Jennifer Halferty ~ District One Fred Stump ~ District Two Bob Gardner ~ District Three
John Peters ~ District Four Stacy Corless ~ District Five

BOARD OF SUPERVISORS
COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517
(760) 932-5533 • FAX (760) 932-5531
Shannon Kendall, Clerk of the Board

16 October 2018

Los Angeles Department of Water and Power
Attention: Jane Hauptman
(Jane.Hauptman@ladwp.com)
111 North Hope Street, Room 1044
Los Angeles, CA 90012

SUBJECT: Comments on the Los Angeles Department of Water and Power Notice of Preparation for the Proposed Mono County Ranch Lease Renewal Project

Dear Ms. Hauptman:

The Mono County Community Development Department (CDD) has reviewed the Notice of Preparation (NOP) distributed by the Los Angeles Department of Water and Power (LADWP) for the Proposed Mono County Ranch Lease Renewal Project (Project). The CDD has also attended the Scoping Meeting held by LADWP on September 26 in the Mammoth Outlet Mall where recorded comments were offered.

Based on information obtained through the NOP and scoping meeting, as well as additional information provided by LADWP in response to letter requests submitted by CDD to LADWP on September 14, we have developed a number of comments concerning the scope and focus of information to be provided in the forthcoming Draft Environmental Impact Report (DEIR). Our comments are presented in this letter, which includes seven sections addressing specific aspects of the forthcoming DEIR. To facilitate LADWP review of our remarks, the letter begins with a Table of Contents, and a summary of the County's findings and recommendations.

Please do not hesitate to contact Ms. Wendy Sugimura, CDD Director, if you have questions about any of the information provided in this comment letter. Ms. Sugimura can be reached via telephone (760.924.1814) or email (wsugimura@mono.ca.gov).

Please also note that these same comments were submitted to LADWP signed by the County's Community Development Department and sent by express mail, scheduled delivery of 10:00 am on 16 October 2018.

Sincerely,

Bob Gardner, Chairman
Mono County Board of Supervisors

TABLE OF CONTENTS

Mono County Comments on LADWP's Proposed Mono County Ranch Lease Renewal Project

I. SUMMARY OF MONO COUNTY FINDINGS AND RECOMMENDATIONS

- **The Notice of Preparation is Deficient:** The NOP released on 15 August 2018 does not provide sufficient information regarding the project, the project location, or the project objectives to facilitate meaningful input by Responsible Agencies, interested stakeholders, and the public concerning the scope and content of the forthcoming EIR. Mono County urges LADWP to prepare and release a new and adequate NOP, with new scoping outreach and a full NOP review and comment period.

- **The EIR should Analyze Impacts against Historical Baseline Conditions:** Physical conditions in the study area at the time of the NOP release (August 2018) do not represent historic (100+ year) conditions under past lease and water distribution practices. LADWP commenced a portion of the proposed project prior to conducting the required environmental review, and therefore it would be improper and misleading for LADWP to now utilize present conditions as a baseline for the current EIR. To adequately compare post-project conditions to pre-project conditions, the EIR should analyze potential project effects using as a baseline the historic conditions between 2008 and 2013, which is the term of the previous leases that these new leases would replace.

- **The Project will Impact Jurisdictional Waters and Habitat for Special Status Species**: Project area wetland values are well-documented, and as a result may be considered jurisdictional; the irrigation conveyances may also qualify as jurisdictional tributaries. The DEIR must document results of consultation with the United States Army Corps of Engineers (USACE), United States Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and other agencies. A

spatially-explicit water balance model is needed to minimize loss of important habitat and wetland functions.

- **LADWP's Stated Plan to Spread Water for the Greater Sage Grouse (GSG) must be Well Documented:** Absent comprehensive GSG protections, to be set forth in the DEIR, the proposed project may jeopardize the Bi-State Distinct Population Segment (DPS) of GSG and contribute to a listing of this species under the Endangered Species Act. The water balance model will assist LADWP in determining whether the maintenance of dispersed brood-rearing habitats will avoid potential impacts. The EIR must disclose conditions at Parker Meadow, where LADWP dewatering has been associated with GSG population decline to near-extirpation. The 2013 USFWS decision 'not to list' specifically mentioned LADWP's Habitat Conservation Plan as a required protection; this plan must be finalized, or the EIR must assess impacts in the absence of a completed HCP. GSG listing would impact up to 82% of Mono County developable land area; the EIR must provide an alternative that would not jeopardize the status of GSG as a non-listed species.

- **Irrigation Changes will Impact Regional Surface Water, Near-surface Water, and Groundwater Hydrology.** The forthcoming EIR must quantify the changes in stream diversions, subsurface flows, groundwater recharge rates, evapotranspiration rates, return flow volumes, and the overall net water storage capacity of area soils and diversion channels to ensure that hydrologic impacts are less than significant. Evapotranspiration rates and return flow amounts in particular are poorly understood in the project area, which will require state-of-the-art modeling; all model inputs must be disclosed in the EIR. Hydrologic monitoring will be essential to ensure that future flows are adequate to maintain habitat.

- **The Project may Increase Fugitive Dust Emissions and Fire Hazard Risk:** Reduced irrigation supply may lead to vegetation type conversion from wetlands to erosion- and fire-prone non-native vegetation, thereby contributing to fugitive dust emissions and increased fire hazard risk. Monitoring of vegetation type and sensitive air quality receptors will be required to demonstrate that mitigations are effective over time.

- **The Project will Significantly Impact Agriculture in Mono County and in Inyo County.** Proposed changes will inevitably cause a shift in livestock use patterns throughout Owens Valley, and jeopardize the specific rangeland management practices of the Owens River recovery efforts. The livestock rotation patterns that underlie the Owens Valley Land Management Plan will no longer be feasible, potentially leading to the cessation of rangeland operations in both Mono and Inyo Counties.

- **The Recreational Fishery may be Significantly Impacted:** The EIR must offer a detailed assessment of potential impacts on all area recreational fisheries, and provide alternatives and mitigation measures that can reduce potentially significant impacts to Mono County fisheries at Crowley Lake and all tributary systems and recreational tourism to less than significant levels.

- **The Project Would Compromise Aesthetic Values of the US 395 State Scenic Highway and the National Scenic Byway.** These designations recognize exceptional natural, visual and recreational resources along US 395, and are integral to Mono County tourism. Most if not all of the proposed project areas are located along the US395 corridor. The EIR must analyze visual resource impacts according to both the Mono County Corridor Management Plan and Caltrans' scenic compliance review process.

- **No-Project Alternatives:** At least four no-project alternatives merit assessment in the forthcoming EIR including the possibility that ranchers will decline to accept the new lease proposals, the possibility that project objectives can be attained through conservation-oriented lease

modifications, continuation of existing practices, and pursuit of an alternative water supply source in lieu of this project.

- **Rangeland and Wildlife Management Plan Alternative:** This alternative would be based on a determination of the largest irrigation water reduction that can meet LADWP objectives without significant impacts to wetlands and GSG habitat, livestock grazing operations and other criteria.
- **Preferred Alternative:** Mono County considers the Comprehensive Rangeland and Wildlife Management Plan to be the environmentally superior alternative, and offers to collaborate with LADWP on the development and successful implementation of such a plan. However, regardless of which alternative LADWP identifies as the 'preferred alternative,' the basis for the selection must be fully and clearly documented in the forthcoming EIR.

II. PROJECT DESCRIPTION, PROJECT LOCATION, AND PROJECT OBJECTIVES

The NOP issued by LADWP on 15 August 2018 provided only limited and very general information regarding the project proposal, the project location, and probable environmental effects. The comments offered in this NOP response necessarily reflect Mono County's best estimate of the boundaries and location and acreage and status (i.e., irrigated or non-irrigated) of the lease lands that are proposed for modified lease renewals, and how LADWP may propose to restructure future ranch leases (i.e., lease terms and provisions).

The NOP states that the project location includes *"the communities of Sunny Slopes/Tom's Place, Aspen Springs, Crowley Lake/Hilton Creek, McGee Creek, and Long Valley"* and includes a large-scale regional location map that identifies LADWP property in only the most general terms. The NOP discussion of potential environmental effects notes that LADWP has *"historically spread water deliveries for agricultural irrigation purposes on approximately 6,100 acres on ranches for which LADWP proposes to enter new leases"* but LADWP referenced a 28,000-acre project study area in the project Scoping Meeting on 26 September 2018, and the LADWP property identified on the regional location map appears to refer to the full 28,000-acres. The location of the 6,100-acres of irrigated land is not described in the NOP nor described or mapped for the Scoping Meeting. More importantly, LADWP failed to respond affirmatively to the County's repeated requests for a map that would comply with CEQA Guidelines §15082(a)(1)(B) (Location) that calls for *"a specific map, preferably a copy of a USGS 15' or 7 ½' topographical map identified by quadrangle name."*

In the absence of information provided by LADWP, Mono County has referred to a 1990 report by Platts that described the project vicinity as pastures encompassing *"7,500 acres of which 5,000 are meadow and of these 5,000 acres about 3,000 to 4,000 acres are irrigated. The amount of acreage irrigated depends on water availability."* Another report (LADWP, 1992) mentions that 3,246 acres on the Miller and Wood Ranch lease "*are classified as irrigated pasture*" watered from Convict, McGee, and Hilton Creeks. Irrigated pasture on the Chance Ranch lease along Mammoth Creek totaled 665 acres (LADWP, 1993). Other ranch leases held by Four-J Cattle Company, Cashbaugh Livestock Company, and J & L Livestock Company include land where "*nearly 2,000 acres of the river floodplain are irrigated from the Owens River and Hot Creek*" (LADWP, 1994). If these areas are independent and do not overlap, then they add up to about 6,000 acres to the project area.

The DEIR needs to carefully identify and map the areas that have been historically irrigated and will be subject to the proposed changes in irrigation. These maps and spatially-explicit descriptions should be in GIS format for ease of use, and must clearly distinguish the location and acreage of lands that have and have not previously been irrigated. Tables must be provided that clearly list and compare the terms and provisions of (a) the original leases, (b) practices under the expired leases, and (c) the terms and provisions of the proposed leases including with respect to irrigation delivery and spreading volumes of water, locations of application, timing of deliveries, responsibilities for spreading, and oversight.

It is essential that the DEIR project description detail the proposed changes to the irrigation water allocation on both a cumulative and a lease-by-lease basis. The description must clearly describe changes in seasonality, volume, duration of flow, and water distribution systems. Moreover, a complete copy of the proposed lease(s) must be included with the DEIR (possibly as an appendix), so that the ranchers and other reviewers have an opportunity to evaluate how the proposed changes may impact grazing operations including forage quality,

carrying capacity, and grazing value. The potential environmental impacts of the Project cannot reasonably be assessed unless the proposed leases are included in the DEIR.

The forthcoming DEIR should provide a detailed description of how "*LADWP's existing practice of spreading water for the sage grouse"* (as quoted from the NOP) will be maintained. Where and how will the water be spread, and what water sources will be used for this purpose? The project description must also define the specific activities that are proposed to achieve the project objectives (as stated in the NOP presentation handout) to "*Ensure the continuation of cost-effective aqueduct operation and hydroelectric power generation"* and to "*Manage LADWP-owned lands in Mono County in a manner consistent with the Mayor's Executive Directive No. 5, the Sustainable City 'pLAn,' and the City Charter"* and to "*Restore natural hydrology to Mono County streams.*" With respect to the latter objective of "[r]estor[ing] natural hydrology," LADWP must clearly define how the term 'natural hydrology' is to be used in the forthcoming EIR. Does LADWP's definition refer to the hydrologic conditions that existed prior to the first Mono County Leases, but not to the conditions that existed prior to LADWP operations in Owens Valley? If so, this definition must be justified since LADWP operations (not the ranch leases) are the dominant factor preventing reestablishment of natural hydrologic conditions in Mono County. Truly natural hydrologic conditions in the Long Valley region would include the absence/nonexistence of Crowley Lake; the wetlands of this area were extensive and no doubt tremendously varied in springs, marshland and meandering riverine habitats, as can be seen on USGS maps of 1911. The objective to restore 'natural hydrology' should also be clarified in the EIR identification of baseline conditions (this issue is further addressed in the baseline discussion that follows this section).

Finally, the DEIR must be clear and detailed in its description of the objectives and the activities that are proposed specifically within the 6,100-acre irrigated area as compared to objectives and activities proposed within the larger 28,000-acre study area. Does LADWP have objectives that are unique to these two differing areas? Please ensure that the DEIR provides maps that clarify the precise boundaries and status (irrigated or non-irrigated) for each lease area.

In light of the many deficiencies found in the 15 August 2018 NOP, Mono County strongly urges LADWP to suspend the current NOP review period so that LADWP can prepare a new NOP that complies with requirements of CEQA Guidelines §15082(a)(1) concerning the full range of NOP contents. Doing so will enable the commenting parties to comply with CEQA §15082(b), which requires that LADWP be provided with "*specific detail about the scope and content of the environmental information related to the responsible or trustee agency's area of statutory responsibility that must be included in the draft EIR."* This mandate is very difficult to fulfill given the inadequate level of project information presented to date by LADWP.

III. ENVIRONMENTAL BASELINE SETTING

In determining the baseline setting to be used in the EIR, LADWP must give careful consideration to current case law. In particular, DWP should review a 2010 case that established important precedent for the use of a "historical" baseline. As stated in CEQA Guidelines §15125, the environmental setting at the time of NOP release will *normally* constitute the baseline conditions for determining whether an impact is significant. However, courts have found that §15125(a)'s use of the word "normally" "necessarily contemplates that physical conditions at other points in time may constitute the appropriate baseline or environmental setting" and that "'the date for establishing [the environmental] baseline cannot be a rigid one." (*Cherry Hill Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 336 (emphasis in original) (internal citations omitted).) Environmental conditions may vary from year to year and include temporary lulls or spikes in operations during the period of environmental review; these changes should not necessarily "depress or elevate the baseline." (Ibid. (internal citations omitted).) Ultimately, "[n]either CEQA nor the CEQA Guidelines mandates a uniform, inflexible rule for determination of the existing conditions baseline." (*Ibid*.) Rather, lead agencies are afforded discretion to set an environmental baseline but should be guided by the purpose and legislative intent of CEQA, respectively, to afford the fullest possible protection of the environment and to regulate all private and public projects and activities so that "major consideration is given to preventing environmental damage." (*Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, 1276 (citing Pub. Res. Code, §21000(g).) Accordingly, the goal of lead agencies tasked with establishing a proper environmental setting is to identify the baseline that will enable project impacts to be most realistically measured against pre-project conditions.

The significance of potential project impacts, and associated mitigation measures and alternatives, must be clearly stated and assessed in the DEIR, and "*specific enough to permit informed decision making and public participation… and to permit a reasonable choice of alternatives so far as environmental aspects are concerned*" (CEQA Guidelines §15146, Discussion). Informed decision making should include comparison of the potential environmental effects in relationship to the proper environmental baseline. Without an appropriate baseline description, an adequate analysis of a project's impacts, mitigation measures, and alternatives "becomes impossible." (*County of Amador v. El Dorado County Water Agency, supra,* at p. 953, 91 Cal.Rptr.2d 66.). The environmental setting included in the forthcoming DEIR must not be limited to the conditions existing at the time the NOP – that is, after irrigation supplies had been withdrawn, adverse environmental impacts were already observed, and for which the County has formally challenged in a separate CEQA lawsuit – because doing so would result in disingenuous analysis and misleading conclusions regarding project impacts, and therefore preclude the identification of alternatives and mitigation measures that can feasibly avoid project impacts. Because in this instance LADWP commenced the Project prior to conducting the required environmental review (specifically, it changed its decades-long historic practice to mirror that proposed in the new leases), it would be improper for LADWP to now utilize present conditions (i.e., conditions that exist due to LADWP's own violation of CEQA) as a baseline for the current DEIR. If LADWP does utilize current conditions as the baseline, the public and decision makers will be deprived of the opportunity to meaningfully consider the actual impacts of the proposed project.

Based on its understanding and familiarity with the project background, Mono County recommends that LADWP define the project baseline as conditions that existed between 2008 and 2013. This 5-year period would provide a reasonable and representative baseline for several reasons. First, it represents the term of the leases; the proposed leases would replace those prior leases. Second, LADWP was providing irrigation water consistent with its decades-long practices during the period of the prior leases with fluctuations in the amount of irrigation water provided being relatively minor, and exports to Los Angeles were consistent with export averages for the recent period.

IV. TOPICAL ISSUES TO BE ADDRESSED

a. Wetlands and Aquatic Habitats.

The project as described in the NOP has the potential to adversely impact natural resources in the project area, including extensive wetlands habitats, sensitive plant communities, and dependent plant and wildlife populations. Historic water deliveries to the project area have created and maintained wetlands that are potentially jurisdictional Waters of the State of California and the United States. Historically, these wetland habitats and marginal meadows have functioned to provide vital public benefits and values, as well as habitat for diverse species including the Bi-State DPS of GSG. The United States has had a policy of no net loss of wetlands since 1988 (Executive Order 11990, Protection of Wetlands); the EIR must assess wetlands impacts that may be caused by the Project in light of this and other relevant wetlands policies and protections.

Studies of wetlands in Mono County (Curry, 1992, 1993, and 1996) concluded that 50 to 100 years of irrigation produces soil and vegetation conditions characteristic of wetlands as defined under the Clean Water Act. These studies identified jurisdictional wetlands within the presumed proposed project area near the communities of Long Valley, Crowley Lake, and Aspen Springs. The assessment of Long Valley pastures by Platts (1990) agreed with the conclusion that functioning wetlands were being created within the project area. State-sensitive plant communities dominated by wetlands-dependent vegetation were mapped in 2014 within the area that will be devegetated by the Project (Mono County, 2015). Furthermore, the USFWS National Wetlands Inventory Map of surface waters and wetlands shows the potential for extensive wetlands around Crowley Lake and throughout the NOP-defined project area and surrounding region.

Historic and proposed operation of the conveyances in the project area has diverted flows from and returned them to jurisdictional waters, such that these conveyances may themselves represent jurisdictional tributaries to the Owens River, which is a traditionally navigable waterway. Detailed field investigations to produce a map of

naturally-occurring wetlands, wetland conveyances and adjacent wetlands created by irrigation, vegetated areas enhanced by irrigation but not classified as wetlands, transition areas with irrigation only during high-runoff years, and areas never irrigated are essential to understanding the resources at risk. LADWP should conduct and present in the DEIR a delineation and mapping of jurisdictional areas in the project boundaries. Results would inform the meaningful engagement by Responsible Agencies, other agencies, interested stakeholders, and the public about the extent of resources and locations that may be lost or impacted.

Operations that will spread water for the conservation of GSG and the habitat upon which they depend is clearly a part of the proposed project, and the NOP states that LADWP's existing practice of spreading water for the GSG would not be affected. However, Mono County notes that water spreading in the project area has historically been the responsibility of the leasehold ranchers (not LADWP), and that resulting GSG benefits have occurred due to the rancher's range management practices and not any purposeful objective of LADWP. Since the spreading of water that sustained the GSG population and habitat has long been tied to historic ranching practices, it is not clear how LADWP can continue this practice without providing water to or seeking assistance from the ranchers. Moreover, Mono County can envision no way that the Project as proposed can accommodate increased water use efficiency within the dewatered area (either for providing sage grouse habitat or for operation as a facility of the aqueduct) without reconfiguration of one or more of the ditches, turnouts, or return conveyances. Accordingly, LADWP must consult with the USACE and CDFW regarding the potential need for permitting associated with the reconfiguration of facilities that may be required for LADWP to spread habitat maintenance irrigation for the sage grouse and thereby meet the conservation goals of the Project.

The NOP states that LADWP will continue to allow ranching on the lease areas. The analysis should include a detailed study of livestock-related impacts that may be created by the elimination of widely dispersed wet habitats. Livestock use will be concentrated at the remaining few wet areas, at least seasonally if not perennially. Creation of wallows at concentrated livestock use areas is a new impact to flows that pass through during times of facility use for aqueduct maintenance. The next high flow following extended new livestock sediment disturbance and defecation will significantly alter the geochemical and possibly the biological integrity of the tributary flow at the receiving water (*e.g.*, Mammoth Creek or the Owens River). LADWP must discuss with the USACE and CDFW whether these impacts would potentially result in discharges to jurisdictional waters during facility use for ranching leases.

The analysis of wetlands and other jurisdictional Waters should include a complete investigation of the wetlands functions and values that are currently provided within the project area, so that mitigation to replace the acreage, functions and values can be properly formulated. At a minimum, these waters support biological diversity, regulate (attenuate) flood flows, store and filter runoff, and support recreation. Their widespread distribution and high productivity support and in part are responsible (along with the productivity of aquatic invertebrate life) for maintenance of the food web underlying the productivity of stream fisheries of the area. They are also visually attractive features (especially, in comparison to dewatered and devegetated "desertified" former wetlands) in the area's designated scenic corridor. Mono County recognizes that if and as climate change increases the amount of runoff originating as rainfall, and hence runoff event intensity, wetland function to capture and store episodic runoff for more gradual release will be an increasingly important and undeniable asset, both in Mono County and in the area served by LADWP.

The historic changes in vegetation and the probable future changes under different irrigation regimes should be analyzed in the DEIR on a spatially-explicit basis. Mono County concurs with the 1990 assessment of Platts that "water is spread over Long Valley pastures to raise the water table to a level where all herbaceous vegetation has its root systems in the water table," but notes that LADWP reviewers disagreed with that characterization. Forage production data collected by LADWP staff since 1988 (Los Angeles Department of Water and Power, 1992:26) is available to provide insights into plant productivity at specific project locations and under different moisture regimes. The amount and timing of irrigation needed to support sufficient wet meadow habitat for GSG

conservation will be site-specific, and in practice must be adaptive to year-to-year climate variation. The DEIR must verify LADWP's historic irrigation strategies and describe how the proposed future irrigation system may differ from those historic practices. This information should be incorporated into the project description as a proposed guidance document for the timing and locations of water spreading, such as a Rangeland and Wildlife Management Plan (please see Comment Letter §VI, Alternatives). It would also provide a basis for demonstrating that habitat goals will be met under a Habitat Conservation Plan for GSG, which also should be specified in the DEIR as a pre-project requirement in order to ensure that the best available data has been incorporated to meet the stated plan to ensure that "*the sage grouse would not be affected by the proposed project"* (NOP).

Special status plant populations that are dependent upon wetlands habitat conditions will likely be quickly and irreversibly extirpated as a result of the proposed project. The previously identified species include Lemmon's milkvetch, Inyo County star-tulip, smooth saltbush, naked-stem phacelia, Inyo phacelia, Hall's meadow hawksbeard, alkali ivesia, alkali tansy-sage, and small-flowered grass of Parnassus; there may be others not documented in historical literature. In order to document the current occurrences of special status plants that will be negatively affected or extirpated, and determine whether significant impacts will occur as a result of project dewatering, a floristic survey of the project area that conforms to CDFW methods (CDFW, 2009) should be completed. LADWP, as lead agency under CEQA, must develop specific standards that define the thresholds of a significant impact to special status plants. Data regarding species richness, including special status species presence, should be included in formulating appropriate mitigation for loss of special status plant populations and wetland habitat.

Special status wildlife also has potential for presence. GSG use of the affected wetlands habitats including critical foraging needs for successful brood-rearing has been well documented. Others include nesting northern harrier, Swainson's hawk, and willow flycatcher, aquatic springsnails, Owens sucker, Owens tui chub, Owens speckled dace, and Long Valley speckled dace. Others not documented in the available literature may currently occur within the habitats supported by water spreading. Studies should be completed so that the DEIR can document the extent of occurrences of special status wildlife, determine which uses will be removed from the area due to the proposed project, and then identify alternatives that will allow or maximize impact avoidance while meeting the stated objective to 'restore natural hydrology to Mono County streams.'

The analysis should be extended to streams that flow through the project area, as they support valuable fishery resources. The DEIR should thoroughly assess the habitat values inherent to these conveyances, which include provision of hydrologic input to natural adjacent wetlands and other aquatic habitats that prior to the project have been dependable resources for plants and wildlife. How would these resources potentially be impacted by this project? As noted by LADWP, recent trends and hydrologic model predictions suggest that climate change will result in earlier stream flow peaks, reduced summer flows, and drying in smaller channels. If LADWP is concerned that there will be less precipitation in the future, LADWP should present the modelling or other evidence on which that concern is based. It is the understanding of Mono County that there is no evidence to support less future precipitation; rather the evidence points to a change in precipitation patterns. Low flows are damaging to the health of fish and stream invertebrate communities. Data collected by Sierra Nevada Aquatic Research Lab (SNARL) scientists on habitat, fish, and benthic invertebrate values (collected in the spring and fall of 1993-94-95) can serve DEIR analysis of the current status of aquatic habitats, and for forecasting in-stream and in-project changes that may occur with the proposed project. These data (Herbst and Knapp, 1999) included four sites on Convict Creek (including SNARL as a control), two sites on McGee Creek, and three sites on Mammoth Creek. Additional samples were obtained from Hilton Creek in 1998 for the Lahontan Regional Water Quality Control Board. Potential negative effects upon the diversion source habitat as well as the in-project habitats and receiving waters must be included in the analysis, so that compensatory mitigation can be formulated for any identified significant impacts.

The forthcoming DEIR must determine whether the range management practices implemented by LADWP in the mid-1990s resulted in any improvements in habitat, fish, or resident invertebrate life. LADWP has promoted river recovery through grazing management practices, such as fencing and "rest-rotation," throughout the Long Valley streams and meadows. Are these practices still in use, and would they continue under the proposed project? If so, the forthcoming DEIR should provide monitoring reports and/or other documentation to demonstrate whether and how these practices have improved instream conditions and other habitat values. Would the proposed project impact grazing and animal unit densities and duration? The DEIR should clearly describe the goals of grazing management in terms of conservation of biological resources, and analyze stock rotation alternatives that would minimize the impacts to wetlands and aquatic resources. Much of the rotation involves lands in Inyo County, which will require that the DEIR also address impacts in Inyo County, including potential increases in the concentration of livestock in Inyo County and corresponding decreases in concentration of livestock in Mono County. The DEIR should describe the monitoring program for detecting impacts during project operations, and the criteria that will be used to judge management success.

The extent that irrigation has historically supported wet meadow habitat critical to GSG and native wetlands-dependent vegetation should be assessed. In order to predict the effects upon the South Mono Population Management Unit (PMU), the relationship between the pre-project distribution of wet meadow and similar highly diverse and productive habitats that are known to be critical for brood-rearing success and the proposed, relatively limited distribution that will result from the Project must be understood.

It is apparent from the lack of contemporary, site-specific data for use in analyzing project impacts to aquatic systems, wetlands, and dependent plants and animals that, at minimum, a spatially-explicit water balance model is needed for the project design to minimize loss of important habitat and wetland functions. It would allow LADWP to demonstrate that maintenance of dispersed brood-rearing habitats will avoid potential impacts to the GSG population. The model should be based upon data collected at key locations in the affected watersheds, so that currently poorly understood parameters such as fraction returned to the aqueduct (which may vary among the leased lands throughout the project area), fraction consumed by evapotranspiration, and facility storage capacity and release rate can be understood and predicted under various water-type years and irrigation scenarios. The model and its test results should be presented as a basis for analysis in the DEIR, not merely promised as a deferred product of facility operations, so that a complete and comprehensive analysis of potential project impacts are identified for review by decision makers and the public. Because wetlands are inherently fragile, their management under irrigation requires a higher standard of knowledge about the fate of releases; miscalculation and not knowing the timing and duration of needed habitat maintenance flows will quickly cause loss of wetland vegetation and function that takes a relatively long time and may require substantial mitigative investment to repair.

Studies conducted by Jellison and Dawson (2003) may provide LADWP with pertinent information regarding the volumes of flows returning to Crowley Lake, and inputs of nutrients and sediments to the channels in the Crowley Lake tributary streams. These data could help LADWP identify whether nutrients and sediments have been a problem and the magnitude of any problems that have been observed. If done at a sufficiently site-specific scale, modeling may demonstrate how LADWP can spread water in a way that ensures the GSG would not be affected by the proposed project (i.e., wet habitat will be maintained). The model should provide for the DEIR estimates of the volumes of water diverted under alternative management scenarios, returned flow amounts, and evapotranspiration rates, so that the total amount of water (in terms of acre-feet) that will be lost during project operation can be known. Only then could some potential "middle ground" alternative be identified whereby more efficient use of irrigation water could increase aqueduct flows, and sustain existing grazing practices and sage grouse habitat, while at the same time leaving more in-stream flows that support aquatic habitat.

b. Greater Sage Grouse

The wetlands provide vital habitat for the GSG, which likely would now be listed as threatened under the Endangered Species Act (ESA) but for the assurances provided in the 2012 Bi-State Action Plan. The proposed LADWP project may undermine these assurances and lead to listing of the GSG, particularly in light of the recent court order for the USFWS to reconsider the 2013 decision (USFWS, 2018). Mono County therefore believes that potential changes in legal status of the Bi-State population must be addressed in the DEIR. A comprehensive assessment would at a minimum identify the locations, character (function), and extents of pre-project habitats that support the Long Valley sub-population, and explain all criteria used for the designation of suitable versus unsuitable GSG habitat within the project area. As noted in correspondence from the Mono County Board of Supervisors to USFWS (July 2014), the delineation of suitable and unsuitable habitat is so critical to the analysis of economic impacts (that could arise from a post-project decision to list the DPS under the ESA) that input must be sought from both the public and the Bi-State Technical Advisory Committee to ensure the that best available science and knowledge is applied. Without such input, there is a strong likelihood that the GSG will be listed and result in restrictions on land and water use throughout the project area.

The forthcoming DEIR should provide a detailed description of how "*LADWP's existing practice of spreading water for the sage grouse"* (as quoted from the NOP) will be maintained. Spatially-explicit and seasonally timing-sensitive irrigation and hydrology considerations need to be analyzed with respect to impacts on GSG habitat. Does the "existing practice" include the timing of irrigation in quantities and locations sufficient to ensure the long-term viability of the Long Valley sub-population, including an assurance of continued widely distributed wet meadow habitat for Sage Grouse broods, and how will this change? Contraction of the habitat available for brood-rearing is a potential threat to GSG due to enhanced predator advantage. Coyote and raven predation are suspected limiting factors in this area, and change in their impact upon GSG recruitment should be studied and disclosed. Other ecological threats due to contraction of crucial habitat may exist, and the increase in risk of total loss that is inherent to limited (and due to the project, significantly decreased) habitats due to stochastic events.

The decline of the Parker Meadows sub-population that occurred following dewatering of long-standing irrigated meadows of the historically occupied habitat provides the best available evidence for assessing how various project dewatering alternatives will affect the South Mono Population Management Unit (PMU). Drying of spatially distributed wet areas that were maintained by seasonally-timed water deliveries until the 1990s did not lead to an expansion of the Parker Meadows subpopulation. The subpopulation there is now potentially facing extirpation due to the negative effects of reduction to sub-viable population size. The mechanism underlying this actual population crash that is associated with the change in LADWP water spreading management should be disclosed in the forthcoming DEIR. In the absence of such fair assessment and disclosure of the relationship between LADWP's former actions in Parker Meadows and the need for a recent last-ditch transplanting attempt to save the population, it may be reasonably assumed that the experience during the past two decades at Parker Meadows is not simply coincidence and it is, to some significant degree, a causal relationship. Mono County currently believes that the apparently simplest explanation (i.e., that the Parker Meadows population suffered losses when wet habitats that formerly were crucial for population maintenance were suddenly removed or substantially contracted by LADWP's actions) may be the most explanatory of the observed results, and that the lessons learned there should be applied to the current project.

The project area and LADWP's historic operations to maintain wet meadow habitats are surely essential to the support of the current Bi-State GSG population in Long Valley. Because the South Mono PMU is critical to the long-term sustainability of the Bi-State DPS, the environmental analysis for this project must be robust enough to meaningfully inform the debate among agencies, stakeholders, and the public regarding the fate of the DPS. The DEIR analysis must note that nesting success in the South Mono PMU is low; it is conjectured that existing local subsidies for predators such as ravens are a contributing factor. Mono County has a plan in place to close the landfill by 2023 to remove one potential (though currently unquantified) impact of GSG predator subsidy.

However, reduction of irrigated habitat will likely result in more highly aggregated, visually discrete "green" strips of habitat that will be used by sage grouse. These visual cues in the landscape potentially will enable predators to narrow their search, resulting in more efficient hunting and increased GSG depredation. Though nesting success has been low, brood-rearing success has historically been high in the South Mono PMU, potentially because of irrigation practices by LADWP. For example, studies have shown that the South Mono PMU population historically did not track with precipitation, probably because the area was buffered by irrigation supplies, but are now starting to track with natural precipitation again. One conclusion from that data is that the population is reliant on LADWP irrigation.

Changes in LADWP irrigation practices will likely have a significant adverse impact on brood-rearing success by reducing availability of grass, forbs, insects, water and wetland conditions that are necessary for brood survival. Therefore, a potential consequence of the proposed project is to impact the most successful life-cycle stage of the birds in the South Mono PMU, and create a double jeopardy situation where both nesting success and now brood-rearing success may be low. The impacts to the overall population stability and viability must be assessed under such a modified survival scenario.

In order to assess the impact on reproductive success, the EIR will need to analyze GSG breeding and brood-rearing habitat changes in terms pf (a) sagebrush canopy cover, (b) total shrub canopy cover, (c) sagebrush height, (d) perennial grass and forb cover and height, (e) perennial forb diversity, (f) meadow edge (ratio of perimeter to area), and (g) species richness. The potential resistance of the currently available breeding habitats following alteration by the project to pervasive threats such as invasion by fire-prone cheatgrass and other non-native annual weeds should be assessed, and management strategies to avoid habitat degradation appropriately identified (Chambers, *et al.*, 2014). For example, shrub or weed encroachment into lek areas could change the character of those leks and make mating less successful or reduce lek attendance (Johnston, *et al.*, 2011). Current research into the relationship between habitat disturbance (*e.g.*, dewatering) and resilience or ability to recover suitable GSG habitat in sagebrush ecosystems confirms that there is some threshold of shrub and perennial grass cover loss that, if exceeded, will greatly enhance the competitive advantage of weeds, and significantly increase the frequency of wildfire that is fatal to recovering sagebrush (Chambers, *et al.*, 2014). LADWP must study and disclose how the perpetuation of disturbance due to lost ecosystem resilience will be minimized, and how many years or decades will be needed for the system to recover habitat values that affect GSG reproductive success. Also important will be an analysis of lek habitat changes: shrub or weed encroachment into lek areas could change the character of those leks and make mating less successful or reduce lek attendance (Johnson *et al.,* 2011).

The importance of the South Mono PMU to the viability and survival of the entire Bi-State population must be emphasized. The South Mono PMU is considered part of the "core population" that is relied upon for the sustainability of the species; it constitutes about 33% of the overall Bi-State population and has decreased by about 60% over the past approximately five years.

The 2013 USFWS decision not to list the Bi-State DPS specifically cites the LADWP HCP as providing the necessary protection for the South Mono PMU. The HCP has not been approved, however, and the large-scale water management changes now proposed by LADWP call into question the adequacy of the draft HCP to meet that purpose (i.e., to protect the South Mono PMU), particularly in light of USFWS plans to reevaluate the listing decision. This project's impacts will be considered as the USFWS again decides whether the DPS warrants federal protection under ESA. LADWP must disclose the degree to which a substantial and critical institutional support is being removed, and the effects that this impact will have upon the viability of the South Mono PMU, and the DPS.

Mono County, as an active partner in Local Area Working Group (LAWG) formed to improve DPS viability, notes that strong institutional support was cited in USFWS' April 2015 decision not to list, and that the South Mono PMU was thought to have a relatively stable or improving habitat availability. The project area sub-population is

considered an important genetic reservoir for the DPS that is large enough and dispersed enough to remain relatively safe from stochastic extirpation, assuming current conditions are maintained.

Mono County believes that the potential for a full turn-about in the listing decision warrants review in the environmental analysis for the Project, specifically regarding the far-ranging and varied impacts that will be created. Mono County's concern is that up to 82% of Mono County's developable lands could become encumbered if the Bi-State DPS GSG and its critical habitat are listed under the ESA, as originally proposed by USFWS (USFWS, 2013). LADWP should include in its analysis an alternative that would not jeopardize the non-listed status of Bi-State GSG, such as maintaining the current irrigation distribution pattern and timing that was considered beneficial and supported by USFWS and continuing to improve grouse habitat throughout its leases by acting as a meaningful participant in the implementation of the 2012 Bi-State Action Plan. The Local Area Working Group, Technical Advisory Committee, and Executive Oversight Committee are willing to collaborate with LADWP on such an alternative. In fact, on Sept. 20, 2018, the Director of CDFW (Charlton Bonham) and the USFWS Regional Director of the Pacific Southwest Region (Paul Souza) hosted a meeting with LADWP, at which Mono County was present, and offered to collaborate on water management practices to meet LADWP's needs and protect GSG habitat. As of Oct. 8, 2018, no response has been received from LADWP.

The public's perception of the Project should include the fiduciary responsibility being exercised by LADWP, in balance with the economic impact that potentially will befall private property owners affected by a reversal in legal status of the Bi-State DPS.

c. Hydrology and Water Quality

The DEIR must demonstrate through scientific analysis and quantification how the proposed changes in irrigation practices will impact project area and downslope surface, near-surface and groundwater hydrology. A calibrated water balance model would provide the spatially-explicit predictive capability needed to verify that LADWP spreading will ensure that the sage grouse would not be affected by the Project. It will also be useful for demonstrating that facility operations that are planned for the stated purpose of aqueduct maintenance will not destroy or otherwise hamper the use of facility-dependent habitats by plants and wildlife within the project area.

Studies of impacts to hydrology from dewatering and potential outcomes of alternative water spreading timing and duration schemes, such as may be accomplished with development of a hydrological model, should at a minimum include quantification of the following: (1) direct diversion out of streams, (2) runoff generation from precipitation, (3) soil hydrology and infiltration, (4) subsurface flow and groundwater recharge, (5) evapotranspiration, (6) return flow to supply ditches, (7) other artificial channels, (8) discharges, (9) natural stream channels, and (10) seepage into receiving waters such as Crowley Lake. These hydrological effects should be studied on a spatially-explicit basis given the great variability in natural conditions and irrigation application over the project area. Water balances at varying scales, such as soil-column, hillslope, pasture, ditch-system, sub-watershed, and watershed, will be useful in examining impacts from various irrigation scenarios. A solid basis needs to be established for quantifying how much of the applied water infiltrates, runs off the surface, is lost to evapotranspiration, percolates to shallow or deep groundwater, and/or ultimately reappears downstream under different amounts of precipitation and irrigation. The DEIR should analyze how reduced irrigation and loss of filtration function may influence the net water storage capacity of the soils and channels in the project area and where the shallow groundwater is released, whether to Crowley Lake reservoir or to the lower portions of Convict and McGee Creeks.

Historically, an annual average of five acre-feet of water has been applied to the irrigated parts of the ranch leases (Platts, 1990; LADWP, 1992 and 1994). An average of 20,000 acre-feet of water has been diverted for irrigation of LADWP lands within Long Valley, but some of this amount flows back into streams or re-surfaces in Crowley Lake.

A variety of estimates of evapotranspiration loss have been made in the Long Valley area, ranging from 20% to 60%, which is not precise enough to support the level of analysis needed for this project. The County knows of only one reliable study of evapotranspiration in the meadowlands of Owens Valley (Groeneveld, 1986), which found that evaporative loss was higher in wetland conditions than in open water. Clearly, a more dependable understanding of evapotranspiration in the project area will play a critical role in correctly determining the amount of water available for habitat maintenance and support of special status species. Mono County strongly recommends that LADWP obtain expert assistance for this analysis, drawing on the resources of a firm with state-of-the-art modelling capability.

Model outputs that would be important for impacts analysis in the DEIR include the potential impacts of different irrigation scenarios on recharge; seasonal shallow groundwater availability for wetlands-dependent plants; and sediment discharge, sedimentation, and channel erosion. Erosion and sediment delivery should be addressed with regard to the project area's varying soil properties, vegetation types and densities, micro-topography, and proposed management of ditch system flow regimes and grazing intensity. LADWP should present in the DEIR copies of the Statements of Diversion and Use that have been filed with the State Water Resources Control Board, and indicate how those amounts have been distributed over the irrigation season, as a part of the baseline for comparison with project alternative outcomes. How have the amounts varied in time and in space, and how are they projected to change under the Project? The DEIR should indicate which portions of the study area will still receive historic amounts of irrigation input simply because of their spatial location in the irrigation system, as well as areas that are likely to receive very little or no irrigation water in the future. Along the natural stream channels, where would diversions at different times of the year be increased or decreased under different irrigation scenarios? With regard to habitat maintenance predictions in particular, where would late-summer and autumn baseflow change and by how much? The DEIR must provide specific details including (1) spatially-explicit mapping of areas where water deliveries will be decreased; (2) the volume of the water delivery reductions; (3) the timing of the water delivery reductions, considered under different water year types and/or hydrologic conditions (e.g., 20%, 40%, 60%, 80%, 100%, 120%, 140+% of long-term average streamflow); and (4) by how much the instream flows below ditches are reduced by differing levels of irrigation diversions.

Hydrological model development in preparation of the DEIR should also provide a basis for development of a project-wide hydrologic monitoring program to be implemented for the lifetime of the facility operations. The goal of such monitoring would be to ensure that facility operations are in fact sufficient to maintain habitat for special status species and that operations to maintain the aqueduct are in fact not destroying or impairing use of those habitats, and collect data that would be useful in designing effective remediations for problems detected during monitoring. All relevant impacts identified in the DEIR should be addressed through monitoring and reporting to Mono County, Responsible Agencies, and other interested agencies, stakeholders, and parties. For example, the water quality above points of diversion and at return points to the receiving stream or lake should be routinely monitored to determine if the Project is causing new discharges, eutrophication, or other changes to constituent load types and amounts. Monitoring program data should also inform the draft Habitat Conservation Plan for the project area, and be combined with monitoring of GSG habitat quality and extent. The perceived need for development and initial implementation of the monitoring program during DEIR preparation is made unavoidable by the fact that LADWP has, as of May 2018, already implemented a significant amount of the dewatering portion of the proposed project. Monitoring will again become crucial to evaluating project performance pursuant to conservation when the facility is operated in future years of well-above-average streamflow, such as occurred in water-year 2017. Flood irrigation of pasture lands during later winter or early spring runoff, especially during flood flows, may allow attenuation of destructively erosive flows as they pass through project conveyances and habitats. This water can with proper management infiltrate to shallow groundwater flows for storage and later release into lower stream areas. After operating on a reduced-flow basis, and enduring newly intensified concentration of livestock use at the remaining wet areas, will the ditch system be

in sufficient condition to convey high flows without physical damage and erosion? Will the wetlands be able to provide filtration and water storage capacity functions?

d. Air Quality and Fire Hazard Risk

The proposed actions may result in long-term vegetation type conversion to plant growth characterized by shallow-rooted non-native annual grasses and forbs that are particularly vulnerable to erosion and fire. Over time, the transition would have potential to create adverse air quality and fire hazard conditions in and near the project area. The DEIR analysis must consider the potential for wind-borne fugitive dust generation from soils that receive less irrigation water under the proposed project. Reduced irrigation will quickly lead to change in vegetation type and cover in formerly irrigated areas, exposing more of the land's surface area to drying and to the lofting effects of the area's seasonally strong winds. The DEIR should locate and estimate the severity of such changes throughout the project area in order to forecast the amount of topsoil loss, habitat degradation, fugitive dust emissions, and visibility that will be lost in the scenic corridor area and the treasured Long Valley viewscape. As an operational facility of the Los Angeles Aqueduct, fugitive dust emissions as defined in the Great Basin Unified Air Pollution Control District's 401 Fugitive Dust Rule may be subject to District permitting requirements, and their pre-project air quality data for Long Valley should be provided in the DEIR to assess potentially significant impacts to ambient air quality in the project area and throughout the Owens Valley. The public perception that LADWP is proposing to operate another pollutive facility of the aqueduct – similar to the situation at Owens Lake – should be taken seriously and should be fully addressed prior to approval of this project.

The dewatered wetland acres created by the project will likely not transform into a stable, vegetated uplands landscape without either 1) massive revegetation input, weed control, and ongoing husbandry including livestock exclusion, or 2) patience over significant time periods. It has been the experience of Mono County that dewatered wetlands habitats do not transform into a stable native uplands vegetation stands overnight, or even within decades in some situations. A potential worst case but unfortunately likely outcome, as the protective wetland vegetation rapidly desiccates and dies, is type conversion to non-native annual grassland or forbs. Self-sustaining, invasive stands dominated by cheatgrass, tumble mustard, and other weeds would delay native shrublands recovery and increase local fire risk (Pilliod et al., 2017). Another potential worst case is that topsoil loss through fugitive windblown emissions will, in the long term, prevent the hoped-for development of protective shrub cover. Barren lands that create fugitive emissions would be a hard outcome to accept where historically there have been verdant, productive and beautiful meadows and wetlands that helped to make Mono County's Scenic Corridor scenic. Yet this outcome has familiar elements, and LADWP should consider all the factors that were important in deciding the fate of other proposed and historic dewatering projects in the project area and throughout the Owens Valley.

At a minimum, air quality monitoring and reporting, with clearly stated triggers for identified and proven remediative actions to be taken when emissions are detected, should be offered as mitigation for the all too likely loss of protective plant cover that this project will cause for an unknown number of years. Monitored receptors should at a minimum include all occupied areas of incorporated towns within the affected air basin, as well as receptors passing nearby on U.S. Highway 395 that may include persons with respiratory conditions such as asthma. Anecdotal observations of blowing dust from some of the lease areas during the 2012-2016 drought suggest that drier conditions may lead to greater dust generation in a short period. The locations where fine-textured soils of the project area are most subject to wind erosion and thus most likely to generate fugitive dust must be disclosed.

LADWP should develop a comprehensive plan to avoid this conversion (with weed control, vegetation stabilization/protection, native uplands vegetation cover to mitigate for the negative air quality changes, verdant

native plant cover, and fire management) and speed/extent of spread), or LADWP should be prepared to offset the economic costs of maintaining public health and welfare in the areas that the project will affect. Lightning strikes that could ignite dry vegetation are frequent during the middle and late summer in this part of Mono County. The affected citizens in this case should be provided with housing retrofits to maintain air quality in their homes on days when the project is creating PM2.5 and PM10 at unacceptable levels, and with appropriate equipment and facilities to prevent property damage and loss of life due to wildfires that are either originated within or transmitted across the created early successional and weedy, formerly irrigated lands towards non-LADWP property.

Some of these locations should be assumed as fated for undesirable type conversion to fire-prone non-native vegetation. Cheatgrass, tumble mustard, and other non-native weeks have quickly invaded and become dominant at devegetated non-wetlands habitats along the entire U.S. Highway 395 corridor through Mono County, including the towns nearest the project area (Mono County, 2015). The most dangerous weeds that should be analyzed in the DEIR are annuals that each year produce new standing crops, species that senesce and become especially fire-prone during spring and summer months. Within the first year following loss of native plant cover, these invaders can produce impressive supplies of dry biomass in dense, continuous stands that are thereafter self-sustaining and difficult to control. Lightning strikes that could ignite dry vegetation are common during the middle and late summer in this part of Mono County. Wildfire ignition probability, sustained transmission of the fire front across the landscape, and the speed of transmission could all be negatively impacted as a result of the project, and the resultant increased risk of injury and property damage due to wildfire should be disclosed.

e. Aesthetic Values

U.S. Highway 395 is designated as a State Scenic Highway, and a study was completed to be designated as a National Scenic Byway. Both designations signify that lands visible from the highway (i.e., the scenic corridor) are comprised primarily of scenic and natural features. Mono County has adopted ordinances, policies, and general plan standards to preserve the scenic quality of this corridor.

The U.S. Highway 395 Scenic Highway designation is an important representation of the County's scenic values, and a significant contributor to tourism in Mono County. A 2009 Visitor Profile Study conducted for the County's Economic Development Department (Mono County, 2009) estimated total direct and indirect tourism spending of $517.4 million in Mono County during 2008. The Study also documented that hiking, fishing and photography are the top three most popular outdoor activities listed by visitors to Mono County. The protection of scenic resources is a central component of the Mono County General Plan, and interest in minimizing impacts to these resources is very high.

The proposed Project has potential to jeopardize the designation of U.S. Highway 395 as a State Scenic Highway. Noting that *"the most critical element of the scenic highway program is implementation and enforcement of the Corridor Protection Program,"* Caltrans conducts scenic highway compliance reviews every five years. The designation can be revoked if Caltrans determines that the scenic quality of the corridor no longer complies with applicable scenic standards or with the Corridor Protection Program.

The U.S. Department of Transportation uses the National Scenic Byway designation to recognize highways that possess one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. The proposed project has potential to impact U.S. Highway 395 with respect to at least three of these intrinsic values: natural, recreational and scenic. The National Scenic Byway designation does not involve regulatory enforcement. However, the County has acted to protect both designations, and the resources they represent, through adoption of the Scenic Combining District (Mono County General Plan Land Use Element, Chapter 8). Subsection 08.040 of this Chapter establishes the following standards for new development (outside of

communities) that would be visible from State Scenic Highway 395, and no new development is permitted by the County unless it complies with these standards:

A. The natural topography of a site shall be maintained to the fullest extent possible. Earthwork, grading and vegetative removals shall be minimized. Existing access roads shall be utilized whenever possible. Existing trees and native ground cover should be protected. All site disturbances shall be revegetated and maintained with plants that blend with the surrounding natural environment, preferably local native plants.

B. New structures shall be situated on the property where, to the extent feasible, they will be least visible from the state scenic highway. Structures shall be clustered when possible, leaving remaining areas in a natural state, or landscaped to be compatible with the scenic quality of the area.

C. To the extent feasible new subdivisions shall not create parcels with ridgeline building pad locations.

D. Roofs visible from State Scenic Highway 395 shall be a dull finish and in dark muted colors.

E. Vertical surfaces of structures should not contrast and shall blend with the natural surroundings. Dark or neutral colors found in immediate surroundings are strongly encouraged for vertical surfaces and structures.

F. Light sources in exterior fixtures shall be shielded, down-directed and not visible from State Scenic Highway 395.

G. Fencing and screening shall not contrast in color, shape and materials with the natural surroundings. The use of landscaping to screen utility areas and trash containers is strongly recommended.

H. Signs shall be compatible with the natural surroundings in color and shape. They shall be small in scale. No sign shall be placed or constructed in such a manner that it silhouettes against the sky above the ridgeline or blocks a scenic viewshed. The number, type, size, height and design of on-site signs shall be strictly regulated according to the County sign regulations.

The limited project location information provided by LADWP indicates that most if not all of the proposed project areas are located along the US395 Scenic Corridor/Scenic Byway. The DEIR's Visual Resource Analysis must carefully analyze and disclose the potential visual changes that may result with project implementation, and the degree to which the changes may conflict with the National Scenic Byway study and/or jeopardize the State Scenic Highway designation of U.S. Highway 395 in Mono County. The assessment of impacts on the Scenic Byway can be completed with reference to the Corridor Management Plan prepared by Mono County to protect scenic byway resources: https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/5652/corridor management_plan final_draft.pdf.

The assessment of potential impacts to the State Scenic Highway designation will require LADWP to contact Caltrans to identify the parameters used in Caltrans' compliance review process, and to apply those criteria in the analysis of visual resource impacts. The assessment should describe aesthetic elements in terms of the pre-project baseline outlined in Comment Letter §III, and must also account for direct and cumulative impacts to the resources (including wetlands, air quality and protected species) that support the scenic designation. Results of the assessment must be used to identify alternatives and/or mitigation measures that will reduce potential impacts on scenic resources to less than significant levels and ensure that US 395 State Scenic Highway designation is not compromised or revoked.

f. Agriculture

Long Valley has been used for livestock grazing since the late 1850s (Platts, 1990), and pasture irrigation in Long Valley has been extensive since at least the early 1900s (Smeltzer & Kondolf, 1999). The expected change in

quantity and quality of forage from decreased irrigation will alter ranching operations. The DEIR will need to describe likely changes in irrigation practices, and analyze the direct and cumulative impacts of such changes. Further, change in irrigation practice will alter or invalidate LADWP grazing management plans that are part of the Owens Valley Land Management Plans and covered by the Inyo County/Los Angeles Long Term Water Agreement. These impacts must also be analyzed in the DEIR.

The 2017 Mono County Crop and Livestock Statistics prepared by the Inyo-Mono County Agricultural Commissioner's Office specifically list 'Pasture, Irrigated' and 'Pasture, Rangeland' as Field Crops. The 'Pasture, Irrigated' in Mono County encompasses approximately 26,000 acres with a gross value of $1,820,000. Average gross values of 'Pasture, Irrigated' is $70 per acre, and for 'Pasture, Rangeland' the average gross value is $1.36 per acre. Converting irrigated pasture to rangeland pasture reduces the livestock grazing value, livestock forage quality, and carrying capacity substantially, which requires evaluation on both a lease-by-lease basis and cumulatively for all leases in the DEIR. Overall, the assessment must include a comprehensive regional discussion of Mono County rangeland resources and livestock production on irrigated rangeland, including the economic benefits and the multiplier effect of livestock grazing to Mono County.

As previously noted in §III (Environmental Setting), the baseline discussion must describe rangeland conditions prior to the recent reduction in project area irrigation, which has created drier rangeland conditions. Copies of the proposed leases as well as the existing expired leases must be provided in the DEIR, and contrasted in terms of season of use, irrigation water availability, stocking rates, duration of leases, lease value, infrastructure maintenance requirements, etc. For each lease, the DEIR should describe rangeland operations and their historic dependency on irrigation water, accompanied by detailed maps. Historic allocations of irrigation water on an annual basis must be provided. The longstanding ranching lifestyle of the Eastern Sierra region should be described, and potential long-term and cumulative effects associated with the loss of this culture must be evaluated. This assessment must consider how the proposed project may impact long-term uses of project area lands in terms of future land uses, particularly the viability of the adopted Mono County General Plan land use designations.

The current leaseholders spend considerable time "on the ground" for irrigation and herd management. Their observations regarding the interface between livestock and sage grouse should be reported in the DEIR, and considered in the impact assessment and mitigation plan. The DEIR should clearly describe existing lessee practices and improvements that are beneficial to sage grouse, including but not limited to 'lay-down' fencing, reflector fencing, cheat grass control, invasive plant control, fire fuel load reduction, irrigation water distribution, stream corridor fencing, seasonal grazing, stocking rate management, stubble height management and livestock rotation. Leaseholders have noted that sage grouse and livestock are commonly seen together on the irrigated pastures and sage grouse tend to follow the livestock in the irrigated pasture rotations. Livestock maintain a vegetation mosaic that is favorable to sage grouse movement and livestock manure provides for foraging insects that in turn provide forage for young sage grouse. Leaseholders report that sage grouse are rarely observed on the non-irrigated rangeland areas. With reduced irrigation supply, livestock will tend to seek out the green feed areas along ditches, seeps, and irrigated sage grouse habitat areas. This changed pattern will make livestock management significantly more difficult, and generate new and potentially significant impacts in these wet habitat areas.

The impact assessment must consider how the operational viability of each leaseholder may be impacted as a result of proposed lease modifications. Many of the leaseholders have cow/calf operations, which would be impacted by a loss of forage but also by an elimination of high quality "green" forage that is essential to achieving weight gain for calves during the summer months. Leaseholders estimate that the project may reduce carrying capacity by 50-70%, which would be considered a significant operational impact to livestock grazing.

Measures for livestock grazing management and monitoring should be included in the mitigation plan. The plan should describe best management practices that are proposed to offset the reduction in irrigation water, as well as proposed livestock grazing operations, and existing and proposed grazing infrastructure such as off-ditch water sources, stream corridor fencing, corral water sources, grazing seasonality, stocking rates, grazing residue performance standards, vegetation changes that could be detrimental to sage grouse, and revised livestock rotation requirements. The monitoring plan should include photo points, forage composition changes, vegetation changes, sage grouse suitable habitat changes, and adherence to agreed-upon performance standards. Monitoring results can be used to make future adjustments as needed for the protection of sage grouse, grazing, and other resources.

The rangeland management practices implemented by LADWP in the mid-1990s are integral to the Owens River recovery efforts, and to the 2010 Owens Valley Land Management Plan, which lays out specific timeframes for ranching leases throughout the region. The terms of this plan require that livestock be moved out of the Owens River corridor from May 1 to October 1, mainly due to concerns over Willow Flycatcher. This is the timeframe when livestock have normally been relocated to Mono County. As a result, the Project has potential to significantly impact stocking rates in Inyo County as well as Mono County. The stocking rates in Mono County may be a limiting factor if the available post-project animal unit months ('AUM') are not sufficient to accommodate the calves (which are typically born in Inyo County during winter) since the calves would be too young to sell at market. The concentration of livestock in Inyo County may significantly increase, particularly in the early season, to provide sufficient forage for calves.

LADWP has promoted river recovery through grazing management practices, such as fencing and "rest-rotation," throughout the Long Valley streams and meadows. River recovery efforts would potentially be impaired if these practices are no longer feasible, potentially impacting instream conditions and other habitat values. The DEIR should clearly describe the goals of grazing management in terms of conservation of biological resources, and analyze stock rotation alternatives that would minimize the impacts to wetlands and aquatic resources. The EIR should also address the potential for similar impacts in Inyo County, including the effects of potential increases in the concentration of livestock, because much of the current annual pattern of rotation includes lands in Inyo County. The DEIR should describe the monitoring program for detecting impacts during project operations, and the criteria that will be used to judge management success.

CEQA Appendix G states, "*In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment (LESA) Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland."* The LESA model provides a numerical rating of the importance of agricultural land resources based on specific measurable features that include soil resource quality, site characteristics, water availability, surrounding agricultural lands, and surrounding protected resource lands. Results provide a sound basis for assessing the significance of potential project impacts associated with agricultural land modifications. Mono County requests that the DEIR's assessment of impacts to agricultural resources be conducted according to the LESA Model. Additionally, Mono County requests that LADWP retain the services of an independent third-party consultant, with California Certified Rangeland Manager credentials, to conduct this model assessment and impact analysis. Use of the LESA Model and a qualified agricultural consultant is warranted by the magnitude and range of potential project impacts to Mono County agriculture.

g. Recreation

All the streams draining into Crowley Lake support brown and rainbow trout. These streams represent a valued recreational fishery that is also important to the County's economy. According to a 2009 Visitor Profile study conducted for the Mono County Economic Development Department, fishing is second only to hiking as the most popular outdoor activities for tourists. A full evaluation is required to determine how the proposed project might impact recreational fisheries in Mammoth Creek, Hot Creek, Convict Creek, McGee Creek, Whisky Creek, Hilton Creek, Upper Owens River, Crooked Creek and Crowley Lake, and how and where these changes might impact tourism in Mono County during the peak fishing season. Alternatives and mitigation measures must be set forth in the DEIR to reduce potential impacts to less than significant levels.

h. Cultural Resources

Prior to the passage of AB52 in 2014, it was permissible for environmental documents to analyze the impacts of irrigation withdrawal on archaeological sites in general terms; analyses often acknowledged that less water could mean less vegetation, which would likely cause more site visibility, leading to more looting. More directly, less vegetation could lead to more erosion, leading to site degradation.

AB 52 established that project impacts on tribal cultural resources must also be considered. The forthcoming DEIR must identify tribal cultural resources, and to analyze Long Valley as a cultural landscape and potential traditional cultural property. Since tribes in the Owens Valley consider water itself to be a cultural resource, the DEIR will be required to address how the proposed irrigation water reductions would affect the landscape and traditional cultural property of the many tribes in this region. Several tribes may want to be involved in the consultation process, since Long Valley is an area with traditions that are strongly tied to tribes from Owens Valley, the Benton area, Mono Lake, the Western Shoshone, and the eastern and western slopes of the Sierra Nevada. Since considerable time and effort may be needed to identify historic and cultural properties, and develop effective mitigation, the County recommends that LADWP initiate the consultation process as early as possible in the CEQA review.

V. ALTERNATIVES

a. No-Project Alternatives

Lease Termination Alternative: There is a real possibility that the ranchers may not accept the proposed new leases. As discussed in §V(a)(2) above (regarding Greater Sage Grouse), a similar series of events occurred in Parker Meadows during the 1990s, when grazing and the spreading of lease waters was terminated except for a sage grouse allowance. Over the ensuing decades, the Parker Meadows GSG sub-population declined; in 2017, USFWS and CDFW and LADWP collaborated on the translocation of birds to Parker Meadows in an attempt to save that subpopulation through increased genetic variability and egg viability. LADWP's activities in Parker Meadows underscore the need to carefully model conditions in the project area for the No Lease/No-Project Alternative. The forthcoming EIR should provide a detailed update on the success of efforts to reestablish this population. Modeling will enable LADWP decision makers, agencies, stakeholders and the public to analyze habitat changes under various GSG maintenance water spreading scenarios, and identify the practices that would facilitate GSG viability over the long-term No-Project condition.

Irrigation Water Conservation Alternative. A second No-Project alternative would be to identify LADWP's specific goals for increased water exports from the Eastern Sierra to the LAA, and analyze whether strengthened water conservation and best management practices might substantially achieve LADWP's goals without otherwise terminating or modifying the ranch lease terms, including but not limited to the elimination of irrigation water. If feasible, this alternative may avoid the potentially significant impacts and eventual mitigation commitments associated with the Project as now proposed by LADWP.

No Action Alternative. Under a third No-Project alternative, the existing expired leases would be renewed (or lessees remain as holdover tenants) with no change of terms, irrigation spreading practices would remain intact, and rancher-agency cooperation regarding sage grouse habitat management would continue. This path would enable LADWP to avoid the time-consuming and costly modeling and studies that are required by the project as currently proposed. If coupled with increased engagement with the Bi-State working groups, and with updated best management water conservation practices, this alternative could also enable LADWP to substantially achieve the land management objectives as stated in the Scoping Meeting handout.

Desalination and Other Water Supply Alternatives. Mono County strongly suggests that LADWP also analyze a fourth No Project Alternative that would entail the accelerated implementation of other water supply projects identified in the LADWP Urban Water Management Plan (UWMP). The UWMP specifically identifies seawater desalination as one of several water supply augmentation options, along with water transfers, water banking, brackish groundwater recovery, and stormwater capture and reuse, that may ensure "*the City's future water supply reliability, sustainability, and cost-effectiveness….Future water resource challenges, which include increased demand that must be met without increasing imported supply, warrant thoughtful consideration of these and other feasible water supply resources*,"

Later noting concerns over the cost and environmental impacts associated with desalination, the UWMP states that "*LADWP is primarily focused on enhancing local supplies including recycling and conservation. While desalination may be further explored in the future, it currently represents only a potential supply alternative*." As described throughout the County's NOP comment letter, the proposed Ranch Lease Renewal Project should also raise serious concerns, within the City of Los Angeles, regarding potential environmental impacts and long-term remediation costs. Mono County urges LADWP to consider its water supply options as potential alternatives to the project as proposed, or as potential augmentations to the project that can substantially achieve the City's water export objectives without significantly compromising essential resources in Mono County.

The forthcoming DEIR should offer a thorough assessment of all of the above 'No-Project' alternatives, with special emphasis on ways to avoid the potentially significant and adverse impacts identified in the project analyses.

b. Comprehensive Rangeland and Wildlife Management Plan Alternative

Project objectives play an essential role in the identification of feasible alternatives. The NOP describes LADWP objectives broadly: "to spread water deliveries to lands covered by the leases for operational purposes only, as determined by LADWP, at its sole discretion"…"due to enhancement/mitigation requirements and reductions in water deliveries that have greatly reduced the occurrences of surplus water in the Los Angeles Aqueduct." From the 2016 UWMP, the County understands these enhancement and mitigation requirements to include wildlife and recreational uses, water releases in the Mono Basin, Owens Lake Dust Mitigation, and the Lower Owens River Project as well as miscellaneous additional enhancement and mitigation activities imposed on LADWP by court judgments and litigation settlements. The UWMP indicates that these commitments collectively represent 182,000 acre-feet of water (AFY) each year – a volume that far exceeds LAA deliveries during many drought years. It is unclear whether this amount accounts for the approximately 43,000 AF in additional export from the Eastern Sierra which LADWP was able to achieve through its 2014 stipulated agreement with the Great Basin Unified Air Pollution Control District.

The "reductions in water deliveries" should be explained and quantified. According to an article in The Sheet News (July 28, 2018, page 8), LADWP has seen a significant decrease in runoff since the 1980s. Although the County acknowledges a serious and likely risk of seasonally decreased streamflow in the future (during the

snowmelt-runoff season) resulting from more precipitation falling as rain and less as snow, and therefore flowing at higher volumes over shorter periods, the County is unaware of any evidence of a "significant decrease in runoff since the 1980s" in local streams. In fact, a simple comparison of first-half versus second-half of the Convict Creek discharge record shows an increase over time: average annual volume was increased from 17,600 AFY (1926-1969) to 19,200 AFY (1970-2013). In addition, there is not agreement among models regarding whether climate change will result in higher precipitation or lower precipitation in the future, only agreement that precipitation will be more extreme between drought conditions and atmospheric river storms (Reich et al. 2018). The forthcoming DEIR should provide more sophisticated analyses based on a full disclosure of LADWP's comprehensive water data from all streams in the project area with a full period of record (additional years of drought and 2017).

The NOP did not include a statement of project objectives. However, the description of project objectives provided at the Scoping Meeting included: (a) ensuring the continuation of cost-effective aqueduct operation and hydroelectric power generation; (b) managing LADWP-owned lands in Mono County in a manner consistent with the Mayor's Executive Directive No. 5, the Sustainable City pLAn, and the City Charter; and (c) restoring natural hydrology to Mono County streams. In turn, Directive No. 5 calls for reduced per capita water use (with a 25% reduction by 2035), a 50% reduction in imported water purchases, and an integrated strategy for enhanced local water supplies and water security accounting for climate change and seismic vulnerability.

Though broad, these statements point clearly to LADWP's goal of increasing water deliveries to the LAA in the future. As noted above, Mono County believes that the Project as now proposed has the very real potential to result in further *reduced* water deliveries to the LAA if LADWP is required to implement new enhancement and mitigation requirements due to the impacts of this project.

LADWP's most recent UWMP was prepared in 2015, and the forthcoming update will be due in less than two years. Also in 2015, LADWP prepared and submitted to USFWS a Draft *Habitat Conservation Plan* for Mono and Inyo Counties. Stated goals of that plan are to protect habitat while allowing LADWP to continue its ongoing water activities and continuing with other land uses that include habitat enhancement, livestock grazing, agriculture, recreation, fire and weed management, and road maintenance and closures. Mono County requests that the forthcoming DEIR consider an alternative for the development of a 'Comprehensive Rangeland and Wildlife Management Plan/Environmentally Preferred Alternative' for the full 28,000-acre LADWP ranch leasehold area in Mono County.

The analysis should examine how the forthcoming *2020 Urban Water Management Plan,* in combination with a completed *Habitat Conservation Plan,* can yield an overall rangeland and environmental management plan that optimizes the role of the LAA in meeting operational goals, addresses the potential incidental take of listed species, and avoids the listing of new species within the context of newly established ranch leases that better conserve water while maintaining historic uses and avoiding the potentially significant adverse effects and future mitigation obligations that may result from the Project as proposed. Ideally this alternative would analyze a range of irrigation-reduction scenarios with the intent to identify the largest irrigation water reduction that can be accomplished without significant adverse direct or cumulative impacts to wetlands and GSG habitat, livestock grazing operations, and other resource identified and discussed herein.

Part of this assessment would entail examination of the trade-offs between forage production, water savings opportunities, and habitat quality, as well as the ways in which these trade-offs can be optimized to serve project objectives. The assessment would also take account of potential benefits associated with reduced livestock grazing, particularly with respect to instream flow conditions, nutrient loading, and maintenance of habitat during times of extended drought. The assessment should consider the 43,000 AF of water that was freed for LADWP use following approval of the Stipulated Judgement ruling in favor of the Great Basin Unified Air Pollution Control

District requiring LADWP to control dust emissions to 48.6 square miles of the dried Owens Lake bed that resulted from LADWP water diversions from the Owens Valley. That Judgment specifically acknowledged the need to "balance the requirements to control dust emissions and conserve water with the requirements to minimize impacts to cultural and biological resources." (City of *Los. Angeles v.* California Air Resources Board, et al., *Case No. 34-2013-80001451-CU-WM-GDS, 2016).* Development of a 'Comprehensive Rangeland and Wildlife Management Plan/Environmentally Preferred Alternative for the full 28,000-acre LADWP ranch leasehold area in Mono County would benefit the City and other stakeholders by integrating these connected issues into a single planning document.

To succeed, the DEIR will need to analyze the potential for substantial operational changes to grazing management as a stand-alone alternative for each lease area, with a cumulative assessment that considers all lease areas combined. At a minimum, the analysis would need to consider the following lease-by-lease and cumulative effects:

- Evaluate the new LADWP lease conditions (which must be specified in site-specific detail as to reductions in irrigation water amounts, timing of availability, etc.) pertaining to grazing management requirements in the leases including the effects of herd size reduction, timing of grazing, duration of leases, impacts to stocking rates in Inyo County and associated environmental consequences, and cost of the leases.

- Although CEQA does not treat economic effects as significant effects on the environment, it does require that an EIR explain the relationship between economic impacts and physical changes in the environment that may result from a project. In this context, the alternative should offer an economic evaluation of the countywide and lease-by-lease reductions in livestock revenues and values including any economic multiplier effects, in order to understand how those changes may impact the physical environment. Much of this information is available through the Inyo-Mono County Agricultural Commissioner's Office.

- Include in the DEIR an evaluation of impacts and mitigation measures for livestock distribution effects on remaining water distribution ditches and remaining sub-irrigated areas that may be subject to increased livestock grazing impacts even with herd size reduction. Forage composition changes over time should be addressed with regard to livestock utilization and forage value, water quality, sage grouse impacts, erosion/siltation, and dust generation that can occur with cheat grass and rabbit brush encroachment as well as other potentially invasive plants that may encroach upon the previously irrigated areas.

- Prepare lease-specific best management practice scenarios that will include performance standards for grazing management, livestock water development, fencing, and rotational grazing requirements. Off-ditch livestock water development may include wells, tanks, troughs, and pipeline locations to aid in improving livestock distribution.

- Address the feasibility of modifying irrigation methods including sprinkler and pivot irrigation along with a cost and water saving benefit analysis. Address the feasibility of using Laurel Pond for irrigation water.

- Address the use of supplements and salt as tools to aid in improving livestock distribution.

- Include a monitoring plan as discussed in the mitigation section of the DEIR.

- Discuss the feasibility of placing the LADWP leased grazing land into a series of conservation easements with permitted uses that would include LADWP's right to a reasonable amount of operational water while also permitting livestock grazing and designated pasture irrigation areas. The conservation easement process can provide in perpetuity a co-existence of livestock and sage grouse habitat management.

Throughout the development and evaluation of potential project alternatives, LADWP should maintain close interface with Responsible Agencies, interested stakeholders, the public, as well as the livestock grazing leaseholders. Agencies that can provide relevant guidelines include the Natural Resources Conservation Service (NRCS), the California Department of Fish and Wildlife (CDFW), the Bureau of Land Management (BLM), the Inyo-Mono County Agricultural Commissioner's Office, the California Resources Agency, the University of California Cooperative Extension (UCCE), the United States Forest Service (USFS), the United States Fish and Wildlife Service (USFWS), and potentially the United States Geological Service (USGS). Mono County would welcome the opportunity to collaborate with LADWP in this effort.

c. Alternatives Selection

Mono County's understanding, based on discussions with LADWP staff, is that LADWP claims the City Charter does not support ranch leases because that use is not necessarily compatible with the goal to pursue the "highest and best use" of the land. The City may determine, on this basis, that most of the alternatives recommended by Mono County would not meet the City's project objectives. However, ranch leases and water to support the environmental, scenic and recreational values of the project area may well be the "highest and best use" of the land, especially when compared to the cost of potential mitigation measures, long-term monitoring, and irreversible environmental damage that could be caused by the proposed project. Therefore, all of the above alternatives (except for 'Lease Termination') could potentially fulfill this particular purpose of the City Charter. A determination of the "highest and best use of the land" can be made only if LADWP completes a thorough EIR that adequately and fairly evaluates the potential impacts and mitigation and monitoring costs of carrying out their proposed project.

d. Environmentally Preferred Alternative

For the reasons outlined above, Mono County considers the Comprehensive Rangeland and Wildlife Management Plan to be the environmentally superior alternative. However, regardless of which alternative is identified by LADWP as the 'preferred alternative,' the basis for selection should be fully and clearly documented in the forthcoming DEIR.

VI. PUBLIC TRUST DOCTRINE

The DEIR should also assess the Project's impacts on the public trust resources of Crowley Lake. Traditionally, the objective of the Public Trust Doctrine was to protect the use of waterbodies for navigation, commerce, and fisheries. Over time, however, the doctrine has evolved to protect the public's right to fish, hunt, bathe, swim, boat, and recreate. Now, it also includes the preservation of trust lands in their natural state, so that they may serve as ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life, and which favorably affect the scenery and climate of an area. The doctrine protects and applies to navigable waterbodies and watercourses; however, California courts have extended the doctrine's applicability to include the regulation of actions and decisions directly related to non-navigable streams that result in detrimental effects to navigable waters.

The Project will result in LADWP eliminating most, if not all, irrigation water to ranch lands within Long and Little Round Valleys. As explained above, the elimination of irrigation water to these lands will adversely affect wetlands surrounding Crowley Lake. As these wetlands provide and perform certain ecological and water quality functions that interact with fisheries and waterfowl habitats at Crowley Lake, the elimination of water that supports the continued functionality of these wetlands should be analyzed and assessed in the DEIR. Similarly,

the DEIR should review any potentially significant environmental impacts to other public trust resources at Crowley Lake, including the public's right use the lake for swimming, boating, and other recreational activities as well as any adverse effects to the scenery and aesthetics of the area around Crowley Lake.

VII. REFERENCE MATERIALS

Mono County recommends that the following documents be consulted by LADWP and used in preparation of the forthcoming DEIR.

California Department of Fish and Game, 2009. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. The Resources Agency, Sacramento.

Curry, R.R., 1992. Final report: Bridgeport wetlands delineation. South Lake Tahoe: California Regional Water Quality Control Board--Lahontan Region.

Curry, R.R., 1993. Final report: Identification and beneficial uses of wetlands in the Lahontan region, California. South Lake Tahoe: California Regional Water Quality Control Board--Lahontan Region.

Curry, R.R., 1996. Delineation report: Development of specific plans and policies to avoid or mitigate the impacts of future development in certain Mono County wetlands. South Lake Tahoe: California Regional Water Quality Control Board--Lahontan Region.

Deinstadt, J.M., D.R. McEwan, and D.M. Wong, 1985. Survey of fish populations in streams of the Owens River drainage: 1983-1984. Inland Fisheries Administrative Report 85-2. Rancho Cordova: California Department of Fish and Game.

Gram/Phillips Associates, Inc., 1977. Final environmental impact report: Proposed sewerage system for the community of Hilton Creek Community Services District, Mono County, California. State Clearing House #77050933. Pasadena: Gram/Phillips Associates, Inc.

Groeneveld, D.P., Warren, D.C., Hubbard, P.J., and Yamashita, I.S., 1986, Transpiration processes of shallow groundwater shrubs and grasses in the Owens Valley, California, Phase 1: Steady state conditions: Report prepared for Inyo County, Los Angeles Department of Water and Power, and State of California Water Resources Board.

Herbst, D.B., and R.A. Knapp, 1995. Evaluation of rangeland stream condition and recovery using physical and biological assessments of nonpoint source pollution. Davis: University of California Water Resources Center, Project UCAL-WRC-W-818.

Herbst, D.B. and R.A. Knapp. 1999. Evaluation of rangeland stream habitat condition using biological assessment of aquatic communities to monitor livestock grazing effects on streams in the eastern Sierra Nevada. Unpublished technical report to the US Environmental Protection Agency.

Hill, M., B. Tillemans, D.W. Martin, and W. Platts, 2002. Recovery of riparian ecosystems in the upper Owens River watershed. Proceedings of the AWRA specialty conference on groundwater / surface water interactions, pp. 161-166. American Water Resources Association.

Jellison, R., and D.R. Dawson, 2003. Restoration of riparian habitat and assessment of riparian corridor fencing and other watershed best management practices on nutrient loading and eutrophication of Crowley Lake, California. Final report, SWRCB # 9-175-256-0. Sacramento: State Water Resources Control Board.

Johnson, D.H., Holloran, M.J., Connelly, J.W., Hanser, S.E., Amundson, C.L., Knick, S.T., 2011. Influence of environmental and anthropogenic features on greater sage-grouse populations. In: Knick, S.T., Connelly, J.W. (Eds.), Greater sage-grouse—ecology and conservation of a landscape species and its habitats. Studies in Avian Biology 38. University of California Press, Berkeley, CA, USA, pp. 407–450.

Jones and Stokes Associates, 1993. Draft Mono Basin DEIR. Sacramento: Jones and Stokes Associates.

Kattelmann, R. and M. Moskowitz, 2007. Upper Owens River Watershed Assessment, County of Mono.

Knapp, R., D. Herbst, and D. Dawson, 1993. Physical and biological stream habitat assessment in Long Valley: Establishing baseline conditions on Convict and McGee creeks for monitoring changes associated with new grazing management. Bishop: California Department of Fish and Game. 17 p.

LADWP, 2015. Urban Water Management Plan.

Lane, P.H., D.L. Georgeson, L.L. Anderson, R.A. McCoy, and M. Abalos, 1975. Los Angeles water rights in the Mono Basin and the impact of the department's operations on Mono Lake. Los Angeles: Department of Water and Power.

Lee, W.T., 1906. Geology and water resources of Owens Valley, California. Water Supply Paper 181. Washington, D.C.: U.S. Geological Survey.

Los Angeles Department of Water and Power, no date. Crowley Lake Tributary Stream Enhancement Program pamphlet.

Los Angeles Department of Water and Power, 1992. Convict/McGee Creeks grazing control fencing Proposal for Miller and Wood Ranch – Long Valley, Mono County, California.

Los Angeles Department of Water and Power, 1993. Proposed grazing plan Chance Ranch – Mammoth. CA.

Los Angeles Department of Water and Power, 2010. Owens Valley Land Management Plan. http://www.inyowater.org/wp-content/uploads/2013/11/Owens-Valley-Land-Management-Plan-Final.pdf

Los Angeles Department of Water and Power, 1994. Proposed riparian grazing management plan for Los Angeles Department of Water and Power Upper Owens River ranches upstream from Crowley Lake.

Means, T.H., 1924. Additional water supply for City of Los Angeles in Owens Valley and Mono Basin. Thomas Means papers, Water Resources Center Archives, University of California, Berkeley, cited by Smeltzer and Kondolf, 1999.Milliron, C., 1997. A Fisheries Management Plan for Crowley Lake and Tributaries, Mono County, California. Sacramento: California Department of Fish and Game.

Mono County Community Development Department, 2015. Biological Assessment of Unincorporated Communities of Mono County. Report dated July 15, 2015, prepared for Mono County Planning Dept., Mammoth Lakes.

Mono County Community Development Department, 2018. Scenic Corridor Management Plan. https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/5652/corridor management_plan_final_draft.pdf).

Mono County Dept. of Economic Development and Special Projects, 2009. The Economic & Fiscal Impacts and Visitor Profile of Mono County Tourism in 2008. Lauren Schlau Consulting.

Pillion, David S., Justin Welty, and Robert Arkle, 2017. Refining the cheatgrass–fire cycle in the Great Basin: Precipitation timing and fine fuel composition predict wildfire trends. Journal of Ecology and Evolution.

Platts, W.S., 1990. Evaluation of riverine-riparian habitats on Los Angeles Department of Water and Power lands in the Crowley-Mammoth Lakes area. Report to LADWP. Don Chapman Consultants, Boise.

Reich, K.D., N. Berg, D.B. Walton, M. Schwartz, F. Sun, X. Huang, and A. Hall, 2018: Climate Change in the Sierra Nevada: California's Water Future. UCLA Center for Climate Science.

Smeltzer, M.W., and G.M. Kondolf, 1999. Historical geomorphic and hydrologic analysis of the Owens River gorge. CEDR-01-99. Berkeley: Center for Environmental Design Research, University of California.

Natural Resource Conservation Service, USDA, no date. Wetlands.

U.S. Fish and Wildlife Service, 2016. *National Wetlands Inventory Mapper,* https://www.fws.gov/wetlands/Data/Mapper.html

U.S. Fish and Wildlife Service, 2018. Endangered and Threatened Wildlife and Plants; Threatened Status for the Bi-State Distinct Population Segment of Greater Sage- Grouse with Special Rule and Designation of Critical Habitat, Federal Register/Volume 79, No. 90, Friday, May 9, 2014

University of California at Los Angeles, 2018. Climate Change in the Sierra Nevada. UCLA Center for Climate Science.