



BOARD OF SUPERVISORS COUNTY OF INYO

P. O. BOX N • INDEPENDENCE, CALIFORNIA 93526
TELEPHONE (760) 878-0373 • FAX (760) 878-2241
e-mail: pgunsolley@inyocounty.us

MEMBERS OF THE BOARD
DAN TOTTEROH
JEFF GRIFFITHS
RICK PUCCI
MARK TILLEMANS
MATT KINGSLEY

KEVIN D. CARUNCHIO
Clerk of the Board

PATRICIA GUNSOLLEY
Assistant Clerk of the Board

July 28, 2015

Ms. Julie Van Wagner
City of Los Angeles Department of Water and Power
111 North Hope Street, Room 1044
Los Angeles, CA 90012

RE: Notice of Preparation of Environmental Impact Report for Owens Lake Master Project

To Whom it May Concern:

On behalf of the Inyo County Board of Supervisors, I wish to relay the Department of Water and Power (DWP) and the City of Los Angeles our continued support for dust mitigation efforts on Owens Lake. Based upon our review of the draft Master Project and the Notice of Preparation (NOP) of Environmental Impact Report (EIR), we offer the following:

1. As we have discussed over the past five years, the Master Project should include a goal to work to provide water for areas of the Owens Valley that historically received water that has been diverted to the Lake. The EIR should evaluate the potential hydrological, biological, and agricultural effects of water being diverted to the Lake from the Owens Valley, particularly in light of the present drought and continuing efforts to diminish water supplies to in-Valley uses in favor of the Lake.
2. The EIR should address the County's planning and land use regulations applicable to the Lake and the Master Project, specifically the General Plan, Zoning Ordinance, Inyo/Los Angeles Long-Term Water Agreement (LTWA), Renewable Energy Ordinance, the County's recent Renewable Energy General Plan Amendment (REGPA), the County's ongoing efforts for the Owens Valley Solar Energy Study (OVSES), and other relevant planning policies and regulations within and adjacent to the Project boundary. We suggest that planning and land use be a separate chapter of the EIR and offer County staff resources to assist in developing the impact analysis. The EIR should also address how the groundwater development portion of the Project is affected by any Groundwater Sustainability Plan that may be developed pursuant to the Sustainable Groundwater Management Act of 2014.
3. The EIR should clarify and quantify the project objectives. A project objective is to reduce water use from the Los Angeles Aqueduct by at least 50 percent, but it is not clear what amount of water is to be reduced by 50 percent. It is also not clear whether the use of groundwater to "offset water from the Los Angeles Aqueduct" is considered to be a reduction in water use that would be accounted toward meeting the goal of a 50 percent or greater reduction in water from the Aqueduct.
4. The Master Project should include a groundwater monitoring, management, and mitigation plan that has been agreed upon by the County and DWP. Components of this plan should be protection for non-DWP groundwater users, protection of groundwater dependent resources, specification of each condition that would be considered a significant impact, management of groundwater pumping to avoid significant impacts, on-site mitigation for property owners should unforeseen impacts occur, open and timely sharing of relevant data, regular reporting, and ongoing adaptive management of pumping based upon analysis of accumulated monitoring data. The agreed upon plan should be analyzed and implementing through the EIR.
5. DWP and the County must reach a mutually acceptable resolution of the dispute resolution proceeding filed on December 21, 2011 by DWP. In that dispute, DWP contends that groundwater pumping to supply water for dust control on Owens Lake is exempt from the provisions of the LTWA. The County's position is that such pumping is subject to the Water Agreement. In a letter of January 21, 2014, the County has proposed that this dispute be

resolved by recognizing the positions of both parties, and acknowledge that groundwater pumping pursuant to the plan outlined in the previous comment and implemented through the Master Project EIR would not be subject to the Water Agreement, provided that DWP and the County agree that any other groundwater pumping by DWP in Inyo County, whether for the purpose of supplying water for dust control on Owens Lake or for other purposes, would be subject to the Water Agreement.

6. The Master Project should address public services, utilities, and infrastructure to provide for development of Master Project components. As we have indicated throughout the Master Project planning process, we are concerned that the Project will result in significant burdens to County services and infrastructure – and related potentially significant effects on the environment – and that appropriate funding mechanisms should be provided to offset these impacts. The EIR should address the Project's effects on public services, utilities, and infrastructure, and in particular County roads, Owens Valley Mosquito Abatement Program, emergency evacuation/response (including search and rescue and police and fire services), and other impacts that may be induced by the Project.

7. The EIR should evaluate the Project's potential effects in regards to population and housing, and any related service/infrastructure impacts.

8. The EIR should evaluate the Project's potential effects on mineral resources, including the need for mineral resources to implement dust control measures, as well as effects on mineral resource extraction operations on the Lakebed and in the vicinity.

9. The EIR should evaluate the Project's effects in regards to invasive species.

10. The EIR should evaluate the projects potential effects to the public with regard to vectors (such as mosquitos), as well as nuisance biting insects.

11. Given the long-term nature of the Project, the EIR should take care in evaluating potential cumulative, induced, and indirect effects. Of note, the analysis should include potential renewable energy development (particularly with respect to the Desert Renewable Energy Conservation Plan, DWP's Solar Ranch, the REGPA, and OVSES), other water extraction activities in the vicinity, and the Olancha-Cartago Four-Lane project.

Please also clarify how stakeholder and public input will continue to be afforded – and how information will continue to be disseminated – as the Master Project is implemented.

Thank you for the opportunity to provide input into the scope of the EIR. We look forward to continue working with you as we move forward with this important planning effort for Owens Lake, and commend the City's diligence and hard work. Please contact the County Administrative Officer, Kevin Carunchio, at (760) 878-0292 if you have any questions.

Sincerely,



Supervisor Matt Kingsley, Chairperson
Inyo County Board of Supervisors

cc: Board of Supervisors
County Administrative Officer
County Counsel
Planning Department
Water Department
Agricultural Commissioner
Public Works Department
Honorable Mayor of the City of Los Angeles, Eric Garcetti
Marcie Edwards, DWP General Manager
Great Basin Unified Air Pollution Control District
State Lands Commission