37°08′29″ East, 98.03 feet;
North 14°13′50″ East, 10.98 feet;
North 05°12′21″ West, 65.91 feet;
North 15°18′20″ West, 87.40 feet;
South 79°04′51″ West, 5.04 feet;
North 65°36′11″ West, 87.23 feet;
South 43°31′13″ West, 287.53 feet;
North 30°35′04″ West, 171.68 feet;
North 01°58′05″ West, 185.20 feet;
North 59°38′26″ West, 4.57 feet;
South 69°09′16″ West, 88.80 feet;
North 66°08′44″ West, 191.06 feet;
South 70°18′14″ West, 421.55 feet;
South 03°34′15″ West, 35.43 feet;
South 21°25′44″ West, 63.70 feet;
South 55°07′05″ West, 44.05 feet;
South 48°22′55″ West, 22.56 feet;
South 25°52′50″ West, 55.41 feet;
South 80°24′27″ East, 54.47 feet;
South 44°27′22″ East, 158.90 feet;
South 05°16′38″ East, 207.40 feet;
South 55°21′15″ East, 67.51 feet;
South 24°16′37″ East, 289.21 feet;
South 20°28′54″ East, 169.58 feet;
South 18°58′32″ East, 209.11 feet;
South 30°09′03″ East, 116.30 feet;
South 31°03′03″ East, 211.51 feet;
South 69°26′17″ East, 83.67 feet;
South 67°30′34″ East, 40.36 feet;
South 60°59′59″ East, 65.09 feet;
South 49°16′52″ East, 55.01 feet;
South 40°46′48″ East, 43.50 feet;
South 44°54′00″ East, 16.89 feet;
South 61°26′00″ East, 14.30 feet;
South 66°03′20″ East, 12.62 feet;
South 68°06′58″ East, 18.50 feet;
South 71°38′28″ East, 17.19 feet;

South 78°47′21″ East, 48.79 feet;
South 82°19′51″ East, 67.90 feet;
South 79°22′25″ East, 39.12 feet;
South 76°49′39″ East, 56.43 feet;
South 75°52′01″ East, 44.60 feet;
South 74°32′03″ East, 41.15 feet;
South 73°39′33″ East, 49.37 feet;
South 77°30′51″ East, 80.37 feet;
South 57°43′41″ East, 66.58 feet;
South 34°18′21″ East, 44.15 feet;
South 16°53′07″ East, 42.56 feet;
South 06°13′56″ East, 74.92 feet;
South 04°51′42″ East, 31.12 feet;
South 02°57′24″ East, 32.94 feet;
South 01°16′26″ East, 34.97 feet;
South 00°28′02″ West, 57.41 feet;
South 01°32′53″ West, 163.11 feet;
South 00°28′55″ West, 117.71 feet;
South 01°02′00″ West, 110.77 feet;
South 00°28′43″ East, 40.83 feet;
South 02°32′26″ East, 99.46 feet;
South 00°07′00″ West, 47.54 feet;
South 03°33′42″ West, 31.70 feet;
South 07°02′47″ West, 30.24 feet;
South 11°02′55″ West, 29.72 feet;
South 15°30′12″ West, 29.40 feet;
South 20°16′43″ West, 32.39 feet;
South 24°23′42″ West, 33.80 feet;
South 27°11′58″ West, 30.86 feet;
South 28°50′48″ West, 139.43 feet;
South 36°39′10″ West, 130.26 feet;
South 30°23′04″ West, 28.97 feet;
South 28°06′14″ West, 44.63 feet;
South 24°13′43″ West, 14.91 feet;
North 88°58′17″ East, 628.39 feet to the point of BEGINNING.

Parcel T35-1 and T35-2 (Gravel)

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears South 74°10'19" East, a distance of 35,010.60 feet; thence along the following described courses:

North 00__50'30" West, 1,562.82 feet;
South 89__59'14" West, 587.37 feet;
North 01__01'03" East, 1,795.94 feet;
South 89__56'05" West, 2,055.77 feet;
South 00__58'53" East, 3,406.92 feet;
North 88__52'30" East, 2,576.36 feet to the point of BEGINNING.

Parcel T36-1-b (Gravel)

BEGINNING at a point from whence Mineral Monument No. 58, a white marble stone monument with a metal plate cross stamped "MM #58", as said monument is shown on that map filed in Book 11, of Record of Surveys at page 7, Official Records of the County of Inyo, State of California, bears South 75°12'37" East, a distance of 24,606.23 feet; thence along the following described courses:

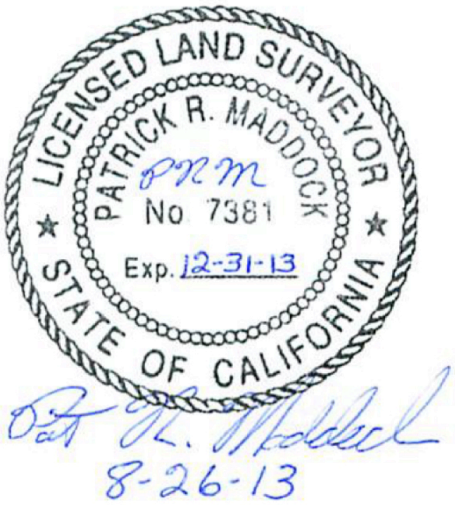
North 32°00'25" West, 175.96 feet;
North 43°50'31" West, 754.40 feet;
North 79°49'54" West, 322.16 feet;
North 18°48'25" West, 446.11 feet;
North 43°53'35" West, 880.50 feet;
North 77°50'55" West, 368.56 feet;
South 89°42'17" West, 1031.79 feet;
South 03°35'48" West, 336.99 feet;
South 86°04'01" West, 446.55 feet;
North 52°50'08" West, 136.15 feet;
North 21°20'46" East, 302.72 feet;
South 89°39'36" West, 1141.45 feet;
North 69°47'43" West, 3597.90 feet;
South 51°18'55" West, 2134.80 feet;
South 65°07'57" East, 131.77 feet;
South 73°36'38" East, 194.80 feet;
South 73°29'44" East, 309.57 feet;

South 67°09′59″ East, 226.63 feet;
South 78°13′54″ East, 269.50 feet;
North 66°48′05″ East, 167.44 feet;
South 46°50′51″ East, 241.10 feet;
South 40°36′05″ East, 202.71 feet;
South 55°42′47″ East, 292.72 feet;
North 74°28′34″ East, 205.37 feet;
South 83°05′20″ East, 365.43 feet;
South 74°44′42″ East, 250.69 feet;
South 51°00′32″ East, 297.02 feet;
South 78°41′25″ East, 168.17 feet;
South 77°54′19″ East, 314.80 feet;
South 86°38′01″ East, 561.63 feet;
South 88°01′30″ East, 318.99 feet;
South 51°50′34″ East, 195.73 feet;
North 77°00′19″ East, 146.67 feet;
South 23°37′45″ East, 191.99 feet;
South 36°09′29″ East, 354.01 feet;
South 49°45′49″ East, 187.21 feet;
North 86°59′14″ East, 209.16 feet;
North 21°02′15″ East, 153.12 feet;
North 13°23′33″ East, 237.31 feet;
North 12°59′41″ East, 146.67 feet;
North 57°15′53″ East, 182.97 feet;
South 45°00′00″ East, 171.02 feet;
South 52°35′40″ East, 235.27 feet;
North 79°22′49″ East, 178.96 feet;
North 83°17′25″ East, 188.18 feet;
North 42°16′25″ East, 163.43 feet;
South 43°09′09″ East, 241.10 feet;
South 70°49′16″ East, 267.70 feet;
South 68°11′55″ East, 296.00 feet;
South 57°31′44″ East, 286.67 feet;
North 85°36′04″ East, 143.33 feet;
North 26°33′55″ East, 122.91 feet;
South 55°47′03″ East, 332.35 feet;
North 79°41′42″ East, 245.82 feet;
North 59°02′11″ East, 192.30 feet;
South 74°03′17″ East, 240.10 feet;
North 64°47′56″ East, 206.55 feet;
North 70°33′36″ East, 198.18 feet;
South 73°18′02″ East, 573.87 feet;
South 56°46′06″ East, 381.14 feet;
North 47°07′16″ East, 210.03 feet;

North 50°31’39” East, 143.55 feet to the point of BEGINNING.

The Bearings used in this description are on the California Coordinate System, NAD83, (CCS83/92), Zone 4. The Coordinate values, in U.S. Survey Feet, of said Mineral Monument No. 58, also known as Triangulation Station “Keeler” are: Northing 2,064,076.37, Easting 6,890,187.91. All distances shown herein are grid distances in U.S. Survey Feet. To obtain ground surface distances, multiply the distances shown by 1.000228742.

END OF DESCRIPTION



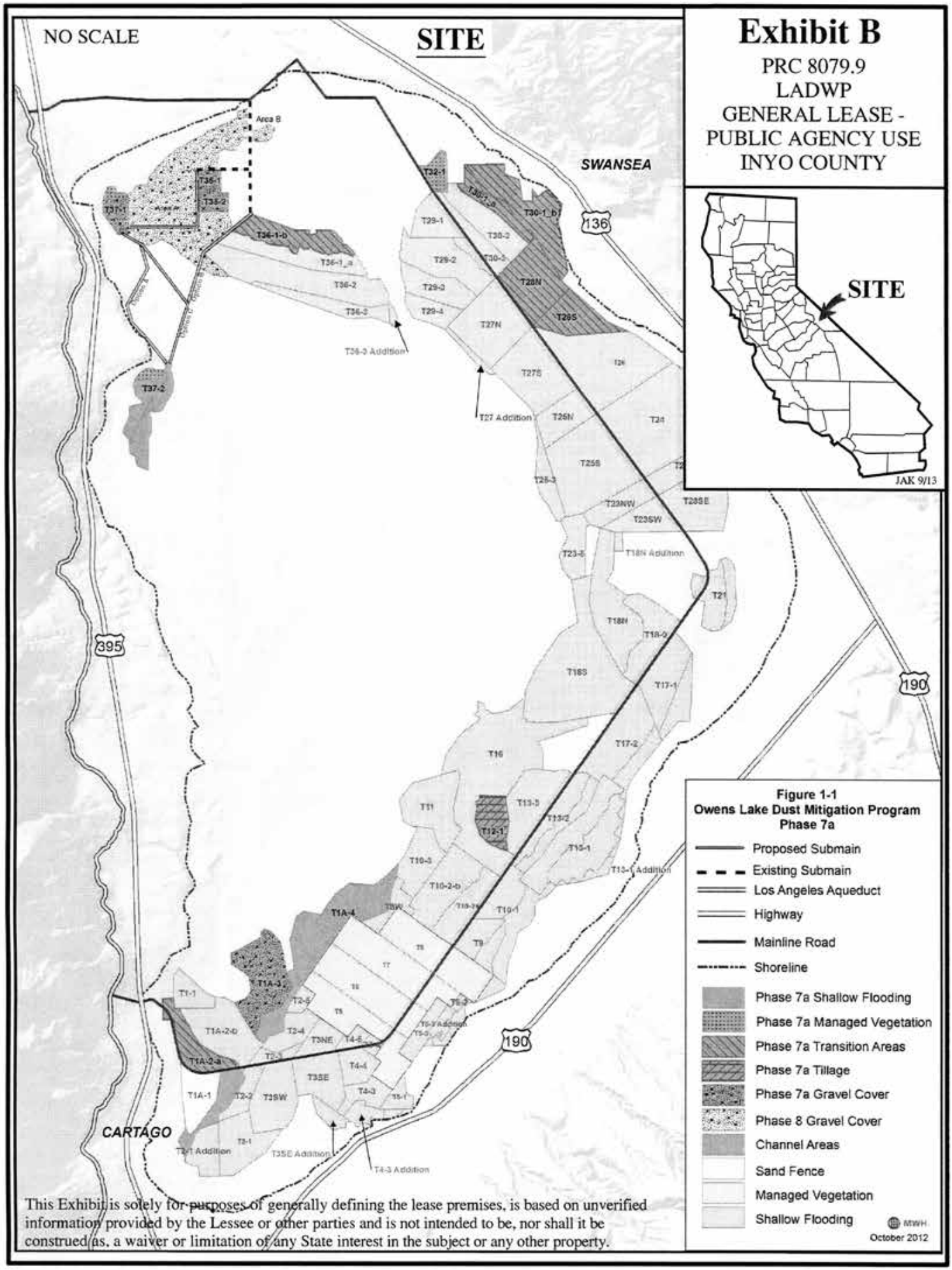

NO SCALE
SITE
Exhibit B
PRC 8079.9
LADWP
GENERAL LEASE -
PUBLIC AGENCY USE
INYO COUNTY
SITE
JAK 9/13
SWANSEA
CARTAGO
Area B
136
395
190
T36-3 Addition
T27 Addition
T18N Addition
T13-1 Addition
T2-1 Addition
T3SE Addition
T4-3 Addition
Figure 1-1
Owens Lake Dust Mitigation Program
Phase 7a
Proposed Submain
Existing Submain
Los Angeles Aqueduct
Highway
Mainline Road
Shoreline
Phase 7a Shallow Flooding
Phase 7a Managed Vegetation
Phase 7a Transition Areas
Phase 7a Tillage
Phase 7a Gravel Cover
Phase 8 Gravel Cover
Channel Areas
Sand Fence
Managed Vegetation
Shallow Flooding
MWH
October 2012
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 C: MITIGATION MONITORING PROGRAM

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
AIR-1: Construction and maintenance activities and equipment will temporarily emit particulate matter.	**AIR-1. Fugitive Dust Emissions Control and Minimization**. In compliance with Great Basin Unified Air Pollution Control District Abatement Order 110317-01, a Dust Control Plan will be implemented during construction. For the Transition Areas, the plan will specify measures to be taken when removing existing Dust Control Areas from service. Best available control measures shall be implemented during construction and maintenance activities to minimize emission of fugitive dust from earthwork and travel on unpaved roads and other areas. Best available control measures may include, but would not be limited to: • Temporary sand fences shall be installed where feasible as soon as practicable without delaying project completion and shall be maintained as necessary until areas of Managed Vegetation have been established • Water trucks shall be used as necessary and feasible during construction • Tillage shall be implemented where soil conditions allow • Placement of a gravel surface on interim staging areas within the dust control area used by the contractor • Construction activities shall cease during high wind events At a minimum, one or more of the applicable best available control measures shall be used during active operations to minimize fugitive dust emissions from each fugitive dust source type.	Compliance monitoring	LADWP (GBUAPCD to review Dust Control Plan)	Dust Control Plan to be prepared prior to the start of construction Dust control measures to be implemented during construction and maintenance
AIR-2: Construction and maintenance equipment will temporarily emit air pollutants.	**AIR-2. Low-Emissions Tune-ups Schedule**. A schedule of low emissions tune-ups shall be prepared for all equipment operating on site for more than 10 working days.	Compliance monitoring	LADWP	During Construction and maintenance
	AIR-3. Low-Emission Equipment Utilization. Low-emission equipment/mobile construction equipment shall be used for project construction to the maximum extent practical, feasible, and available.	Compliance monitoring	LADWP	During Construction and maintenance
	AIR-4. Low-Emission Mobile Vehicle Utilization during Construction. Low-emission or alternative-fueled mobile vehicles shall be used during project construction to the maximum extent practical, feasible, and available. In addition, carpooling of	Compliance monitoring	LADWP	During Construction and maintenance

EXHIBIT C: MITIGATION MONITORING PROGRAM

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
	construction workers shall be encouraged.			
	AIR-5. Low-Emission Mobile Vehicle Utilization during Operation. Hybrid, low-emission (CA LEV II; PZEV, SULEV; or ULEV) or alternative-fueled mobile vehicles, such as electric or fuel cells, shall be used for the proposed project site to the maximum extent practical, feasible, and available. In addition, carpooling of operations and maintenance workers shall be encouraged.	Compliance monitoring	LADWP	During Construction and maintenance
BIO-1: Snowy plover could be adversely impacted during construction and maintenance activities.	**BIO-1. Lake Bed Worker Education Program**. To minimize potential direct impacts to snowy plover from construction activities, Los Angeles Department of Water and Power (LADWP) shall continue the lake bed worker education program consistent with the previous approach and per California Department of Fish and Wildlife (CDFW) recommendations. The program shall be based on snowy plover identification, basic biology and natural history, alarm behavior of the snowy plover, and applicable mitigation procedures required of LADWP and construction personnel. The program shall be conducted by a biologist familiar with the biology of the snowy plover at Owens Dry Lake and familiar with special status plant and wildlife species of the Owens Lake basin. The education program shall explain the need for the speed limit in the snowy plover buffer areas and the identification and meaning of buffer markers. All construction, operation, and maintenance personnel working within the project area shall complete the program prior to their working on the lake bed. A list of personnel who have completed the education program shall be maintained and made available to Great Basin Unified Air Pollution Control District upon request.	Compliance monitoring	LADWP	Prior to the start of construction
BIO-2: Snowy plover nests could be adversely impacted during construction and maintenance activities.	**BIO-2. Preconstruction Surveys for Snowy Plover**. To minimize potential direct impacts to snowy plover within the project area due to construction activities, Los Angeles Department of Water and Power shall conduct a preconstruction survey for snowy plover in all potential snowy plover habitat prior to any construction activity that is performed during the snowy plover breeding season (March 15 to August 15). Preconstruction surveys shall be performed no more than 7 days prior to the start of ground-disturbing activities. A 200-foot buffer shall be placed around all active snowy plover nests that are discovered within the construction area. This buffer shall protect the plover nest from both destruction and construction	Compliance monitoring	LADWP	Surveys to be conducted no more than 7 days prior to the start of ground disturbing activities (during breeding season)

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
	noise. Green-colored stakes of less than 60 inches in height shall be used to mark buffer edges, with stakes spaced at approximate cardinal directions. The location of the nest (global positioning system coordinates) and current status of the nest shall be reported within 24 hours of discovery to Great Basin Unified Air Pollution Control District (GBUAPCD). Maps of snowy plover nest locations shall be posted at the construction office and made available to all site personnel and GBUAPCD staff. The activity of the nest shall be monitored by a biological monitor, as per existing guidelines for the North Sand Sheet and Southern Zones dust control projects and any revisions to the monitoring protocol that have been approved by California Department of Fish and Wildlife. Active snowy plover nests shall be monitored at least weekly. The nest buffer shall remain in place until such time as the biological monitor determines that the nest is no longer active and that fledglings are no longer in danger from proposed construction activities in the area. Buffers shall be more densely marked where they intersect project-maintained roads. Vehicles shall be allowed to pass through nest buffers on maintained roads at speeds less than 15 miles per hour, but shall not be allowed to stop or park within active nest buffers. Permitted activity within the nest buffer shall be limited to foot crews working with hand tools and shall be limited to 15-minute intervals, at least one hour apart, within a nest buffer at any one time.			Maps to be prepared during construction Nest monitoring to be conducted at least weekly during nesting season
BIO-3: Nesting bird species could be adversely impacted during construction and maintenance activities.	**BIO-3. Snowy Plover Nest Speed Limit**. To minimize potential direct and cumulative impacts to snowy plover and other sensitive biological resources from vehicles construction activities, Los Angeles Department of Water and Power shall implement a speed limit of 30 miles per hour within all active construction areas on Owens Dry Lake during construction of dust control measures. Speed limits shall be 15 miles per hour within active snowy plover nest buffers. Designated speed limits for other construction areas outside of active nest buffers shall be maintained at 30 miles per hour where it is determined to be safe according to vehicle capabilities, weather conditions, and road conditions. Site personnel and Great Basin Unified Air Pollution Control District staff shall be informed daily of locations where active nest buffers overlap with roads in the construction area. Signs shall be posted that clearly state required speed limits. Speed limit signs shall be	Compliance monitoring	LADWP	During construction and maintenance

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
	posted at all entry points to the lake. The number of speed limit signs shall be kept at a minimum near active snowy plover nest areas to reduce potential perches for raptors and other snowy plover predators and shall be outfitted with Nixalite or the functional equivalent if greater than 72 inches (increased from the original 60 inches) in height at entry points to the lake and 60 inches in height by active snowy plover nest areas.			
BIO-4: Nesting bird species and nocturnal wildlife could be adversely impacted by lighting during construction and maintenance activities.	**BIO-4. Lighting Best Management Practices**. To minimize indirect impacts to nesting bird species associated with project lighting during construction activities, Los Angeles Department of Water and Power shall institute all best management practices to minimize lighting impacts on nocturnal wildlife consistent with previous requirements and California Department of Fish and Wildlife recommendations. Best management practices include those listed below, and are included in the Project Description of the Great Basin Unified Air Pollution Control District 2008 State Implementation Plan Subsequent Environmental Impact Report. Previous construction has occurred during nighttime hours to complete construction schedules and to prevent personnel from working during times of high temperatures. If night work is deemed necessary, then construction crews shall make every effort to shield lighting on equipment downward and away from natural vegetation communities or playa areas, and especially away from known nesting areas for snowy plovers during the nesting season (March to August). All lighting, in particular any permanent lighting, on newly built facilities shall be minimized to the greatest extent possible, while still being in compliance with all applicable safety requirements. Required lighting shall be shielded so that light is directed downward and away from vegetation or playa areas.	Compliance monitoring	LADWP	During construction and maintenance
BIO-5: Nesting bird species could be adversely impacted during construction and maintenance activities.	**BIO-5. Preconstruction Surveys for Nesting Birds**. If vegetation removal activities are scheduled to occur during the bird breeding season (January 15 to July 31), pre-construction surveys for bird nests shall be conducted no more than 7 days prior to the start of ground-disturbing activities. Surveys shall be conducted in areas of suitable nesting habitat that will be impacted by construction. Active nests will be marked at a safe distance with visible flagging and the construction crew supervisor will be made aware of these locations.	Compliance monitoring	LADWP	Surveys to be conducted no more than 7 days prior to the start of ground disturbing activities

EXHIBIT C: MITIGATION MONITORING PROGRAM

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
	Construction may commence in all areas without active bird nests. All bird nests will remain undisturbed while they are active. After a nest ceases to be active (fledges or fails), and the qualified biologist has made this determination, construction may proceed in the area. If construction is initiated in one breeding season and persists into subsequent breeding seasons, additional surveys are not necessary unless construction activities involve additional vegetation removal.			(during bird breeding season)
CR-1: Installation of project facilities could result in disturbance of known cultural resources.	**CR-1. Avoidance of Resources Immediately Adjacent to the Phase 7a Project Area to the Extent Feasible – Using a 100-Foot Buffer Around Archaeological Sites**. Construction activities and heavy vehicle travel could inadvertently damage intact portions of cultural resources adjacent to the various Phase 7a project areas. A qualified archaeologist shall prepare maps depicting archaeological sites with a 100-foot buffer as environmentally sensitive areas. These maps shall be available for cultural resources monitors and construction crews to use during all construction activities and vehicle transportation through the Phase 7a Project Area.	Compliance monitoring	LADWP	Maps to be prepared prior to the start of construction
CR-2: Installation of project facilities could result in disturbance of unknown cultural resources.	**CR-2. 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 plan and its implementation during construction or other ground-disturbing activities. The Cultural Resources Construction Monitoring Program shall include: • The retention of a qualified archaeologist to implement a monitoring and recovery program. A "qualified archaeologist" should meet the U.S. Secretary of the Interior's Historic Preservation Professional Qualification Standards for Archaeology. The qualifications of the archaeologist shall be submitted to the responsible agency (California State Lands Commission [CSLC]) for approval. The qualified archaeologist shall be required to secure a written agreement with a recognized museum repository, such as the University of California, Riverside, regarding the final disposition and permanent storage approval. • The Lone Pine Paiute-Shoshone tribe shall be contacted prior to	Compliance monitoring	LADWP	Cultural Resources Monitoring Plan to be developed prior to the start of construction Tribal notifications to be conducted prior to the start of construction Cultural resources Awareness

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
	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 7a project. • The qualified archaeologist shall be required to secure a written agreement with 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 monitoring program. The written agreement shall specify the level of treatment (i.e., preparation, identification, curation, cataloging, etc.) required before the collection would be accepted for storage. • Los Angeles Department of Water and Power (LADWP) shall require the qualified archaeologist to 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 resource, 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 T1A-3, T1A-4, T32-1, T37-1, and T37-2, as well as in the Phase 8 project area for installation of the water supply pipeline to T37-2. Monitors will move among construction locations as directed by the cultural resources manager and in consultation with the Construction Contractor. Backfilling and removal of previously constructed berms composed of			Training to be conducted prior to the start of construction Monitoring to be conducted during construction

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
	previously disturbed soils will not require monitoring. Dust control area parcel T12-1 and the Transition Areas (T1A-2_a, T28N, T28S, T30-1, T36-1_b, T35-1, and T35-2) were previously disturbed for prior phases of the dust control project. 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 shall coordinate with the construction manager to divert work around the discovery of any potentially significant archaeological resource, if any are encountered. 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 and the qualified archaeologist. • 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 make an immediate evaluation of significance and recommend appropriate treatment of the resource. 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 and the qualified archaeologist. • The qualified archaeologist shall ensure that all construction personnel shall be informed of the requirements to notify the Inyo County coroner within 24 hours of the discovery of human remains on State lands (as required by Public Resources Code 5097). • 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, and associated geographic site data. Within 120 days			

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
	of the completion of the archaeological monitoring, a monitoring report shall be submitted to LADWP, CSLC, and to the Eastern Information Center at the University of California, Riverside. The report, when submitted to LADWP, shall signify the completion of the program to mitigate impacts to unique archaeological resources or historical resources.			
CR-3: Installation of project facilities could result in disturbance of known cultural resources.	**CR-3. Avoidance of Unevaluated and Other Resources**. A qualified archaeologist shall prepare maps delineating archaeological sites 7A-117 and CA-INY-6660 and CA-INY-8918 plus a 100-foot buffer around each of the sites. No earthwork or vehicle travel shall occur in these sites or the buffer areas during Phase 7a construction or maintenance activities. Construction activities in the vicinity of these sites shall be monitored by an archaeological monitor.	Compliance monitoring	LADWP	Maps to be prepared prior to the start of construction Monitoring to be conducted during construction
CR-4: Installation of project facilities could result in disturbance of unevaluated cultural resources.	**CR-4. Unevaluated Resources on the Access Roadway**. A qualified archaeologist shall compare the work area map for the access roadway with the locations of known cultural resources. Cultural resources sites adjacent to the exiting roadway that overlap with the work area map shall be avoided. Improvement of the road surface in areas adjacent to cultural resources shall be limited to the existing disturbed area of the roadway. A qualified archaeologist shall review the proposed roadway improvement design and, if warranted, make recommendations for installation of chemically inert geotextile over the existing roadway surface, which will then be capped with a layer of sterile fill soil to protect potentially present subsurface cultural resources. The thickness of the fill soil will be determined by the archaeologist in consultation with a geologist and project engineer to ensure artifacts are not warped or broken by the weight of fill or pressure by heavy equipment. The Lone Pine Paiute-Shoshone tribe shall be consulted during final design of the roadway improvements. Relevant archaeological investigation permits shall be obtained from the California State Lands Commission. The Lone Pine Paiute-Shoshone tribe shall be contacted prior to the start of archaeological investigations and qualified tribal monitors shall be afforded an	Compliance monitoring	LADWP	Map to be prepared prior to finalization of access road design Tribal notifications to be conducted during access road design Geotextile, if warranted, to be installed at the beginning of access road construction

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
	opportunity to be present during cultural resources investigations for the access roadway.			
CR-5: Installation of project facilities could result in disturbance of unknown human remains.	**CR-5. Unanticipated Discovery of Human Remains on State Lands**. Upon the discovery of human remains, there shall be no further excavation or disturbance of the site or any areas that are reasonably suspected to overlie adjacent human remains until the following conditions are met: • The Inyo County Coroner has been informed and has determined that no investigation of the cause of death is required. • If the remains are of Native American origin, the Native American Heritage Commission (NAHC) will be contacted. In consultation with the Most Likely Descendant, the NAHC and qualified archaeologist shall determine the treatment and disposition of the human remains and any associated grave goods, with appropriate dignity, as provided in Public Resources Code Section 5097.98. • If the remains are not of Native American origin, the Inyo County Coroner will make a determination as to the disposition of the remains. Ground-disturbing activities may continue once compliance with all relevant sections of the California Health and Safety Code have been addressed and authorization to proceed issued by the Inyo County Coroner, Los Angeles Department of Water and Power, and the qualified archaeologist.	Compliance monitoring	LADWP (Inyo County Coroner to be contacted if human remains discovered)	During construction
CR-6: Installation of project facilities could result in disturbance of paleontological resources.	**CR-6. Paleontological Resources Construction Monitoring Program**. Impacts to surface and subsurface paleontological resources not previously identified shall be mitigated through preparation of a written paleontological monitoring plan to be implemented during construction ground-disturbances, including trenching, grading, and other earth-moving activities. Backfilling and removal of previously constructed berms composed of previously disturbed soils would not require monitoring. Los Angeles Department of Water and Power (LADWP) shall require that construction monitoring, salvage, and recovery of unique paleontological resources is consistent with standards for such	Compliance monitoring	LADWP	Paleontological Resources Monitoring Plan to be developed prior to the start of construction Monitoring to be conducted during

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
	recovery established by the Society of Vertebrate Paleontology (SVP). The Paleontological Resources Construction Monitoring Program shall include: • LADWP shall retain a qualified paleontologist to implement the mitigation plan and maintain professional standards of work. A "qualified paleontologist" is defined as a practicing scientist who meets the qualifications established by the SVP. The qualifications of the paleontologist shall be submitted to the responsible agency (California State Lands Commission [CSLC]) for approval. • The qualified paleontologist shall be required to secure a written agreement with a recognized repository, regarding the final disposition, permanent storage, and maintenance of any significant fossil remains and associated specimen data and corresponding geologic and geographic site data that might be recovered as a result of the specified monitoring program. The written agreement shall specify the level of treatment (i.e., preparation, identification, curation, cataloging, etc.) required before the collection would be accepted for storage. In addition, a technical report shall be completed. The final disposition of paleontological resources recovered on State lands must be approved by the CSLC. • The paleontological monitor may be a qualified paleontologist or a cross-trained archaeologist or geologist working under the supervision of a qualified principal paleontologist. The function of the monitor is to identify potential resources and recover them with appropriate scientific data. • LADWP shall require the qualified paleontologist to provide a paleontological resources briefing 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 paleontological resource is encountered during construction. A training log shall be kept on-site throughout the construction period. The qualified paleontologist will also prepare and distribute informative Fact Sheets regarding paleontological sensitivities that provide samples of possible finds and procedures to be followed in the event of a			construction

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
	discovery. The Fact Sheet will also have relevant contact information for the paleontologist, including a telephone number where they can be reached by the construction contractor, as necessary. • The paleontological monitor shall monitor ground-disturbing activities, including trenching, grading, and other earth-moving activities, in the Phase 7a project area. Monitors will move among construction locations as directed by the project cultural resources manager and in consultation with the Construction Contractor. Backfilling and removal of previously constructed berms composed of previously disturbed soils would not require monitoring. The monitor shall coordinate with the construction manager to divert work around potentially significant paleontological resources, if any are encountered. Prior to the resumption of ground-disturbing activities in the immediate vicinity of the paleontological resources, LADWP shall provide the monitor with the necessary resources to identify and implement a program for the appropriate disposition. • Discovery of fossil-producing localities shall require that stratigraphic columns be measured and that geologic samples be taken for analysis. • If fossil localities are discovered, the paleontologist shall collect controlled samples for processing. All fossils recovered shall be prepared, identified, and cataloged before donation to the accredited repository designated by the lead agency. • In conjunction with the subsurface work, the paleontological monitor shall inspect exposed sediments, including microscopic examination of matrix, to determine if fossils are present. In addition, the qualified paleontologist shall be available on call to respond to unanticipated discoveries. • If construction personnel discover a paleontological resource in the absence of a paleontological monitor, construction shall be halted and a qualified paleontologist shall be contacted to make an immediate evaluation of significance and recommend appropriate treatment of the resource. If the material is determined to be significant, the qualified paleontologist shall prepare and implement a treatment plan in consultation with LADWP. Construction activity shall not resume until			

EXHIBIT C: MITIGATION MONITORING PROGRAM

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
	authorization has been provided by LADWP and the qualified paleontologist. • The qualified paleontologist 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 the tribal representative, and the results of monitoring, including the recovery of paleontological resources, sketches of recovered materials, and associated geographic site data. Within 120 days of the completion of the paleontological monitoring, a final mitigation report shall be submitted to LADWP, and CSLC with an appended, itemized inventory of the specimens observed and collected. The report should include a list of specimens recovered, documentation of each locality, interpretation of fossils recovered and any technical or specialist's reports as appendices. The report and inventory, when submitted to LADWP, shall signify the completion of the program to mitigate impacts to paleontological resources.			

EXHIBIT D – OWENS LAKE PHASE 7A

DUST CONTROL MEASURES PROJECT

STATEMENT OF FINDINGS

September 20, 2013

INTRODUCTION

The California State Lands Commission (CSLC), acting as a responsible agency under the California Environmental Quality Act (CEQA), makes these findings to comply with CEQA as part of its discretionary approval to authorize the amendment of a General Lease – Public Agency Use to the City of Los Angeles Department of Water and Power (LADWP) for use of sovereign lands associated with the Proposed Owens Lake Phase 7a Dust Control Measures Project (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines, § 15381.)[1] The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

The CSLC is a responsible agency under CEQA for the Project because the CSLC must approve a lease for the Project to go forward and because LADWP, as the CEQA lead agency, has the principal responsibility for approving the Project and has completed its environmental review under CEQA. LADWP analyzed the environmental impacts associated with the Project in an Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2011051068). In June 2013, LADWP certified the EIR, approved the Avoidance Alternative (Environmentally Superior Alternative), and adopted a Project Mitigation Monitoring and Reporting Program (MMRP) and Findings.

The Project is part of the Owens Lake Dust Mitigation Program (OLDMP), which includes the construction and operation of dust control measures (DCMs) on the lake in compliance with orders issued by the Great Basin Unified Air Pollution Control District (GBUAPCD) under the authority of California Health & Safety Code Section 42316 (Section 42316), legal settlement agreements with GBUAPCD, lease agreements for use of State lands (administered by the California State Lands Commission) and other regulatory approvals.

Under the LADWP-approved Avoidance Alternative, the boundaries of select dust control areas (DCAs) will be redefined to avoid approximately 350 acres containing

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[1] CEQA is codified in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found in Title 14 of the California Code of Regulations section 15000 et seq.

significant cultural resources. Specifically, cells T1A-3, T32-1, T37-1, and T37-2 will be reduced in size to avoid known cultural resources sites, plus a 100-foot buffer around the cultural sites. Approximately 2.3 square-miles of dust control will be installed in Phase 7a areas, a hybrid of Best Available Control Measures (BACM) (Shallow Flooding, Managed Vegetation, and Gravel Cover) will be installed in 3.4 square-miles of existing dust control area (the Transition Areas), the tillage test will continue in T12-1, a water supply pipeline to T37-2 will be constructed, and an access roadway will be improved. The T12-1 tillage test area may be converted to Gravel Cover if tillage does not control dust to the standards established by the GBUAPCD, and as provided in the Lease, as amended.

LADWP determined that the Project could have significant environmental effects only on the following environmental resource areas:

- Air Quality
- Cultural Resources
- Biological Resources
- Transportation

All the components of the Project, other than Transportation (transportation and traffic to the Project area), are within the jurisdiction of the CSLC. Therefore, there could be significant environmental effects on three environmental resource areas within the jurisdiction of the CSLC (Air Quality, Biological Resources, and Cultural Resources).

In certifying the EIR and approving the Avoidance Alternative, LADWP imposed various mitigation measures for Project-related significant effects on the environment as conditions of Project approval and concluded that all Project-related impacts would be less than significant. Therefore, no Statement of Overriding Considerations was required.

As a responsible agency, the CSLC complies with CEQA by considering the lead agency's EIR and reaching its own conclusions on whether, how, and with what conditions to approve a project. In so doing, the CSLC may require changes in a project to lessen or avoid the effects, either direct or indirect, of that part of the project that the CSLC will be called on to carry out or approve. In order to ensure the identified mitigation measures and/or Project revisions are implemented, the CSLC adopts a Mitigation and Monitoring Plan (MMP) as set forth in Exhibit C as part of its Project approval.

FINDINGS

The CSLC's role as a responsible agency affects the scope of, but not the obligation to adopt, findings required by CEQA. Findings are required under CEQA by each public agency that approves a project for which an EIR has been certified that identifies one or more significant impacts on the environment (Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines, § 15091, subd. (a)). Because the EIR certified by LADWP for the Project identifies potentially significant impacts that fall within the scope of the CSLC's approval, the CSLC makes the Findings set forth below as a responsible agency

under CEQA. (CEQA Guidelines, § 15096, subd. (h); *Resource Defense Fund.* v. *Local Agency Formation Comm. of Santa Cruz County* (1987) 191 Cal.App.3d 886, 896-898.)

While the CSLC must consider the environmental impacts of the Project as set forth in LADWP's EIR, the CSLC's obligation to mitigate or avoid the direct or indirect environmental impacts of the Project is limited to those parts that it decides to carry out, finance, or approve (Pub. Resources Code, § 21002.1, subd. (d); CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g)). Accordingly, because the CSLC's exercise of discretion involves only approval to amend a lease, the CSLC is responsible for considering only the environmental impacts related to lands or resources subject to the CSLC's jurisdiction. With respect to all other impacts associated with implementation of the Project, the CSLC is bound by the legal presumption that the EIR fully complies with CEQA.

The CSLC has reviewed and considered the information contained in the Project EIR and LADWP's record of Project approval adopting the Avoidance Alternative. All significant adverse impacts of the Avoidance Alternative identified in the EIR relating to the CSLC's approval of an amendment of a General Lease – Public Agency Use, which would include the implementation of dust control measures within Phase 7A, are included herein and organized according to the resource affected. These Findings, which reflect the independent judgment of the CSLC, are intended to comply with CEQA's mandate that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects unless the agency makes written findings for each of those significant effects. The possible findings on each significant effect are:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment;

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency;

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.[2]

These Findings are based on the information contained in the EIR and LADWP's record of Project approval, which is contained in the CSLC's administrative record of proceedings upon which its decision is based. The mitigation measures are indicated in these Findings, and the full text of each mitigation measure can be found in Exhibit C (MMP) and LADWP's EIR. LADWP's EIR is incorporated by reference into these Findings, as though set forth herein.

[2] See Public Resources Code section 21081, subdivision (a) and State CEQA Guidelines section 15091, subdivision (a).

The CSLC is the custodian of the administrative record of proceedings upon which its decision is based. The location of the CSLC's administrative record of proceedings is in the Sacramento office of the CSLC, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825.

I. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION

The following impacts were determined in the EIR to be potentially significant absent mitigation: AIR-1 through AIR-5, BIO-1 through BIO-5, and CR-1 through CR-6. After application of mitigation, the impacts were determined to be less than significant.

A. AIR QUALITY

CEQA FINDING NO. AIR-1

Impact: **AIR-1. Construction and maintenance activities and equipment will temporarily emit particulate matter, a nonattainment pollutant.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Construction and maintenance activities have the potential to emit fugitive dust from earthwork and travel on unpaved roads and other areas. Implementation of Mitigation Measure **AIR-1 Fugitive Dust Emissions Control and Minimization** will minimize fugitive dust emissions during construction and maintenance activities. A Dust Control Plan shall be implemented incorporating best available control measures including temporary sand fences, water trucks, tillage, surfacing interim staging areas, and cessation of construction activities during high wind events.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. AIR-2

Impact: **AIR-2. Construction and maintenance equipment will temporarily emit less than significant levels of reactive organic gases, carbon monoxide, nitrogen oxides, and sulfur oxides.**

Finding(s): No finding is required because the impact is less than significant without mitigation.

FACTS SUPPORTING THE FINDING(S)

Emissions during Project construction activities will result from the operation of heavy equipment (dozers, dump trucks, flatbed trucks, backhoes, tractors, etc.), vehicles (including truck traffic and worker vehicles). Although this impact is less than significant, LADWP has imposed the following mitigation measures to further reduce emissions to the maximum extent practical, feasible, and available.

- **AIR-2. Low-Emissions Tune-ups Schedule.**
- **AIR-3. Low-Emission Equipment Utilization.**
- **AIR-4. Low-Emission Mobile Vehicle Utilization during Construction.**
- **AIR-5. Low-Emission Mobile Vehicle Utilization during Operation.**

LEVEL OF SIGNIFICANCE AFTER MITIGATION

This impact is less than significant without mitigation. With the mitigation described above, this impact is further reduced.

B. BIOLOGICAL RESOURCES

CEQA FINDING NO. BIO-1

Impact: **BIO-1**. **Snowy plover could be adversely impacted during construction and maintenance activities**.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

A breeding population of snowy plover occurs on Owens Lake and plover nests have been documented adjacent to transition areas. Phase 7a construction and maintenance activity could subject snowy plovers to noise, vehicular traffic, and foot traffic.

To mitigate this potential impact to less than significant, Mitigation Measure **BIO-1. Lake Bed Worker Education Program** shall be implemented. A biologist familiar with the biology of the snowy plover at Owens Lake shall conduct the program based on snowy plover identification, basic biology and natural history, alarm behavior, and applicable mitigation procedures required of construction personnel. These measures will ensure that construction and maintenance personnel are able to identify snowy plover and avoid activities that would disturb them.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-2

Impact: **BIO-2**. **Snowy plover nests could be adversely impacted during construction and maintenance activities.**.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Continued or repeated disturbance of nesting birds during construction and maintenance activities could result in nest failure.

To mitigate this potential impact to less than significant, Mitigation Measure **BIO-2. Preconstruction Surveys for Snowy Plover,** shall be implemented: LADWP shall conduct a preconstruction survey for snowy plover in all potential snowy plover habitat prior to any construction activity that is performed during the breeding season (March 15 to August 15). Preconstruction surveys shall be performed no more than 7 days prior to the start of ground-disturbing activities. A 200-foot buffer shall be established and nest locations shall be made available to all site personnel. Active nests shall be monitored by a biological monitor at least weekly. The nest buffer shall remain in place until the biological monitor determines that the nest is no longer active and that fledglings are not in danger from proposed construction activity in the area. Vehicles may pass through nest buffers on maintained roads at speeds less than 15 miles per hour (mph), but shall not stop or park within active nest buffers. Foot crews may work with hand tools for up to 15-minute intervals at least one hour apart within a nest buffer. These measures will ensure that nesting birds will not be significantly disrupted during nesting activities.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less-than-significant level.

CEQA FINDING NO. BIO-3

Impact: **BIO-3**. **Nesting bird species could be adversely impacted during construction and maintenance activities.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Snowy plovers could be killed or injured by vehicle traffic or active nests could be crushed beneath heavy construction equipment.

To mitigate this potential impact to less than significant, Mitigation Measure **BIO-3. Snowy Plover Nest Speed Limit,** shall be implemented. To minimize potential direct and cumulative impacts to snowy plover and other sensitive biological resources from vehicles construction activities, a speed limit of 30 mph shall be imposed on all active construction areas and a limit of 15 mph shall be observed within active snowy plover nest buffers. Speed limit signs shall be posted and, if over 72 inches in height, outfitted with Nixalite or the equivalent to reduce potential perches for raptors and other predators. Site personnel shall be informed daily of the locations of active nest buffers overlapping roads in the construction area. These reduced speed limits will minimize the chance of killing or injuring birds by construction equipment.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-4

Impact: **BIO-4**. **Nesting bird species and nocturnal wildlife could be adversely impacted by lighting during construction and maintenance activities.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Nighttime construction activity and/or maintenance could disrupt foraging by sensitive species near the construction zones.

To mitigate this potential impact to less than significant, Mitigation Measure **BIO-4. Lighting Best Management Practices,** shall be implemented. LADWP shall implement best management practices and California Department of Fish and Wildlife recommendations. Nighttime construction lighting shall be shielded downward and away from natural vegetation communities or playa areas, and especially away from known nesting areas for snowy plovers during nesting season (March to August). Permanent lighting shall be minimized while still being in compliance with applicable safety requirements, and shall be shielded downward and away from vegetation communities or playa areas. These measures will ensure that foraging by sensitive species will not be disrupted near construction zones.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-5

Impact: **BIO-5**. **Nesting bird species could be adversely impacted during construction and maintenance activities involving vegetation removal.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Construction activity and/or maintenance involving vegetation removal could disrupt nesting sensitive bird species within Phase 7a.

To mitigate this potential impact to less than significant, Mitigation Measure **BIO-5. Preconstruction Surveys for Nesting Birds,** shall be implemented. If tree or shrub removal activities are scheduled to occur during the bird breeding season (January 15 to July 31), pre-construction surveys for bird nests shall be conducted no more than 7 days prior to the start of ground-disturbing activities. Active nests will be marked with visible flagging and the construction crew supervisor informed. All bird nests will remain undisturbed while they are active. These measures will ensure that nesting birds are not disrupted.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

C. CULTURAL RESOURCES

CEQA FINDING NO. CR-1

Impact: **CR-1. Installation of Project facilities could result in disturbance of known cultural resources.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Construction activities for the Project will include land leveling, grading and recontouring; trenching for pipeline installation; earthwork for berm creation; and heavy

equipment travel for installation of geotextile fabric, gravel, irrigation systems, and plant materials. These actions have the potential to dislodge, relocate, crush, and otherwise cause substantial adverse changes to unique cultural resources recommended as eligible under the California Register of Historical Resources (CRHR).

To mitigate this potential impact to less than significant, Mitigation Measure **CR-1. Avoidance of Resources Immediately Adjacent to the Phase 7a Project Area to the Extent Feasible – using a 100-foot Buffer around Archaeological Sites,** shall be implemented. A qualified archaeologist shall prepare maps showing archaeologically sites with a 100-foot buffer as environmentally sensitive areas. These maps shall be used by cultural resources monitors and construction crews to avoid sensitive areas. Avoidance of archaeologically sensitive areas will ensure they are not inadvertently damaged during construction.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. CR-2

Impact: **CR-2. Installation of Project facilities could result in disturbance of unknown cultural resources.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

High winds and shifting sands are responsible for both exposing and concealing archaeological resources at Owens Lake, so previously unidentified archaeological resources will likely be impacted during construction. Any destruction of previously unidentified archaeological resources resulting from Phase 7a construction would be a substantial adverse change.

To mitigate this potential impact to less than significant, Mitigation Measure **CR-2. Cultural Resources Construction Monitoring Program,** shall be implemented. This Program shall include retention of a qualified archaeologist to implement the monitoring and recovery program. Lone Pine Paiute-Shoshone cultural resource monitors shall be afforded an opportunity to be present during construction earthwork activities. Cultural resources awareness training will be required for all construction personnel. Procedures to be followed in the event of a discovery will be provided to construction personnel. A qualified archaeologist shall monitor ground-disturbing activities in sensitive areas and evaluate newly discovered resources. If the resource is determined to be significant, the qualified archaeologist shall prepare and implement a treatment plan. Construction work will be diverted around the resources until resumption is authorized by LADWP and the

qualified archaeologist. These measues will ensure that unknown cultural resources are avoided or evaluated as appropriate.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. CR-3

Impact: **CR-3. Installation of Project facilities could result in disturbance of unevaluated and other cultural resources.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Certain known archaeological sites within the Phase 7a dust control areas remain unevaluated.

To mitigate this potential impact to less than significant, Mitigation Measure **CR-3. Avoidance of Unevaluated and Other Resources,** shall be implemented. Maps delineating specified sites plus a 100-foot buffer shall be prepared by a qualified archaeologist. No earthwork or vehicle travel shall occur in these areas during construction or maintenance activities. Nearby construction shall be monitored by an archaeological monitor. These measures will ensure that unevaluated sites are avoided.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. CR-4

Impact: **CR-4. Installation of Project facilities could result in disturbance of unevaluated cultural resources on the Access Roadway.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Any destruction of significant archaeological materials during improvement of the access roadway would be a substantial adverse change.

To mitigate this potential impact to less than significant, Mitigation Measure **CR-4. Unevaluated Resources on the Access Roadway,** shall be implemented. A qualified archaeologist shall determine if there are areas of overlap between known cultural resources and the access roadway. Resources that cannot be avoided shall be evaluated prior to ground disturbance to determine if they are eligible for the CRHR. If CRHR-eligible, the roadway will be re-designed to avoid the resources to the maximum extent feasible. The Lone Pine Paiute-Shoshone tribe shall be consulted during the re-design process. Where re-design is infeasible, a data recovery investigation, or other appropriate measures, shall be conducted. These measures will ensure that unevaluated resources are avoided and potential impacts minimized.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. CR-5

Impact: **CR-5. Installation of Project facilities could result in disturbance of unknown human remains.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Presently, no known recorded cemeteries or Native American burial sites have been identified in the Project area. However, human remains are known for areas on Owens Lake. In addition, Tribal representatives have emphasized their concerns about the potential for burials near the Phase 7a areas. Therefore, the potential exists for the unanticipated discovery and disturbance of human remains during construction of Phase 7a.

To mitigate this potential impact to less than significant, Mitigation Measure **CR-5. Unanticipated Discovery of Human Remains on State Lands,** shall be implemented. Procedures to be followed in the event of a discovery will be provided to construction personnel that meet the requirements of the Health and Safety Code. The Inyo County Coroner will be informed immediately so that a determination whether the cause of death requires an investigation can be made. If the remains are of Native American origin, the Native American Heritage Commission (NAHC) will be contacted. The procedures in Public Resources Code section 5097.98 shall be followed to allow the Most Likely Descendant identified by the NAHC, LADWP, the qualified archaeologist, and the CSLC, to determine the treatment and disposition of the human remains and any associated grave goods with appropriate dignity. Implementation of these measures will ensure that the unanticipated discovery of human remains is appropriately considered.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. CR-6

Impact: **CR-6. Installation of Project facilities could result in disturbance of paleontological resources.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

The Project includes earthwork in three dust control areas with previous fossil finds, and are likely to yield paleontological resources. Therefore, the Project has the potential to directly destroy unevaluated, but potentially unique, paleontological resources or sites.

To mitigate this potential impact to less than significant, Mitigation Measure **CR-6. Paleontological Resources Construction Monitoring Program,** shall be implemented. A qualified paleontologist shall be retained to implement a written paleontological monitoring plan for ground-disturbing activities. The plan shall be consistent with standards for monitoring, salvage, and recovery of unique paleontological resources established by the Society of Vertebrate Paleontology. Implementation of the paleontological monitoring plan will ensure that previously unidentified unique paleontological resources will be salvaged and treated appropriately.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less than significant level.