

13.0 CONSISTENCY WITH INYO COUNTY GENERAL PLAN

Under CEQA, a lead agency must evaluate consistency of the proposed project with local land use and environmental plans, goals, and policies. Inyo County, acting as a CEQA Responsible Agency and a MOU party with certain responsibilities for implementing the LORP, must ensure that their decision concerning LORP is not contrary to the County's General Plan. The consistency of the LORP with applicable elements of the Inyo County General Plan (adopted December 2001) is addressed below. The final determination of consistency will be made by the Inyo County Board of Supervisors when taking action on the proposed project as a CEQA Responsible Agency.

Land Use

Policy LU-5.4 Natural Resource Designation (NR): This designation, which applies to land or water areas that are essentially unimproved and planned to remain open, provides for the preservation of natural resources, the managed production of resources, and recreation (New Policy).

Consistent. The LORP project elements will occur almost entirely on land with the General Plan land use designation of "Natural Resources" or "State and Federal Lands." One exception is a property bisected by the Owens River on the east side of Highway 395 and north of the highway's intersection with Moffat Ranch Road, which is designated as "Irrigated Agriculture." The LORP will result in the enhancement and protection of natural resources, improved rangeland management and grazing practices, and greater opportunities for public recreation.

Public Services and Utilities

Expansion of Services Policy PSU-10.1: The County shall work with local gas and electric utility companies to design and locate appropriate expansion of gas and electric systems, while minimizing impacts to agriculture and minimizing noise, electromagnetic, visual, and other impacts on existing and future residents. (New Policy)

Consistent. Power for the LORP pump station will be transmitted via a new power line from the Cottonwood Power Plant, located about 10 miles southwest of the pump station. However, no new power generation is required. The new line will parallel an existing line and only traverse open space and rangeland. No existing or future residential areas will be traversed by the power line, which will be parallel to other existing lines.

Economic Development Element

Visitor Capacity on Public Lands Policy ED-1.2: The County shall encourage public agencies to develop new tourist serving facilities or otherwise enhance their capacity to serve visitors on the public lands they manage. (New Policy)

Visitor Usage of LADWP Lands Policy ED-1.3: Encourage the LADWP to continue to allow and expand the recreational uses of their land holdings in the Owens Valley. (New Policy)

Consistent. The LORP would have beneficial effects on recreational opportunities in the lower Owens Valley by improving the fisheries along the river, enhancing native habitats, and generally improving the natural environment in the valley. Potential new and expanded recreational activities associated with the LORP include fishing, hiking, camping, birdwatching, picnicking, and outdoor education. LADWP

does not propose to construct or any new recreational facilities or expand recreational uses and public access as part of the LORP. However, the LORP will indirectly stimulate more tourism, which could create a need to improve both County and LADWP visitor serving facilities. As part of the overall LORP management approach, LADWP and/or Inyo County will implement the recreation management strategies described in Section 2.9.

Collaboration Policy ED-2.1: Support collaborative efforts to market Inyo County as a tourist destination, leveraging County funds through coordinated regional promotion. (New Policy)

Consistent. The LORP could aid in initiating efforts to market Inyo County as a tourist destination. The project is anticipated to improve economic conditions in the lower Owens Valley due to increased tourism for outdoor recreation. The Central Owens Valley Community Action Plan (CAP) consists of a coalition formed by the Lone Pine Chamber of Commerce, the Independence Civic Club and the Big Pine Chamber of Commerce. The LORP will achieve a significant number of strategic objectives delineated in the CAP. Numerous federal, state and local agencies participate in CAP as cooperating organizations, and are considered “Partners in Visioning.” Presently on CAP’s agenda is development of a marketing plan and a Community River Center that would promote education about Owens River and its associated ecosystems.

Mining Industry Policy ED-4.1: Support the continued operation of existing mining activities within the County as well as new mining in appropriate areas, subject to each operator meeting all applicable safety and environmental laws, regulations, and County policies. (New Policy)

Consistent. There is an existing trona mining operation, Lake Minerals Corporation, located at the southern end of Owens Lake, adjacent to the brine pool. Trona mining is sensitive to fluctuations in the brine pool elevation. If the pool level rises, the mining operation must include construction of temporary berms composed of mined trona to prevent intrusion by the brine pool. A reduction in the brine pool would reduce brine concentrations in the mined material, making excavation and hauling easier. The overall amount of water discharged to the Delta Habitat Area would be reduced under the proposed project. As such, less water would reach the brine pool, and no adverse effect would occur to the mining operation.

Circulation Element

Prioritize Maintenance, Rehabilitation, and Reconstruction Policy RH-1.1: Prioritize improvements based on the premise that maintenance, rehabilitation, and reconstruction of the existing highway and roadway system to protect public safety have the highest consideration on available funds. (Policy 11, Revised)

Consistent. There is potential for localized overbank flooding that could affect public roads that cross the river. The County shall monitor public road crossings along the river during seasonal habitat flows each year that they occur to determine the potential for debris plugs to form at road crossings, and remove obstructive debris as necessary to prevent flooding of the roads. This action under the LORP would be consistent with the above policy.

Conservation/Open Space Element

Soil Conservation for Agriculture Policy S-1.1: Encourage the conservation of agricultural soils to provide a base for agricultural productivity and the County’s economy. (Modified Policy)

Sustainable Agriculture Policy AG-1.8: *Promote sustainable agricultural activities to lessen environmental impacts, such as:*

- *Manage lands on a sustainable yield basis,*
- *Encourage the use of reclaimed water for agricultural use where feasible, and/or be more efficient with irrigation water to conserve potable water, and*
- *Rotate crop production to conserve soil characteristics. (Conservation and OS Element - N. - Modified Policy 2)*

Consistent. The LORP includes land management plans for seven grazing/agricultural leases within the LORP project area. The proposed management actions will maintain the long-term productivity of the rangelands by managing grazing intensity with forage utilization rates, providing supplemental water sources for livestock, and protecting riparian habitats with riparian exclosures. Hence, the LORP will conserve and enhance agricultural productivity, and would be consistent with the above policies.

Soil Erosion Policy S-2.1: *Minimize soil erosion from wind and water related to new development. (New Policy)*

Consistent. Based on Ecosystem Sciences' hydraulic modeling analysis for the LORP, the proposed new flows in the Lower Owens River are not expected to cause bank erosion, channel degradation, and/or sediment deposition.

Continue Agricultural Production Policy AG-1.2: *Support and encourage continued agricultural production activities in the County. (New Policy)*

Public Lands for Agriculture Policy AG-1.6: *Support the continued use and expansion of public lands for agricultural operations. (Conservation and OS Element - N. - Modified Policy 3)*

Consistent. One of the goals of the LORP is to provide for the continuation of sustainable uses in the Owens Valley, including livestock grazing and agriculture. The proposed land management plans will increase the productivity of current agricultural operations in the valley, and provide for sustainable uses. Hence, the LORP is consistent with the above policies.

Maintain Accessibility Policy MER-1.5: *Ensure that extractive resource areas are protected from incompatible development that could interfere with extractive operations, now or in the future. (Conservation and OS Element - B. - Modified Policy 20)*

Consistent. There is an existing trona mining operation, Lake Minerals Corporation, located at the southern end of Owens Lake, adjacent to the brine pool. Trona mining is sensitive to fluctuations in the brine pool elevation. If the pool level rises, the mining operation must include construction of temporary berms composed of mined trona to prevent intrusion by the brine pool. A reduction in the brine pool would reduce brine concentrations in the mined material, making excavation and hauling easier. The overall amount of water discharged to the Delta Habitat Area would be reduced under the proposed project. As such, less water would reach the brine pool, and no adverse effect would occur to the mining operation.

Restoration Policy WR-2.1: *Encourage and support the restoration of degraded water resources, such as the Owens River. (Conservation & OS Element – B. - Modified Policy 1; K. - Modified Policy 6, Modified Policy 10)*

Consistent. Existing water quality in portions of the Lower Owens River is poor, primarily due to low flow. The LORP will restore the Lower Owens River, resulting in improved water quality over time due

to greater flows and the restoration of many natural riverine processes which result in high quality water (e.g., high dissolved oxygen, low temperatures). Hence, the LORP is consistent with this policy.

Preservation of Riparian Habitat and Wetlands Policy BIO-1.2: Important riparian areas and wetlands, as identified by the County, shall be preserved and protected for biological resource values. (New Policy)

Restoration of Biodiversity Policy BIO-1.3: Encourage the restoration of degraded biological communities. (Conservation & OS Element – P. - Modified Policy 2)

Consistent. The biological resources along the Lower Owens River are highly degraded from the River Intake to the Owens River Delta due to past diversions and the lack of seasonal flooding flows that cause periodic, natural riparian disturbances. The LORP will restore flows to a portion of the Lower Owens River where flows have been diverted and reduced since 1913. It will create and sustain healthy and diverse riparian and aquatic habitats along the river. Existing and newly created riparian and wetland areas along the river, as well as Blackrock Waterfowl Area and at the Delta Habitat Area, will be maintained and/or enhanced under the LORP. Hence, the LORP would be consistent with the above policies.

Owens River Restoration Policy BIO-1.8: The County will work with the LADWP and regulatory agencies to complete the restoration of habitat values along the historic Owens River channel as mitigation for degradation done with water export activities. This policy shall apply to the portion of the Owens River identified as the Lower Owens River Project. (New Policy)

Consistent. The County is actively working with LADWP and resource agencies such as the California Department of Fish and Game to implement the MOU, as required under the 1991 Inyo County/Los Angeles Long Term Agreement and MOU. The restoration of the Lower Owens River will provide the required mitigation for degradation of the Owens River due to LADWP water exports.

Appropriate Access for Recreation Policy BIO-2.2: Encourage appropriate access to resource-managed lands. (Conservation and OS Element – B. - Modified Policy 11; P. – Modified Policy 1)

Consistent. The implementation of the LORP will not restrict public access to lands within the LORP project area.

Hunting and Fishing Policy BIO-2.3: Promote hunting and fishing activities within the County pursuant to appropriate regulations of the California Fish & Game Code. (New Policy)

Consistent. The anticipated enhancement of the warmwater game fishery in the river will improve the fishing experience and attract more anglers to the lower valley. Also, the increased riparian cover and increase in the amount and variety of habitats along the river and portions of the Delta could improve duck and deer hunting conditions. Hence, the LORP will provide an incentive to promote hunting and fishing in the Owens Valley.

Nature as Education Policy BIO-2.4: Provide and support passive recreational opportunities and interpretive education in the natural environment. (New Policy)

Consistent. The LORP will increase the amount and variety of various aquatic, wetland, and riparian habitats along the Lower Owens River. The enhanced and expanded habitats would expand and improve passive recreational opportunities and provide for environmental education opportunities. Hence, the LORP would be consistent with this policy.

Protection of Cultural Resources Policy CUL-1.3: Preserve and protect key resources that have contributed to the social, political, and economic history and prehistory of the area, unless overriding circumstances are warranted. (Conservation and OS Element – L. – Modified Policy 1)

Consistent. Cultural resources inventories were prepared for the EIR/EIS, which included records searches and literature reviews; pedestrian surveys of the Area of Potential Effect (APE); recordation of both newly documented and previously recorded resources; National Register of Historic Places (NRHP) site evaluations; and development of management recommendations for those sites deemed eligible for the NRHP. Based on these investigations, no adverse impacts to cultural resources are expected.

Native American Consultation Policy CUL-1.5: The County and private organizations shall work with appropriate Native American groups when potential Native American resources could be affected by development proposals. (New Policy)

Consistent. LADWP and EPA have contacted Native American tribes in the Owens Valley to elicit comments and concerns about the LORP. EPA also conducted follow-up consultations with the Native American tribal groups. Hence, the LORP is consistent with this policy.

Natural Environment as Recreation Policy REC-1.1: Encourage the use of the natural environment for passive recreational opportunities. (Conservation & OS Element – B. – Modified Policy 11; P. – Modified Policy 1)

Consistent. The LORP would increase the opportunities for passive outdoor recreation such as hiking, nature photography, and birdwatching. Hence, the LORP would be consistent with this policy.

Recreational Opportunities on Federal, State, and LADWP Lands Policy REC-1.2: Encourage the continued management of existing recreational areas and open space, and appropriate expansion of new recreational opportunities on federal, state, and LADWP lands. (New Policy)

Consistent. The proposed project does not include any changes to existing recreational uses. With the exception of new signage, the project does not include construction of new recreational facilities, including roads, trails, or campgrounds. However, the LORP will provide new recreational opportunities over time due to enhanced natural resources, including game fisheries, waterfowl habitat, and a well-developed riparian corridor. If adverse impacts or threats to resources from recreational uses are observed, LADWP will implement the recreation management strategies described in Section 2.9.

Public Safety Element

Regulations to Reduce PM10 Policy AQ-1.1: Support the implementation of the State Implementation Plan and agreement between the Great Basin Unified Air Pollution Control District (GBUAPCD) and the LADWP to reduce PM10. (New Policy)

Attainment Programs Policy AQ-1.2: Participate in the GBUAPCD attainment programs. (New Policy)

Consistent. The State and EPA have designated the southern Owens Valley where the LORP is located as non-attainment for the state and federal 24-hour average PM10 standards. Wind-blown dust from the dry lakebed of Owens Lake is the primary cause of the PM10 violations. Air quality is considered excellent for all criteria pollutants with the exception of PM10. Mitigation measures will be implemented to minimize dust/PM10 emissions resulting from LORP construction activities, which will support the State Implementation Plan. Hence, the LORP would be consistent with the above policies.

Dust Suppression During Construction Policy AQ-1.3: Require dust-suppression measures for grading activities. (New Policy)

Consistent. Dust suppression measures, including the use of water trucks or sprinkler systems, shall be implemented to minimize fugitive dust and PM10 emissions during LORP construction. Hence, the LORP would be consistent with this policy.

Channelization Policy FLD-1.4: The natural condition of watercourses is to be maintained whenever feasible. The County shall discourage the channelization of watercourses unless necessary for the protection of public safety. If alterations of a watercourse are found to be necessary, the alterations shall be engineered to preserve or restore the natural characteristics of the watercourse to the greatest extent possible. (Safety Element – C. – Modified Policy 5)

Consistent. Physical “alterations” of the existing conditions along the Lower Owens River have been deemed necessary by the Agreement, which committed LADWP and the County to implement the LORP. The alterations (i.e., increased flows to the river) are designed to restore the natural characteristics of the river to the greatest extent possible. Hence, the LORP would be consistent with this policy.