

# North Haiwee Dam No. 2 Project

## Final Environmental Impact Report/ Environmental Assessment

**SCH No. 2014101065**

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# 1 Introduction

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This document is the Final Environmental Impact Report/Environmental Assessment (EIR/EA) for the North Haiwee Dam No. 2 Project (Proposed Project). The Final EIR/EA is an informational document that has been jointly prepared by the Los Angeles Department of Water and Power (LADWP), the lead agency under the California Environmental Quality Act (CEQA), and the U.S. Bureau of Land Management (BLM), the lead agency under the National Environmental Policy Act (NEPA). LADWP is identified as the lead agency for the Proposed Project under CEQA for its direct undertaking of governmental action (CEQA Guidelines Section 15002[b]). BLM is identified as the lead agency for the Proposed Project under NEPA for the approval to construct on federal land.

According to the CEQA Guidelines (Section 15132), a Final EIR must consist of the following elements:

- Draft EIR or a revision of that draft
- Comments and recommendations received on the Draft EIR either verbatim or in summary
- A list of persons, organizations, and public agencies that commented on the Draft EIR
- Responses of the Lead Agency to significant environmental points raised in the review and consultation process
- Any other information added by the Lead Agency

Under NEPA, and specifically the *BLM National Environmental Policy Act Handbook H-1790-1*, the EA does not have a draft and final component. Rather, the EA is issued for review and the comments received, and a response to those comments, are considered prior to BLM making a decision either to undergo further environmental review, or to make a Finding of No Significant Impact (FONSI).

This Final EIR/EA contains comments and responses to comments received on the Draft EIR/EA, which was circulated for a 45-day public comment period from September 21, 2017 to November 6, 2017. This document serves to complete the environmental document processes required by both CEQA and NEPA and includes the following information:

**Chapter 1.0 (Introduction and Summary)** provides a description of the organization of the Final EIR/EA, a summary of the Proposed Project, and an overview of the environmental review processes consistent with statutory laws and regulations.

**Chapter 2.0 (Clarifications and Modifications)** provides clarifications and minor modifications that were made to the text of the Draft EIR/EA. Clarifications and modifications reflect changes as a result of comments made by agencies or individuals during the public review period, and do not constitute significant new information or change any of the conclusions of the document.

**Chapter 3.0 (Responses to Comments on the Draft EIR/EA)** provides a list of agencies, organizations, and individuals commenting on the Draft EIR/EA, copies of the written and oral comments received during the Draft EIR/EA public comment period, and responses to those comments put forth by LADWP and BLM.

**Appendix A - Mitigation Monitoring and Reporting Program** includes the Mitigation Monitoring and Reporting Program (MMRP) required by Section 15097 of the CEQA Guidelines and 40 Code of Federal Regulations 1505.2 (c).

## **1.1 Project Summary and Overview**

LADWP, in cooperation with BLM, proposes to improve the seismic reliability of North Haiwee Reservoir (NHR), which is located in the Owens Valley in Inyo County, California, approximately 150 miles north of Los Angeles. LADWP owns and operates North Haiwee Dam (existing Dam or NHD), an existing earthfill dam constructed in 1913. NHD and NHR are essential components of the Los Angeles Aqueduct (LAA) system, which transports water from the Owens Valley to the City. The LAA provides approximately 35 percent of the annual average water supply for the City. Should NHD fail, this portion of the City's water supply would be cut off at the Owens Valley.

Therefore, LADWP is proposing the North Haiwee Dam No. 2 Project, which includes the construction of North Haiwee Dam No. 2 (new Dam or NHD2) to the north of the existing Dam to improve the seismic reliability of NHR in the event NHD is damaged by an earthquake event, thereby ensuring public health and safety. Construction of NHD2 would require the realignment of a portion of the existing Cactus Flats Road, and the realignment of a portion of the LAA. Once NHD2 is constructed, LADWP would construct a diversion channel and a notch in NHD, along with other improvements to NHD and the area to the north of the existing Dam, in order to utilize the area between NHD2 and NHD as a basin.

### **1.1.1 Project Site**

The Project Site is defined as the primary construction area that encompasses the existing infrastructure that would be modified and the new infrastructure that would be constructed as part of the Proposed Project. The proposed NHD2, Cactus Flats Road Realignment, and the diversion channel and NHD modifications would be located on LADWP property. A portion of the LAA Realignment would be located on BLM-managed lands. The Project Site is bordered on the south by NHR, on the east by undeveloped LADWP-owned property, on the north by the privately owned Butterworth Ranch, and on the west by undeveloped BLM public lands. The Project Site does not include the existing mine in Keeler, which is approximately 20 miles northeast of the Project Site and would only be used as a point of purchase for materials.

### **1.1.2 Proposed Project Background**

LADWP supplied approximately 197 billion gallons (604,570 acre feet) of water annually to the City's 676,000 residential and business services over the five-year period from 2007 to 2011 (LADWP, 2015). The dependability of the water supply has significantly contributed towards the tremendous growth and development of Los Angeles. While conservation efforts reduce water demand, the increasing population of the City has led to an increase in aggregate water demand. Southern California's growing economy, ideal location, and climate induces a constant influx of new residents, adding to the increasing demand for water. The City's population is estimated to grow to more than 4.4 million people, and water demand to increase to 711,000 acre feet by the year 2035 (LADWP, 2011). Therefore, a new dam that provides seismic reliability and ensures the continuing function of the LAA system is pertinent to maintaining adequate water supplies to the City.

LADWP conducted a seismic stability evaluation of NHD and concluded that the existing Dam could experience structural failure in the event of a Controlling Maximum Credible Earthquake (MCE) scenario. The MCE is the largest earthquake that could possibly occur at a fault, based on the characteristics of that particular earthquake fault. The seismic stability evaluation identified two MCE scenarios for the analysis: a 7.5 event on the Haiwee segment of the Sierra Nevada Fault Zone, located 2.8 miles (4.5 km) from NHD; and a 6.5 event on an unnamed fault 0.3 miles (0.5 km) east of NHD. During a MCE scenario, extensive liquefaction would occur in

the foundation of NHD, causing the crest of the existing Dam to settle up to nine feet. This would result in an uncontrollable release of water from NHR, thereby creating a flooding and safety hazard to the residents of the Owens Valley. Subsequent to the flooding event, LADWP would be prevented from transporting water along the LAA from the Owens Valley to the City, thus severing a major water supply for the City. Therefore, LADWP recommended that remedial construction work be performed at NHD to improve its seismic reliability.

Based on this evaluation, the California Department of Water Resources (DWR), Division of Safety of Dams (DSOD), conducted an independent seismic stability review of NHD and concurred with LADWP's assessment. Subsequently, DSOD has directed LADWP to operate NHR at a restricted maximum surface water elevation of 3,757.5 feet, instead of the previous unassisted (without flashboards at Merritt Cut) maximum elevation of up to 3,760 feet, in order to prevent an uncontrolled release of water and flooding in the event of dam failure resulting from an MCE. These restrictions placed on operations of NHR provide a narrow range of elevations that meet the requirements of DSOD while still allowing the LAA system to operate effectively. In order to resume operations of NHR of up to 3,760 feet, LADWP needs to comply with DSOD requirements to improve the seismic reliability of NHR, and has been in coordination with DSOD regarding continuous progress on seismic improvements.

### **1.1.3 Summary of the Proposed Project**

The fundamental purpose of the Proposed Project is to improve the seismic reliability of NHR through construction of a new dam, NHD2, to the north of NHD, in order to maintain the function of an essential water conveyance infrastructure component for the City, as well as to protect local populations from a hazardous flooding event. The proposed NHD2 would serve to improve the seismic reliability of NHR in the event the existing Dam is damaged or breached by an earthquake event, thereby ensuring public health and safety and securing the City's water source.

The following are the objectives of the Proposed Project:

- Preventing an uncontrolled release of water from NHR when NHD is subjected to an MCE event, thereby ensuring public safety;
- Complying with DSOD mandates for action to improve the seismic reliability of NHR;
- Maintaining a reliable water supply to the City;
- Meeting the operational needs of NHR and the LAA; and
- Providing minimal disruption to reservoir operations during construction.

This EIR/EA includes the evaluation of two Build Alternatives, the Cement Deep Soil Mixing (CDSM) Alternative and the Excavate and Recompact Alternative, and the No Project Alternative. The CDSM Alternative is the Preferred Alternative under CEQA. Both of the Build Alternatives consist of the following four components:

- 1) Construction of NHD2 components, including construction of NHD2, east and west berms, grading the area between NHD and NHD2 for the basin, and purchase of materials (riprap, gravel, sand) from the existing mine in Keeler;
- 2) Realignment of Cactus Flats Road;
- 3) Realignment of the LAA, which includes excavation of various materials (gravel and sand) in the LAA Excavation Area for the construction of NHD2, and construction of the diversion structure and temporary bridge; and

4) Construction of the diversion channel and NHD modifications.

The differentiating component between the two Build Alternatives is the method of construction of the foundation of NHD2, which affects the timeline and construction efforts of the NHD2 components.

### **1.1.4 Alternatives to the Proposed Project**

In accordance with the CEQA guidelines, alternatives to the Proposed Project have been considered to foster informed decision making and public participation. Section 15126.6(a) of the CEQA Guidelines requires that “an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” Under NEPA (specifically BLM’s NEPA Handbook H-1790-1), an EA must briefly describe the alternatives to the proposed action, if any, considered. The alternatives to the Proposed Project are discussed in the Draft EIR/EA, including the following:

- No Project Alternative
- CDSM Alternative
- Excavate and Recompact Alternative

In addition to the Proposed Project, LADWP considered and withdrew from further analysis four alternatives for retrofitting, replacing, or otherwise providing seismic backup for NHD. Alternatives for the realignment of the LAA, including the associated excavation for the LAA Realignment, are not included in the Draft EIR/EA because NHD2 could not be constructed without this Project component, and would not meet the project objectives. Of the two build alternatives, the CDSM Alternative is the environmentally-superior alternative that meets the project objectives.

### **1.1.5 BLM Actions**

Actions associated with the LAA Realignment, which occur partially on BLM-managed lands, trigger the need for environmental review with BLM as the NEPA lead agency. The specific federal actions subject to BLM’s review and approval for the Proposed Project include the approval of a right-of-way (ROW) grant for the proposed LAA Realignment, associated use of materials from the LAA Excavation Area and of the staging area to the east of the LAA Realignment; and approval of a ROW grant for the proposed access routes. Table 1-1 describes the Proposed Project components that would be approved through BLM permits.



**TABLE 1-1  
 DESCRIPTION OF BLM ACTIONS**

Permits	Description
Right-of-Way Grant	Approval for LADWP to construct and operate 1,440 linear feet of the LAA Realignment, including the diversion structure and bridge, on BLM-managed land
	Approval for LADWP to extract earth for use as fill materials from an approximately 13.7 acre site (LAA Excavation Area) surrounding the LAA Realignment
	Approval for LADWP to use the area to the east of the LAA Realignment for grading and staging during construction of the LAA Realignment
Right-of-Way Grant	Approval for LADWP to improve existing roads; construct new roads; use existing roads for construction, including haul routes; and for access during Proposed Project operation

Note: This table refers to Table 1-3 on page 1-17 of the Draft EIR/EA.

## 1.2 CEQA/NEPA Environmental Review Process

CEQA requires preparation of an EIR when there is substantial evidence supporting a fair argument that a proposed project may have a significant effect on the environment. The purpose of an EIR is to provide decision makers, public agencies, and the general public with an objective and informational document that fully discloses the environmental effects of the proposed project. The EIR process is intended to facilitate the objective evaluation of potentially feasible mitigation measures and alternatives that would reduce or avoid the proposed project's significant effects. In addition, CEQA specifically requires that an EIR identify those adverse impacts determined to be significant after mitigation.

NEPA requires the preparation of an EA when an agency's regulations do not plainly require the preparation of an Environmental Impact Statement (EIS) for a particular type of project. If the agency's analysis determines that the action, with or without mitigation measures, will not have a significant effect on the environment, then the agency may issue a Finding of No Significant Impact (FONSI) in lieu of preparing an EIS (40 CFR Parts 1501.4 and 1508.9). In accordance with BLM's NEPA Handbook H-1790-1, an EA must briefly describe the alternative and proposed alternatives to be considered, and select the best alternative. In addition, NEPA requires some form of public involvement in the preparation of an EA.

### 1.2.1 Notice of Preparation and Initial Study

On October 30, 2014, LADWP issued a Notice of Preparation (NOP) of the Draft EIR/EA, including a CEQA Initial Study (IS), announcing that LADWP and BLM were cooperating to prepare an environmental document for the Proposed Project. The NOP was sent to approximately 81 federal and state agencies, organizations, and interested parties, and in consultation with Native American tribes. In addition, a mailer containing information about the scoping meeting was sent to approximately 260 federal and state agencies, organizations, stakeholders, and property owners within two miles of the Project Site and within one mile of the nine initially proposed borrow sites included in the IS. The purpose of the NOP was to provide notification that LADWP, with cooperation from BLM, planned to prepare an EIR/EA for the Proposed Project and to solicit input on the scope and content of the EIR/EA.

During the 45-day public comment period, LADWP conducted a public scoping meeting on November 19, 2014, at Statham Hall (Lone Pine Senior Center) at 138 Jackson Street in Lone Pine, California. Information regarding the scoping meeting was included in the NOP, which was widely distributed, as described above. The purpose of the scoping meeting was to inform the public about the Proposed Project; describe the purpose and need of the Proposed Project; provide information regarding the environmental review process; and gather public input

regarding the scope and content of the Draft EIR/EA. Written and verbal comments on the Proposed Project were collected at this meeting.

In response to the NOP, seven written comment letters were received. These comment letters, along with the comments received during the scoping meeting, were considered by the lead agencies in determining the scope of the issues to be addressed in the Draft EIR/EA. These comments and the NOP are included in Appendix A of the Draft EIR/EA.

## **1.2.2 Notice of Availability and Draft EIR/EA**

The Draft EIR/EA was circulated for a 45-day public comment period starting on September 21, 2017, and concluding on November 6, 2017. The purpose of the public comment period was to provide interested public agencies, organizations, and individuals the opportunity to comment on the contents and accuracy of the document. The Draft EIR/EA and the Notice of Completion were distributed to the California Office of Planning and Research, State Clearinghouse. A Notice of Availability (NOA) was distributed to 92 relevant legislators, agencies, and community stakeholders, tribal groups, and over 210 individuals. The NOA and BLM ePlanning website (<https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=89402&dctmId=0b0003e880fa67a6>) announced the availability of the Draft EIR/EA, stating where the document could be reviewed; the dates of the comment period; the deadline for receiving written comments; and the time, place, and date of the planned public meeting. Copies of the Draft EIR were made available to the public for review at LADWP's Headquarters (John Ferraro Building) in Los Angeles, LADWP's Bishop Office, Lone Pine Library, and the BLM office in Ridgecrest. A copy of the document was also posted on LADWP's and BLM's websites. The NOA of the Draft EIR/EA was published in the Inyo Register on September 21, 2017, and September 26, 2017.

A public meeting was held during the Draft EIR/EA public comment period to solicit comments from interested parties on the content of the Draft EIR/EA. Information regarding the public meeting was included in the NOA, which was widely distributed, as described above. The meeting was held on October 11, 2017, at Statham Hall in Lone Pine, California. Opportunity was provided for the public to make comments and ask questions about the project, and answers to questions were provided by project representatives from LADWP and BLM. A total of five individuals attended the Draft EIR/EA public meeting.

## **1.2.3 Final EIR/EA**

This Final EIR/EA contains comments and responses to comments received on the Draft EIR/EA. Revisions and clarifications made in response to comments and information received on the Draft EIR/EA are listed in Chapter 2, Clarifications and Modifications. The comments and responses to comments are presented in Chapter 3, Responses to Comments on the Draft EIR/EA.

## **CEQA EIR**

Prior to approval of the Proposed Project or an alternative to the Proposed Project, the LADWP Board of Water and Power Commissioners (Board), as the CEQA lead agency for the Project, is required to certify that the EIR portion of the joint document has been completed in accordance with CEQA; that the EIR reflects the independent judgment of the lead agency; and that the information in this EIR has been considered during the review of the project. CEQA also requires the Board to adopt "findings" with respect to each significant environmental effect identified in the EIR (Cal. Pub. Res. Code Section 21081; Cal. Code Regs., Title 14, Section 15091). For each significant effect, CEQA requires the approving agency to make one or more of the following findings:

- Changes or alterations to the Project have been made to avoid or substantially lessen significant impacts identified in the Final EIR.
- The responsibility to carry out such changes or alterations is under the jurisdiction of another agency and has been adopted by such other agency, or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the Final EIR.

If the Board concludes that the Proposed Project or an alternative to the Proposed Project would result in significant effects that have been identified in this EIR but are not substantially lessened or avoided by feasible mitigation measures and/or alternatives, it must adopt a “statement of overriding considerations” in order to approve the Project (Cal. Pub. Res. Code Section 21081 [b]). Such statements are intended under CEQA to provide a means by which the lead agency balances, in writing, the benefits of the Proposed Project with the significant and unavoidable environmental impacts. Where the lead agency concludes that the economic, legal, social, technological, or other benefits outweigh the unavoidable environmental impacts, the lead agency may find such impacts “acceptable” and approve the Proposed Project.

In addition, the Board must also adopt a Mitigation Monitoring and Reporting Program describing the changes that were incorporated into the Project or made a condition of approval in order to mitigate or avoid significant effects on the environment (Cal. Pub. Res. Code Section 21081.6). The Mitigation Monitoring and Reporting Program is adopted at the time of Project approval and is designed to ensure compliance during Project implementation. Upon approval of the Proposed Project or an alternative to the Proposed Project, the lead agency will be responsible for implementation of the Mitigation Monitoring and Reporting Program.

Should the Board approve the North Haiwee Dam No. 2 Project, it will fill a Notice of Determination (NOD) with the Los Angeles and Inyo County Clerks and the State Clearinghouse. The filing of the NOD completes the CEQA environmental review process.

## **NEPA EA**

Upon filing the NOD, LADWP would forward materials documenting its action to BLM, the NEPA lead agency, who would then consider a decision on the proposed action. In this case, the decision is to issue ROW grants for the LAA Realignment and access routes. The NEPA environmental process is completed with preparation of a FONSI and Decision Record that is signed by BLM.

## **1.3 Other Necessary Decisions**

Implementation of the Proposed Project would require a number of permits and agency approvals under local, state, and federal laws. Agencies with potential permit and approval authority include:

- Advisory Council on Historic Preservation
- U.S. Fish and Wildlife Service
- Department of Safety of Dams
- California Department of Fish and Wildlife
- California Department of Transportation
- California State Historic Preservation Officer

- State Water Resources Control Board
- Inyo County Planning Department and Planning Commission
- Inyo County Department of Public Works
- Inyo County Environmental Health Services
- Lahontan Regional Water Resources Quality Control Board

## 2 Clarifications and Modifications

The following clarifications and minor modifications are intended to update the Draft EIR/EA in response to the comments received during the public review period. The following clarifications and modifications also show revisions made to convert the Draft EIR/EA into this Final EIR/EA: a single document that encompasses the final impact analysis for the Proposed Project. None of these revisions made to the Draft EIR/EA have resulted in new significant impacts, nor has the severity of an impact increased. None of the criteria for recirculation have been met.

The changes to the Draft EIR/EA are listed by section, page number, or paragraph number, as applicable. Text which has been removed is shown with a ~~strikethrough~~ line, while text that has been added is shown underlined, as shown herein.

Page      Clarification/Revision

ES-9      *Due to project refinements, the construction schedule for the CDSM Alternative and Excavate and Recompect Alternative has been updated to reflect a more accurate start date. As such, the paragraph under Section ES.6, Project Construction, on this page is modified as follows:*

Construction of the Proposed Project would commence in ~~February~~October 2018. The CDSM Alternative is expected to last approximately five ~~and a half~~ years, ending in ~~August~~December 2023, and the Excavate and Recompect Alternative is expected to last approximately six ~~and a half~~ years, ending in ~~February~~June 2024. Construction of the Proposed Project would occur in four phases.

ES-15      *An editorial change has been made to the CEQA Significance Determination for BIO-7, listed in Table ES-1, which was incorrectly listed as “No Impact” in this table instead of “Less than Significant.” The impact determination itself has not changed. As such, the first row of Table ES-1 on this page is modified as follows:*

BIO-7: Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state conservation plans?	No Impact <u>Less than Significant</u>	No Impact <u>Less than Significant</u>	No mitigation measures are required.	Not applicable	Not applicable
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ES-20      *An editorial change has been made to correct the CEQA Significance Determination for LUP-3, listed in Table ES-1, which was incorrectly listed as “No Impact” in this table instead of “Less than Significant.” The impact determination itself has not changed. As such, the third row under Land Use and Planning of Table ES-1 on this page is modified as follows:*

LUP-3: Would the project conflict with any applicable habitat conservation plan or natural community conservation plan	No Impact <u>Less than Significant</u>	No Impact <u>Less than Significant</u>	No mitigation measures are required.	Not applicable	Not applicable
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<u>Page</u>	<u>Clarification/Revision</u>
ES-25	<p><i>In response to Comment 1-1, the mitigation measure for TT-2, listed in Table ES-1 of the Executive Summary, has been modified. As such, Mitigation Measure TT-A under “Transportation and Traffic” on this page is modified as follows:</i></p> <p><del>TT-A: Place a flagman at the intersection of US-395 and Cactus Flats Road for nine months during hauling of materials from the existing mine in Keeler</del> <u>Restripe intersection of US-395 at Cactus Flats Road to provide a dedicated southbound left turn lane.</u></p>
1-13	<p><i>In response to Comment 1-1, the permits and approvals for the California Department of Transportation (Caltrans) listed in Table 1-2 of Chapter 1 have been modified. As such, the fifth line in the second column under “State” in Table 1-2 on this page is modified as follows:</i></p> <p>Potential coordination/permits on (US-395) for <del>traffic control, if required</del> <u>restriping the intersection of US-395 at Cactus Flats Road to provide a dedicated southbound left turn lane</u></p>
2-6	<p><i>An editorial change has been made to remove duplicate sentences in the first paragraph on page 2-6 due to similar sentences appearing in the last paragraph on page 2-2. The paragraph on page 2-6 is deleted as follows:</i></p> <p><del>The existing Cactus Flats Road would remain in place and would be demolished where the new Dam and basin would be located. The remaining portions of the existing road would be retained by LADWP to provide access to the dam structures.</del></p>
2-14	<p><i>Due to project refinements, the construction schedule for the CDSM Alternative and Excavate and Recompect Alternative has been updated to reflect a more accurate start date. As such, the first and second sentences on this page are modified as follows:</i></p> <p>Construction of the Proposed Project would commence in <del>February</del><u>October</u> 2018. The CDSM Alternative is expected to last approximately five <del>and a half</del> years, ending in <del>August</del><u>December</u> 2023, and the Excavate and Recompect Alternative is expected to last approximately six <del>and half</del> years, ending in <del>February</del><u>June</u> 2024.</p>
2-15	<p><i>Due to project refinements, the construction schedule for the CDSM Alternative and Excavate and Recompect Alternative has been updated to reflect a more accurate start date. As such, Figure 2-7, Construction Schedule by Alternative, is modified on the following page:</i></p>

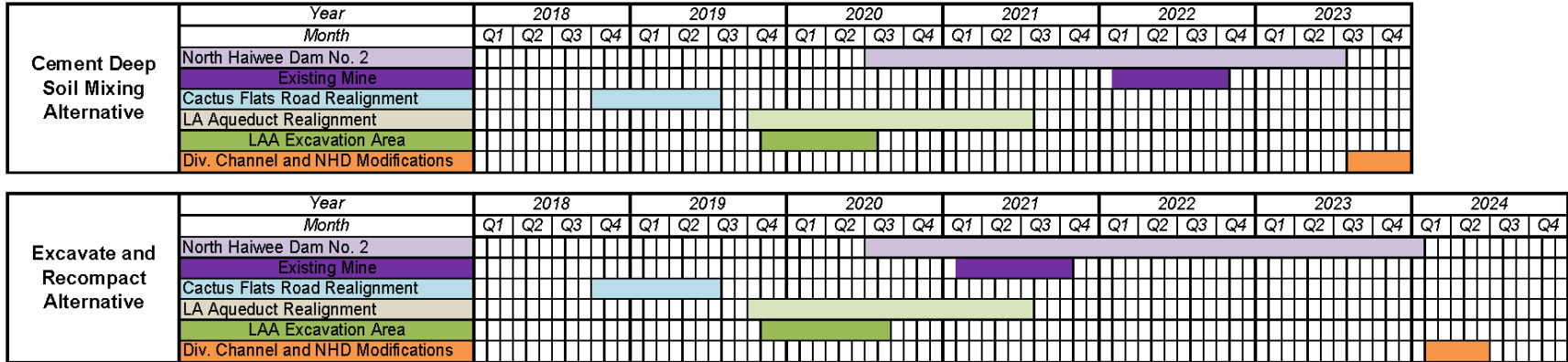


Figure 2-7 Construction Schedule by Alternative

- | <u>Page</u> | <u>Clarification/Revision</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| 2-16        | <p><i>Due to project refinements, the construction schedule for the CDSM Alternative and Excavate and Recompact Alternative has been updated to reflect a more accurate start date. As such, the first complete sentence on this page is modified as follows:</i></p> <p>The proposed construction of the Cactus Flats Road Realignment is expected to occur Monday through Friday, 6:30 a.m. to 4:30 p.m. beginning in <del>February</del><u>October</u> 2018 and would last approximately ten months, ending in <del>November 2018</del><u>July 2019</u>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 2-16        | <p><i>Due to project refinements, the construction schedule for the CDSM Alternative and Excavate and Recompact Alternative has been updated to reflect a more accurate start date. As such, the last three paragraphs under Phase 2 – LAA Realignment on this page is modified as follows:</i></p> <p>Under the CDSM Alternative, excavation for the LAA Excavation Area would occur over a nine month period, from <del>July</del><u>November</u> 2019 through <del>March</del><u>July</u> 2020, and would occur Monday through Saturday.</p> <p>Under the Excavate and Recompact Alternative, excavation for the LAA Excavation Area would occur over a ten month period, from <del>July</del><u>November</u> 2019 through <del>April</del><u>August</u> 2020, and would occur Monday through Saturday.</p> <p>Once the LAA Realignment channel is excavated, reinforcing steel and concrete forms would be placed along the channel and concrete would be poured. In addition, a diversion structure and an attached bridge would be constructed along the eastern side of the LAA Realignment, between the existing Dam and the proposed location of NHD2. The diversion structure would allow water to be diverted from the LAA Realignment to the area between NHD and NHD2, and would likely utilize a roller gate or other similarly functioning structure. Once the LAA Realignment is constructed, the flow of water through the existing LAA would be halted temporarily, in order to connect the LAA Realignment to the existing LAA, and the obsolete LAA segment would be demolished and backfilled. The construction of the LAA Realignment is expected to occur Monday through Saturday, beginning in <del>June</del><u>October</u> 2019, and would last approximately 22 months, ending in <del>March</del><u>July</u> 2021. Figure 2-4 above shows the details of the LAA Realignment.</p> |
| 2-16        | <p><i>Due to project refinements, the construction schedule for the CDSM Alternative and Excavate and Recompact Alternative has been updated to reflect a more accurate start date. As such, first sentence in the paragraph under CDSM Alternative on this page is modified as follows:</i></p> <p>The construction of NHD2 under the CDSM Alternative is expected to occur Monday through Saturday, beginning in <del>March</del><u>July</u> 2020, and would last approximately 37 months, ending in <del>March</del><u>July</u> 2023.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |



<u>Page</u>	<u>Clarification/Revision</u>
2-19	<p><i>Due to project refinements, the construction schedule for the CDSM Alternative and Excavate and Recompect Alternative has been updated to reflect a more accurate start date. As such, the first sentence in the paragraph under Excavate and Recompect Alternative on this page is modified as follows:</i></p> <p>The construction of NHD2 under the Excavate and Recompect Alternative is expected to occur Monday through Saturday, beginning in <del>March</del><u>July</u> 2020, and would last approximately 43 months, ending in <del>September 2023</del><u>January 2024</u>.</p>
2-20	<p><i>Due to project refinements, the construction schedule for the CDSM Alternative and Excavate and Recompect Alternative has been updated to reflect a more accurate start date. As such, the second sentence in the paragraph under CDSM Alternative and the second sentence in the paragraph under Excavate and Recompect Alternative on this page is modified as follows:</i></p> <p><i>CDSM Alternative</i></p> <p>No excavation is proposed at the existing mine in Keeler; however, purchase of materials at the existing mine would occur. Purchase and hauling of materials from the existing mine would occur over a nine month period, from <del>October 2024</del><u>February 2022</u> through <del>June</del><u>October</u> 2022, and would occur Monday through Friday.</p> <p><i>Excavate and Recompect Alternative</i></p> <p>No excavation is proposed at the existing mine in Keeler; however, purchase of materials at the existing mine would occur. Purchase and hauling of materials from the existing mine would occur over a nine month period, from <del>October 2020</del><u>February 2021</u> through <del>June</del><u>October</u> 2021, and would occur Monday through Friday.</p>
2-20	<p><i>Due to project refinements, the construction schedule for the CDSM Alternative and Excavate and Recompect Alternative has been updated to reflect a more accurate start date. As such, the last two sentences in the paragraph under Phase 4- Diversion Channel and NHD Modifications on this page is modified as follows:</i></p> <p>Under the CDSM Alternative, construction would begin in <del>April</del><u>August</u> 2023 and end in <del>July</del><u>November</u> 2023. Under the Excavate and Recompect Alternative, construction would begin in <del>October 2023</del><u>February 2024</u> and end in <del>January</del><u>May</u> 2024, due to the different NHD2 construction schedules for each of the Build Alternatives.</p>
2-21	<p><i>Due to project refinements, the construction schedule for the CDSM Alternative and Excavate and Recompect Alternative has been updated to reflect a more accurate start date. As such, the last two sentences under the second paragraph on this page is modified as follows:</i></p> <p>Under the CDSM Alternative, construction would begin in <del>April</del><u>August</u> 2023, and end in <del>August</del><u>December</u> 2023. Under the Excavate and Recompect Alternative, construction would begin in <del>October 2023</del><u>February 2024</u> and end in <del>February</del><u>June</u> 2024, due to the different NHD2 construction schedules for each of the Build Alternatives.</p>

<u>Page</u>	<u>Clarification/Revision</u>
2-21	<p><i>Due to project refinements, the construction schedule for the CDSM Alternative and Excavate and Recompect Alternative has been updated to reflect a more accurate start date. As such, the sentence under Section 2.4.3, CDSM Alternative Construction Scenario, on this page is modified as follows:</i></p> <p>Construction activities for the CDSM Alternative would take approximately 61 months over a <del>67</del><u>63</u>-month period.</p>
2-23	<p><i>Due to project refinements, the construction schedule for the CDSM Alternative and Excavate and Recompect Alternative has been updated to reflect a more accurate start date. As such, the first sentence in the paragraph under NHD Components on this page is modified as follows:</i></p> <p>Mobilization for the CDSM Alternative would occur in <del>March and April</del><u>July and August</u> 2020, with construction beginning the following month (<del>May</del><u>September</u> 2020).</p>
2-26	<p><i>An editorial change has been made to clarify the haul routes. As such, the last paragraph of this page is modified as follows:</i></p> <p>Trucks would access the LAA Excavation Area via North Haiwee Road, <u>and the Project Site via the existing Cactus Flats Road from US-395</u> (Figure 2-10). The existing mine in Keeler is a mining operation from which materials would be purchased. This mine site is located off-site approximately 21 miles north of the Project Site. The haul route for the existing mine would travel southwest on a private road to SR-136 and travel south. The route would continue southwest onto SR-190 and merge onto US-395. The trucks would <del>exit</del><u>turn onto</u> Cactus Flats Road and continue south to the Project Site (Figures 2-11 and 2-13). Each truck trip would be approximately 56 miles roundtrip.</p>
2-31	<p><i>Due to project refinements, the construction schedule for the CDSM Alternative and Excavate and Recompect Alternative has been updated to reflect a more accurate start date. As such, the sentence under Section 2.4.4, Excavate and Recompect Alternative Construction Scenario, on this page is modified as follows:</i></p> <p>Construction activities for the Excavate and Recompect Alternative would take approximately 67 months over a <del>73</del><u>69</u>-month period.</p>
2-31	<p><i>Due to project refinements, the construction schedule for the CDSM Alternative and Excavate and Recompect Alternative has been updated to reflect a more accurate start date. As such, the last paragraph under NHD Components on this page is modified as follows:</i></p> <p>Mobilization for the Excavate and Recompect Alternative would occur in <del>March and April</del><u>July and August</u> 2020, with construction beginning the following month (<del>May</del><u>September</u> 2020). The Excavate and Recompect Alternative would require 450,000 yd<sup>3</sup> of earthen material for construction of NHD2, 343,000 yd<sup>3</sup> of material from the LAA Excavation Area and 107,000 yd<sup>3</sup> of material from the existing mine in Keeler. As previously discussed, materials from the LAA Excavation Area would be stockpiled on-site. Materials from the existing mine in Keeler would require 8,917 truck trips over a nine month period, starting in October 2020.</p>

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2-32      *Due to project refinements, the construction schedule for the CDSM Alternative and Excavate and Recompact Alternative has been updated to reflect a more accurate start date. As such, the first complete sentence on this page is modified as follows:*

Concrete deliveries would begin in ~~July~~November 2020 and would require 5,733 truck trips over a 19 month period.

2-33      *Due to project refinements, the construction schedule for the CDSM Alternative and Excavate and Recompact Alternative has been updated to reflect a more accurate start date. As such, the construction duration and overall duration for the CDSM Alternative and Excavate Alternative in Table 2-8 on this page is modified as follows:*

**TABLE 2-8  
 CONSTRUCTION PERSONNEL, EQUIPMENT, AND TRIPS FOR THE BUILD  
 ALTERNATIVES**

Construction Details		CDSM Alternative	Excavate and Recompact Alternative
Personnel	Average / Day	50	47
	Maximum / Day	111	86
Equipment	Average / Day	80	79
	Maximum / Day	171	173
Haul Truck Trips <sup>a</sup>	Total	34,079	30,686
	Average / Day	36	36
Peak-Hour Trips <sup>b</sup>	Average	39	35
	Maximum	157	80
Construction Duration/ Overall Duration	Months	<del>61/67</del> <u>63</u>	<del>67/73</del> <u>69</u>

Notes:

<sup>a</sup>: One truck trip is considered to be one round-trip journey to and from the Project Site. Truck trip average is calculated based on number of months with haul trips, not the full construction period.

<sup>b</sup>: Peak-hour trips include haul truck trips and construction personnel trips. This calculation assumes 50 percent of personnel commute during the peak hour.

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3.3-22      *An editorial change has been made to correct a typographical error in the mitigated daily construction emissions for the Excavate and Recompact Alternative. As such, the maximum daily construction emissions in Table 3.3-19 on this page is modified as follows:*

**TABLE 3.3-19  
 MITIGATED DAILY CONSTRUCTION EMISSIONS FOR THE  
 EXCAVATE AND RECOMPACT ALTERNATIVE**

	VOC	NO <sub>x</sub>	CO	PM10 <sup>1,2</sup>	PM2.5 <sup>1</sup>
2018	2.19	20.46	79.57	11.10	5.88
2019	4.59	48.13	168.29	83.55	19.99
2020	21.26	345.64	686.53	191.98	51.34
2021	21.26	345.64	686.53	191.98	51.34
2022	14.41	221.21	512.16	48.32	26.19
2023	14.41	221.21	512.16	48.32	26.19
2024	2.83	25.68	100.17	11.83	6.13
Maximum Daily Construction Emissions (lbs/day)	21.26	<del>2.19</del> 345.64	<del>20.46</del> 686.53	<del>79.57</del> 191.98	<del>11.10</del> 51.34
Threshold of Significance (lbs/day)	75	100	550	150	55
<i>Significant Impact?</i>	<b>No</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>No</b>

Notes: <sup>1</sup> PM10 emissions shown include the sum of PM with aerodynamic diameter 0 to 2.5 microns and PM with aerodynamic diameter 2.5 to 10 microns.

<sup>2</sup> Fugitive dust emissions were reduced based on watering two times per day.

<sup>3</sup> Additional details on the emissions for each calendar year are included in Appendix D.

VOC = volatile organic compounds; NO<sub>x</sub> = oxides of nitrogen; CO = carbon monoxide; PM10 = suspended PM; PM2.5 = fine PM

Source: Appendix D, Air Quality Technical Report

3.4-6      *An editorial change has been made to correct a typographical error in the first paragraph on this page. As such, the last sentence of the first paragraph is modified as follows:*

Most permits/certifications issued by the ~~RQOCB~~ RWQCB will contain Federal, State, and local requirements.

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3.4-10      *An editorial change has been made to clarify the types of land cover within the Project Site and on BLM-Managed Land. As such, Table 3.4-2 on this page is modified as follows:*

**TABLE 3.4-2  
 VEGETATION COMMUNITIES AND LAND COVER TYPES  
 MAPPED IN THE PROJECT SITE AND BLM-MANAGED LAND**

	LADWP Property	BLM- Managed Land	PROJECT SITE TOTAL (Acres)
<b>Vegetation Communities (Acres)</b>			
Allscale Shrub	164.4	2.0	166.4
Fourwing Saltbush	9.4	0.5	9.9
Joshua Tree Woodland	130.6	--	130.6
Cresotebush-Burrobush Scrubland	31.3	9.0	40.3
Tamarisk Thicket	1.9	--	1.9
<i>Total Vegetation Communities</i>	<i>337.6</i>	<i>11.5</i>	<i>349.1</i>
<b>Previously Disturbed Other Land Cover Types (Acres)</b>			
Abandoned Agriculture	18.5	--	18.5
Aqueduct	2.3	0.7	3.0
Dam	2.8	--	2.8
Disturbed	16.9	0.2	16.9
Reservoir	0.1	--	0.1
Road	14.5	1.3	15.8
<i>Total Land Cover Types</i>	<i>55.1</i>	<i>2.2</i>	<i>57.1</i>
<b>TOTAL</b>	<b>392.7</b>	<b>13.7</b>	<b>406.4</b>

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3.4-38      *An editorial change has been made to correct typographical errors in the permanent impacts in acres of the Project components for the proposed Build Alternatives and clarify the types of land cover within the Project Site. As such, the permanent impacts in Table 3.4-6 on this page is modified as follows:*

**TABLE 3.4-6  
 PERMANENT IMPACTS IN ACRES OF PROJECT COMPONENTS  
 FOR THE PROPOSED BUILD ALTERNATIVES (Entire Project Site)\***

	Basin	Berm	Cactus Flats Road Grading and Ditch	Aqueduct Channel	Aqueduct Channel Excavation and Grading	NHD2	TOTAL Permanent Impacts (Entire Project Site)
<b><i>Vegetation Communities</i></b>							
Allscale Scrub	17.87	1.80	2.24	--	1.38	2.27	25.56
FourwingSaltbush Scrub	--	--	--	--	0.41	--	0.41
Joshua Tree <del>Woodland</del>	--	<del>0.00</del>	<del>0.22</del>	--	--	0.00	3.13
Cresotebush- Burrowbush Scrub	--	0.02	--	0.30	9.37	0.03	<del>9.71</del> 9.72
Tamarisk Thicket	0.95	0.03	--	--	--	0.04	1.02
<b><i>Previously Disturbed/Other Land Cover Types</i></b>							
Aqueduct	--	0.07	--	--	1.30	0.08	1.45
Disturbed	0.86	0.09	0.76	0.00	2.22	5.14	9.07
Road	2.05	0.32	0.38	0.35	1.74	0.90	5.72
<b>Total Permanent Impacts Per Project Component</b>	<del>21.72</del> <b>21.73</b>	<del>2.33</del> <b>2.33</b>	<del>3.13</del> <b>6.51</b>	<del>0.65</del> <b>0.65</b>	<del>16.42</del> <b>16.42</b>	<del>8.46</del> <b>8.46</b>	<del>56.08</del> <b>56.10</b>

\* Permanent impact acreages are the same for both build alternatives.

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3.4-38      *An editorial change has been made to clarify the types of land cover within the Project Site. As such, Table 3.4-7 on these pages are modified as follows:*

3.4-39

**TABLE 3.4-7  
 TEMPORARY IMPACTS IN ACRES OF PROJECT COMPONENTS  
 FOR THE PROPOSED BUILD ALTERNATIVES (Entire Project Site)\***

	LAA Excavation Area	Cactus Flats Road Realignment Construction and Laydown Area	Construction Areas	NHD2 and LAA Construction, Earthwork	TOTAL Temporary Impacts (Entire Project Site)
<b><i>Vegetation Communities</i></b>					
Allscale Scrub	--	3.64	24.10	8.05	35.79
Fourwing Saltbush Scrub	0.10	--	--	0.35	0.45
Cresotebush- Burrowbush Scrub	0.31	--	0.69	4.14	5.15
Joshua Tree Woodland	--	8.30	--	3.36	11.66
Tamarisk Thicket	--	--	0.27	0.58	0.85
<b><i>Previously Disturbed Other Land Cover Types</i></b>					
Aqueduct	0.00	--	--	0.19	0.19
Dam	--	--	--	0.00	0.00
Disturbed	--	0.16	--	3.47	3.63
Road	0.01	0.58	0.18	1.64	2.41
<b>Total Temporary Impacts per Project Components</b>	<b>0.42</b>	<b>12.68</b>	<b>25.25</b>	<b>21.78</b>	<b>60.13</b>

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3.4-40      *An editorial change has been made to clarify the types of land cover within the Project Site. As such, Table 3.4-8 on this page is modified as follows:*

**TABLE 3.4-8  
 IMPACTS IN ACRES ON BLM-MANAGED LANDS\***

	BLM-Managed Land (Acres)
<b><i>Vegetation Communities</i></b>	
Allscale Shrub	2.0
Fourwing Saltbush	0.5
Joshua Tree Woodland	--
Cresotebush-Burrobush Scrubland	9.0
Tamarisk Thicket	--
<b><i>Subtotal</i></b>	<b>11.5</b>
<b><i>Previously Disturbed Other Land Cover Types</i></b>	
Abandoned Agriculture	--
Aqueduct	0.7
Dam	--
Disturbed	0.2
Reservoir	--
Road	1.3
<b><i>Subtotal</i></b>	<b>2.2</b>
<b>TOTAL</b>	<b>13.7</b>
<small>Note: * Impact acreages would be approximately the same for both build alternatives.</small>	

3.5-25      *An editorial change has been made to correct a typographical error in the last paragraph on this page. The paragraph is modified as follows:*

AR-D Inadvertent Discovery – LADWP will develop and implement procedures for their personnel and contractors in the event that historic properties are discovered or unanticipated effects on historic properties occur ~~after~~ during the Proposed Project’s construction or operation. These procedures will be developed prior to the initiation of ground disturbance activities for the Proposed Project in accordance with 36 CFR § 800.13 (a)(2)(b) Post-review Discoveries.



<u>Page</u>	<u>Clarification/Revision</u>
3.5-26 to 3.5-27	<p><i>Due to continued consultation regarding cultural and tribal cultural resources with the potential to be impacted by the Proposed Project, mitigation measure AR-F has been modified. As such, Mitigation Measure AR-F on these pages are modified as follows:</i></p> <p><b>AR-F Phase III Data Recovery to Reduce Adverse Effects</b> – For significant cultural resources that cannot be avoided during construction, mitigative data recovery may be necessary before construction. Planning for data recovery excavation to mitigate the loss of substantial and significant archaeological deposits will be based on the site’s research potential beyond that realized during site recording and testing. <del>The data gathered during the test investigation and the data recovery research design will guide the planning of full-scale excavation.</del> <u>The information gathered during Phase II test investigations, as well as the data recovery research design, will guide the planning of data recovery.</u> Data recovery may range from detailed inspection and recordation of the resource, to supplemental historic research, to controlled excavation of construction impact zones. It is anticipated that archaeological data recovery would be the measure of last resort, to be undertaken only on significant resources where the resource cannot be avoided or impacts substantially decreased through other measures. The cultural resources specialist will consult with the BLM and LADWP regarding excavations for mitigation.</p> <p><u>Prior to preparing a Data Recovery Plan, LADWP will consult with the BLM, SHPO, relevant tribal representatives, and interested community groups to prepare a Memorandum of Agreement (MOA) in accordance with 36 CFR Part 800.6 to establish specific planning for data recovery for the Proposed Project. The agreed upon stipulations of the MOA would be applicable to the Proposed Project. No project construction activities will occur prior to approval of the MOA.</u></p> <p>A professional archaeologist who meets the Secretary of the Interior’s Standards for Archaeology will prepare a Data Recovery Plan for data recovery or additional mitigation of NRHP or CRHR eligible sites that cannot be avoided. The plan will include a site-specific research design and will direct any archaeological data recovery that is proposed. LADWP will submit the proposed research design and scope of work to BLM’s archaeologist for review and consultation with SHPO and Native American groups as necessary and appropriate.</p>
3.6-20	<p><i>In response to Comment 1-1, mitigation measure TT-A has been modified. As such, the last sentence in the first paragraph under “Transportation and Traffic” on this page is modified as follows:</i></p> <p>Mitigation Measure TT-A would be implemented <u>in coordination with Caltrans</u> and would include <del>the provision of a flagman placed at the intersection of US-395 and Cactus Flats Road to control the flow of existing trucks as well as to control traffic to allow southbound trucks to make left turns onto Cactus Flats Road</del> <u>restriping the intersection of US-395 at Cactus Flats Road to provide a dedicated southbound left turn lane.</u></p>

<u>Page</u>	<u>Clarification/Revision</u>
3.9-9	<p><i>In response to Comment 1-1, the discussion regarding road closures under impact analysis HAZ-3 has been clarified to include the revision to mitigation measure TT-A. As such, the discussion in the first and second paragraphs on this page is clarified as follows:</i></p> <p>Haul trucks would access the LAA Excavation Area via North Haiwee Road, which is not a designated evacuation route, due to its adjacency to the proposed NHD2 site. Haul trucks would access <u>the Project Site from the existing mine in Keeler using US-395, SR-190, and SR-136, all of which are designated primary evacuation routes (Inyo County, 2008).</u> The Public Safety Element of the ICGP requires all County public roads to be developed and maintained at adequate standards to provide safe circulation for emergency equipment. However, other than the delivery of materials and supplies to the Project Site, construction of the proposed NHD2 components would be confined to the NHD2 site, basin area, and construction staging and stockpile areas. <u>Following construction of the Cactus Flats Road Realignment, a temporary short-term lane closure of one lane of US-395 would be required in order to restripe the roadway to accommodate a dedicated southbound turn lane onto Cactus Flats Road (refer to Section 3.17, Transportation and Traffic).</u> This temporary short-term closure of one lane on US-395 is not expected to impact emergency access as <u>haul truck drivers would yield right-of-way to emergency vehicles, as required under the California Vehicle Code (§21806(a)(1)), and the roadway would be restriped in coordination with Caltrans.</u> <del>Therefore, no roadway lane closures are anticipated for construction of the NHD2 components, and</del> <u>As such,</u> all County public roads would be maintained at adequate standards for emergency equipment throughout construction. Additionally, prior to constructing NHD2 and the basin, an existing segment of an access road that travels north-south between NHD and the existing Cactus Flats Road would be taken out of service. The existing North Haiwee Road and the realigned Cactus Flats Road would continue to provide access to NHD following construction. In addition, construction of the basin would occur after Cactus Flats Road has been realigned. As discussed in Chapter 2, Project Description and Alternatives, construction of the Cactus Flats Road Realignment would begin in <del>first</del><u>fourth</u> quarter 2018 and end in <del>fourth</del><u>third</u> quarter <del>2018</del><u>2019</u>, while construction of NHD2 <u>would begin beginning</u> in <del>first</del><u>third</u> quarter 2020, long after the Cactus Flats Road Realignment is completed. Therefore, construction impacts to emergency response and evacuation plans would be less than significant for the proposed NHD2 components under the CDSM Alternative.</p>
3.9-12	<p><i>In response to Comment 1-1, the discussion for roadway closures has been modified to include the revision to mitigation measure TT-A. As such, the third sentence under Build Alternatives on this page is modified as follows:</i></p> <p>Construction of the Build Alternatives would <u>include the short-term temporary closure of one lane on US-395 for the restriping of the roadway to provide a dedicated southbound turn lane onto Cactus Flats Road;</u> <del>however, not result in the closure of roads or lanes, and</del> all County public roads would be maintained adequately to ensure safe circulation for emergency equipment.</p>

- | <u>Page</u>              | <u>Clarification/Revision</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.10-17                  | <p><i>An editorial change has been made to correct a typographical error in the CEQA threshold question for hydrology, water quality, and groundwater. As such, the eighth bullet point on this page has been modified as follows:</i></p> <p>Would the project expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, <del>tsunami</del>, or mudflow?</p>                                                                                                                                                                     |
| 3.10-32                  | <p><i>An editorial change has been made to correct a typographical error in the CEQA threshold question for hydrology, water quality, and groundwater. As such, the question for threshold HWQ-7 on this page has been modified as follows:</i></p> <p>Would the project expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, <del>tsunami</del>, or mudflow?</p>                                                                                                                                                            |
| 3.17-3                   | <p><i>In response to Comment 1-2, the construction start date for the Caltrans US-395 Olancho/Cartago Four Lane Project has been updated. As such, the last sentence in the first paragraph under “Regional Roadway Facilities” is updated as follows:</i></p> <p><u>The preliminary engineering for the project has been completed and construction is anticipated to start in 2018, project is in detailed design and right-of-way phases, and the earliest construction start estimate is late 2020.</u></p>                                                                     |
| 3.17-10<br>to<br>3.17-11 | <p><i>In response to Comment 1-1, the discussion under impact analysis TT-2 has been clarified to include the revision to mitigation measure TT-A. In addition, several editorial changes have been made to clarify access to the Project Site, coordination of the Cactus Flats Road Realignment, and construction-related vehicles under “Build Alternatives – Construction”, and to correct a typographical error under “Build Alternatives – Operation” to delete duplicate text “an existing active mine.” As such, the discussion under TT-2 is clarified as follows:</i></p> |

### **Build Alternatives - Construction**

Access to the Project Site is generally provided via unpaved roads. At locations where access will be provided to and from US-395, a Caltrans facilities facility, the Proposed Project would construct paved aprons, and driveways, and turn lanes, as necessary, in accordance with Caltrans safety and design standards. The Proposed Project would construct no other design features which could potentially increase hazards.

The Cactus Flats Road Realignment would create a new segment of roadway to replace a portion of the existing road. An existing north-south dirt access road that intersects a portion of the Cactus Flats Road Realignment would be graded to avoid creating hazards. The Cactus Flats Road Realignment would be constructed in coordination with Inyo County and Caltrans in compliance with all state and local regulations regarding roadway design to avoid creating hazards due to design features.

The LAA Realignment would require the creation and widening of new and existing roads. As discussed in Chapter 2, two unpaved access roads would be constructed to the north and northeast of the LAA Realignment, and one existing access road would be extended and widened to connect with the unpaved access road to be constructed north of the LAA Realignment (refer to Figure 2-4, LAA Realignment Detail of the Draft EIR/EA). The access road to be constructed north of the LAA Realignment would be located on LADWP-owned property and would have a gate that makes it inaccessible

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to the general public for security purposes. The portion of the access road from US-395 to the gate would be open for public use. The access roads would be constructed in compliance with all state and local regulations regarding roadway design to avoid creating hazards due to design features.

Haul trucks traveling to and from the Project Site, as well as other construction-related trucks traveling to and from the Project Site would add ~~new~~ additional vehicles to roadways. Heavy trucks could pose a hazard where decelerating to exit a roadway, or turning onto a roadway at an intersection. Generally, in the Project area, there is sufficient intersection sight distance and stopping sight distance such that trucks would not pose a substantial hazard to other traffic traveling on roadways. In addition, BMPs in compliance with the Caltrans Manual on Uniform Traffic Control Devices would be implemented to ensure safety at intersections where Proposed Project vehicles would travel. Sufficient site distance, availability of lower-speed local roadways, dedicated turn lanes, and traffic controls would be sufficient to prevent substantial new hazards related to the speed differentials between heavy trucks and other traffic.

However, where southbound trucks would turn left from US-395 onto Cactus Flats Road, a hazard may be created due to speed differentials. No dedicated left turn lane is available at this location, and trucks would be required to slow and potentially stop while waiting to turn in the normal travel lanes. This would create a potential hazard to vehicles traveling behind trucks. As such, Mitigation Measure TT-A, which includes the provision of a ~~flagman located at the intersection of US-395 and Cactus Flats Road to control traffic flows~~ dedicated southbound left turn lane from US-395 to Cactus Flats Road, would be required to reduce potential construction impacts. The roadway would be restriped after construction of the Cactus Flats Road Realignment, and would require a temporary short-term closure of one lane on US-395. Restriping of the roadway would be included in the traffic control plan prepared for the Proposed Project, and would be performed in coordination with Caltrans. With implementation of Mitigation Measure TT-A, construction impacts resulting from increased hazards due to a design feature or incompatible uses would be less than significant under the Build Alternatives.

### **Build Alternatives – Operation**

During operation of the Proposed Project under all Build Alternatives, vehicle trips related to the NHD2 components, the Cactus Flats Road Realignment, the LAA Realignment, and diversion channel and NHD modifications would be similar to existing conditions, as described above. The LAA Excavation Area and existing mine in Keeler would not generate any vehicle traffic as the LAA Excavation Area would not be operational, and LADWP would no longer be purchasing materials from the existing mine, ~~an existing active mine~~. No hazards related to sight distances, stopping distances, or speed differentials would occur. Any road improvements implemented during construction would likely remain during operation of the Proposed Project, and would serve to reduce, not increase, hazards. The dedicated southbound turn lane from US-395 to Cactus Flats Road would be maintained by Caltrans. Therefore, operational impacts related to substantially increasing hazards due to a design feature or incompatible uses would be less than significant under the Build Alternatives.

- | <u>Page</u> | <u>Clarification/Revision</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.17-12     | <p><i>In response to Comment 1-1, mitigation measure TT-A has been modified. As such, the paragraph under Section 3.17.5, Mitigation Measures, is modified as follows:</i></p> <p>In order to prevent safety hazards created by speed differentials from southbound trucks turning left from US-395 to Cactus Flats Road, LADWP shall <del>place a flagman at the intersection of US-395 and Cactus Flats Road to control the flow of existing trucks as well as to control traffic to allow southbound trucks to make left turns onto Cactus Flats Road. The flagman shall be placed for a duration of nine months during the hauling of materials from the existing mine in Keeler,</del> <u>restripe the intersection of US-395 and Cactus Flats Road to provide a dedicated southbound turn lane on US-395. Restriping of the roadway would be included in the traffic control plan prepared for the Proposed Project, and would be performed in coordination with Caltrans.</u></p>                                                                                                                                                                                                     |
| 3.17-12     | <p><i>In response to Comment 1-1, mitigation measure TT-A has been modified. As such, the paragraph under Section 3.17.6, Residual Impacts After Mitigation, is modified as follows:</i></p> <p>Speed differentials would be created during construction where southbound trucks would need to slow down to turn left from US-395 onto Cactus Flats Road, resulting in potential hazards to vehicles traveling behind trucks. Mitigation Measure TT-A would include the provision of a <del>flagman located at the intersection of US-395 and Cactus Flats Road to control traffic flows</del> <u>dedicated southbound turn lane from US-395 to Cactus Flats Road.</u> This provision would minimize the potential hazards resulting from speed differentials from southbound trucks needing to turn left from US-395 to access the Project Site. With implementation of Mitigation Measure TT-A, the Proposed Project would result in less than significant impacts to transportation and traffic for the Build Alternatives under CEQA.</p>                                                                                                                                                |
| 3.18-8      | <p><i>An editorial change has been made to correct a typographical error in the acronyms for the mitigation measures. As such, the acronyms for the mitigation measures on this page is corrected as follows:</i></p> <p><del>TRC-A</del> <u>TCR-A</u><br/><del>TRC-B</del> <u>TCR-B</u><br/><del>TRC-C</del> <u>TCR-C</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 3.18-9      | <p><i>Due to continued consultation regarding cultural and tribal cultural resources with the potential to be impacted by the Proposed Project, mitigation measure TCR-D has been modified. As such, Mitigation Measure TCR-D on this page is modified as follows:</i></p> <p><b>TCR-D</b> Phase III Data Recovery to Reduce Adverse Effects – For significant tribal cultural resources that cannot be avoided during construction, mitigative data recovery may be necessary before construction. Planning for data recovery excavation to mitigate the loss of substantial and significant cultural deposits will be based on the site’s research potential beyond that realized during site recording and testing. <del>The data gathered during the test investigation and the data recovery research design will guide the planning of full-scale excavation.</del> <u>The information gathered during the Phase II test investigations, as well as the data recovery research design, will guide the planning of data recovery.</u> Data recovery may range from detailed inspection and recordation of the resource, to supplemental historic research, to controlled excavation</p> |

Page      Clarification/Revision

of construction impact zones. It is anticipated that archaeological data recovery would be the measure of last resort, to be undertaken only on significant resources where the resource cannot be avoided or impacts substantially decreased through other measures. The cultural resources specialist will consult with the BLM and LADWP regarding excavations for mitigation.

Prior to preparing a Data Recovery Plan, LADWP will consult with the BLM, SHPO, relevant tribal representatives, and interested community groups to prepare a Memorandum of Agreement (MOA) in accordance with 36 CFR Part 800.6 to establish specific planning for data recovery for the Proposed Project. The agreed upon stipulations of the MOA would be applicable to the Proposed Project. No project construction activities will occur prior to approval of the MOA.

A professional archaeologist who meets the Secretary of the Interior's Standards for Archaeology will prepare a Data Recovery Plan for data recovery or additional mitigation of NRHP or CRHR eligible sites that cannot be avoided. The plan will include a site-specific research design and will direct any archaeological data recovery that is proposed. LADWP will submit the proposed research design and scope of work to BLM's archaeologist for review and consultation with SHPO and Native American groups as necessary and appropriate.

Data recovery methods, sample sizes, and procedures will be detailed in the Data Recovery Plan for SHPO review. If data recovery is necessary, sampling for data recovery excavations will follow standard statistical sampling methods, but sampling will be confined, as much as possible, to the direct impact area.

Data recovery on most sites would consist of surface collection and sample excavation. Only on very small sites would complete excavation or collection be considered an appropriate treatment. Other forms of mitigation may also include the collection of oral histories, historical documentation, including architectural and engineering documentation, preparation of a scholarly work, or some form of public awareness or interpretation.

LADWP will ensure that the authorized professional archaeologist performs the data recovery, preparation for analysis, preparation for curation, and delivery for curation of all cultural resource materials. LADWP will provide a copy of the curation agreement from a public repository that meets the requirements set out in 36 CFR 79 for the curation of cultural resources. In addition, LADWP will ensure that all cultural resource materials, maps, and data collected during data recovery and mitigation for the Proposed Project are delivered to the repository following the approval of the Cultural Resources Report. LADWP will pay any fees for curation required by the repository. BLM will retain ownership of artifacts collected from BLM-managed lands.

<u>Page</u>	<u>Clarification/Revision</u>
4-2	<p><i>An editorial change has been made to clarify the discussion for hydrology, water quality, and groundwater effects not found to be significant. As such, the paragraph under Section 4.1.5, Hydrology, Water Quality, and Groundwater, are modified as follows:</i></p> <p>The Proposed Project does not include any housing components and would improve the seismic reliability of NHR, providing additional flood protection to the Project area. Therefore, impacts related to placement of housing within a 100-year flood hazard area would not occur.</p> <p><u>The Project components are located within Zone X flood zones, which are not considered flood hazard areas. As such, structures associated with the Proposed Project would not impede or redirect flood flows. Therefore, impacts related to placement of structures within a 100-year flood hazard area which would impede or redirect flows would be less than significant.</u></p> <p><u>In addition, the Project Site is 150 miles from the ocean coast and is not subject to tsunamis.</u></p>
4-3	<p><i>In response to Comment 1-1, the discussion for roadway closures have been modified to include the revision to mitigation measure TT-A has been modified. As such, the second paragraph under Section 4.1.8, Transportation and Traffic, has been modified as follows:</i></p> <p>The Project Site would be accessed via US-395, Cactus Flats Road, and North Haiwee Road. The Proposed Project would <u>require the short-term temporary closure of one lane on US-395 for the restriping of the roadway to provide a dedicated southbound turn lane onto Cactus Flats Road</u> <del>not require closures of roadways</del> during construction. <u>However, Construction site emergency egress and ingress points would be maintained throughout construction.</u> Therefore, the impact would be less than significant.</p>
4-6	<p><i>In response to Comment 1-2, the project description for the US-395 Olancho/Cartago Four-Lane Project listed in Table 4-1 in Chapter 4 has been clarified. As such, the first sentence in the first row, fourth column(Project Description) in the table on this page is clarified as follows:</i></p> <p>The project proposes to convert <del>42.6</del><u>12.14</u> miles of the existing US-395 from a two-lane conventional highway into a four-lane expressway from post mile 29.2 to post mile 41.8 in Inyo County.</p>
4-6	<p><i>In response to Comment 1-2, the project status for the US-395 Olancho/Cartago Four-Lane Project listed in Table 4-1 in Chapter 4 has been clarified. As such, the project status in the first row, fifth column (Project Status) in the table on this page is clarified as follows:</i></p> <p><u>Anticipated project construction from 2017 through 2019 in late 2020, at the earliest</u></p>

<u>Page</u>	<u>Clarification/Revision</u>
4-11	<p><i>In response to Comment 1-2, the construction date for the Caltrans US-395 Olancho/Cartago Four Lane Project has been clarified. As such, the seventh sentence of the paragraph under Section 4.2.9, Hazards and Hazardous Materials, is clarified as follows:</i></p> <p>Construction of this related project is planned to overlap with the construction schedule of the Proposed Project, with construction of the US-395 Olancho/Cartago Four-Lane Project anticipated to <del>occur from 2017-2019</del><u>start in late 2020</u>.</p>
4-11	<p><i>In response to Comment 1-1, the discussion for roadway closures have been modified to include the revision to mitigation measure TT-A has been modified. As such, the twelfth sentence of the paragraph under Section 4.2.9, Hazards and Hazardous Materials, is modified as follows:</i></p> <p><del>Therefore, since the project would not result in the closure of any roadways and</del> <u>Following construction of the Cactus Flats Road Realignment, a temporary short-term lane closure for one lane of US-395 would be required in order to restripe the roadway to accommodate a dedicated southbound turn lane onto Cactus Flats Road. This temporary short-term closure of one lane on US-395 is not expected to impact emergency access as haul truck drivers would yield right-of-way to emergency vehicles, as required under the California Vehicle Code (§21806(a)(1)), and the roadway would be restriped in coordination with Caltrans. Furthermore, the US-395 Olancho/Cartago Four-Lane Project would implement a TMP and coordinate with emergency service providers.</u> <u>As such,</u> cumulative impacts related to emergency access would be less than significant.</p>
4-14	<p><i>An editorial change has been made to clarify the cumulative impacts to public services and recreation. As such, the last sentence in the first paragraph under Section 4.2.15, Public Services and Recreation, on this page is modified as follows:</i></p> <p>As previously discussed, several related projects have construction phases that overlap with construction of the Proposed Project and are located in the vicinity of the Proposed Project. The Proposed Project and the related projects would bring an influx of construction workers to the Project area. The demand for public facilities is directly related to increases in population; however, none of the projects involve residential development or other types of projects that would permanently increase the population level in the County. The Proposed Project would not result in a permanent population increase as the construction workforce would temporarily relocate to existing housing, such as hotels and motels. The construction workforce for the Proposed Project would not be expected to relocate their families as construction is temporary in nature. Thus, the demand for schools, day care centers, and senior centers would not be expected to increase. Cumulative impacts to these facilities would <del>be less than significant</del><u>not occur</u>.</p>



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<u>Page</u>	<u>Clarification/Revision</u>
4-15	<p><i>In response to Comment 1-2, the construction dates for the Caltrans US-395 Olancho/Cartago Four Lane Project has been clarified. As such, the last sentence of the first paragraph under Section 4.2.17, Transportation and Traffic, is clarified as follows:</i></p> <p>Construction of this project is anticipated to begin in <del>2018</del><u>late 2020</u>.</p>
4-20	<p><i>In response to Comment 1-1, mitigation measure TT-A has been modified. As such, the paragraph under Section 4.6.7, Transportation and Traffic, is modified as follows:</i></p> <p>Mitigation TT-A pertains to traffic impacts during construction and requires <del>a flagman be placed at the intersection of Cactus Flats Road and US-395 to access the Project Site. Utilization of a flagman would be temporary, lasting for nine months during the hauling of materials from the existing mine in Keeler</del> <u>the provision of a southbound left turn lane from US-395 at Cactus Flats Road</u>, and implementation of this mitigation would not create new or substantially worsened construction impacts. Therefore, the mitigation measure would not result in any secondary impacts.</p>

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### **3 Response to Comments on the Draft EIR/EA**

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The Draft EIR/EA was distributed for public comment on September 21, 2017, through November 6, 2017, pursuant to CEQA Guidelines Section 15105 and was posted on the BLM ePlanning website on September 21, 2017, through November 6, 2017. A total of seven comment letters were received. According to CEQA Guidelines Section 15088(a), “the lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response.” This chapter provides responses to written comments received during the public comment period, as well as oral comments received during the Draft EIR/EA public meeting, held on October 11, 2017, at Statham Hall in Lone Pine, California.

This chapter is organized into two parts: 1) responses to written comments received during the public comment period, and 2) responses to the oral comments received at the Draft EIR/EA public meeting. Written responses are presented for all comment letters received on the Draft EIR/EA, starting with comment letters from agencies, followed by comment letters from organizations, and then comment letters from individuals. The responses to the oral comments received at the Draft EIR/EA public meeting are provided at the end of this chapter.

Each letter has been assigned a number code, and individual comments in each letter have also been coded to facilitate responses. For example, the letter from the California Department of Transportation, District 9, is identified as Comment Letter 1, and comments within the letter are noted as 1-1, 1-2, 1-3, etc. Copies of each comment letter are provided prior to each set of responses. Comments that present opinions about the Project, or that discuss issues not related to the substance of the environmental analysis in the Draft EIR/EA are noted, but in accordance with CEQA, do not receive detailed responses. In response to some of the comments received, the text of the EIR/EA has been revised. Refer to Chapter 2, Clarifications and Modifications, for a list of these changes.

### 3.1 Responses to Written Comments Received

All of the comment letters received are listed in Table 3-1 and the corresponding responses are provided in this section. A copy of each comment letter is provided prior to each response.

**TABLE 3-1  
 LIST OF COMMENT LETTERS RECEIVED ON THE DRAFT EIR/EA**

Letter No.	Agency/Organization/Individual	Date of Letter	Page # of Response
<b>Agencies</b>			
1	California Department of Transportation - District 9 <i>Signed: Gayle J. Rosander</i>	October 10, 2017	3-5
2	Indian Wells Valley Water District <i>Signed: Donald M. Zdeba</i>	October 27, 2017	3-8 & 3-9
3	Lahontan Regional Water Quality Control Board <i>Signed: Jeffrey S. Fitzsimmons</i>	November 3, 2017	3-12 & 3-13
<b>Organizations</b>			
4	Big Pine Paiute Tribe of the Owens Valley <i>Signed: Genevieve A. Jones</i>	November 6, 2017	3-17 – 3-20
5	Owens Valley Indian Water Commission <i>Signed: Teri Red Owl</i>	November 6, 2017	3-24 & 3-25
<b>Individuals</b>			
6	Williams (Paskow), Arlene L.	September 23, 2017	3-27
7	Ziegler, John K.	October 18, 2017	3-29

Comment Letter No. 1

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 9  
500 SOUTH MAIN STREET  
BISHOP, CA 93514  
PHONE (760) 872-0785  
FAX (760) 872-0678  
TTY 711  
www.dot.ca.gov



*Making Conservation  
a California Way of Life.*

October 10, 2017

Mr. Brian Gonzalez, Environmental Affairs  
Los Angeles Dept. of Water and Power (LADWP)  
111 North Hope Street, Room 1044  
Los Angeles, CA 90012

File: Iny-395-32.66  
DEIR/EA  
SCH #: 2014101065  
DOI-BLM-CA-050-2017-0030-EA

**North Haiwee Dam No. 2 (Seismic) Project - Draft Environmental Impact Report  
(DEIR)/Environmental Assessment (EA)**

Dear Mr. Gonzalez:

Thank you for giving the California Department of Transportation (Caltrans) District 9 the opportunity to comment on the DEIR/EA for the North Haiwee Dam (NHD) seismic improvement project. We offer the following:

- Transportation and Traffic mitigation (TT-A) page ES-25 and elsewhere: "Place flagman at the intersection of US 395 and Cactus Flats Road...."

While this method of traffic control is currently being utilized by LADWP at the SR 136/ borrow site #15 intersection, it will not be allowed on US 395, which has significantly higher traffic volumes. If Cactus Flats Road is desired for the haul route, LADWP shall provide a US 395 SB left turn lane onto Cactus Flats Road - per Caltrans standards under the encroachment permit process.

1-1

- We suggest another haul route option. As noted in the document, there is a US 395 southbound left turn onto North Haiwee Road, along with some storage space in the divided median. Therefore, southbound haul trips should utilize this intersection at postmile 30.6. For the return northbound trip, trucks can then exit right at this same intersection or to the north at postmile 30.96 (see enclosure). These roadway aprons are paved, but the roadways are not. At aprons within Caltrans right-of-way, dust control measures such as debris racks and sweeping may be necessary, and can be provided under the encroachment permit process.

- NHD construction schedule/Caltrans projects - Section 2.4.1 page 2-14, Section 3.17.2 page 3.17-3, Table 4-6 pages 4-6, 7:

Caltrans US 395 Olancha/Cartago Four-Lane Project. The Final Environmental Impact Report/Environmental Assessment is completed. The project is in the detailed design and right-of-way phases. Pending funding, the earliest construction start estimate is late 2020.

1-2

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

Mr. Brian Gonzalez  
October 10, 2017  
Page 2

The Caltrans US 395 Haiwee Creek Southbound Shoulder Project is still anticipated for 2018 construction.

Per section 2.4.1, NHD phased construction could occur from 2018 to 2023; thus, scheduling coordination may be necessary.

- Appendix M, Figure 7-1 US 395 Widening, page 22: Rewording suggestions:  
Replace “Preferred” with “Approved”  
395 to be redesignated “as” 190  
395 to be relinquished “to Inyo County”
- For more information regarding encroachment permits, Stephen Winzenread may be contacted at (760) 872-5222 or [stephen.winzenread@dot.ca.gov](mailto:stephen.winzenread@dot.ca.gov). See also: <http://www.dot.ca.gov/trafficops/ep/>
- For your information, the Transportation Permit Office issues oversized vehicle permits: call (916) 322-1297 or see: <http://www.dot.ca.gov/trafficops/permits/index.html#contact-info>

We value our cooperative working relationship with LADWP regarding project impacts to the State transportation system and travelers in the Eastern Sierra. Feel free to contact me at (760) 872-0785 with any questions.

Sincerely,



GAYLE J. ROSANDER  
External Project Liaison

Enclosure

- c: State Clearinghouse  
Clint Quilter; Inyo County Public Works  
Mark Reistetter; Caltrans D-9

*“Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California’s economy and livability”*

ENCLOSURE

US 395 Haiwee Accesses



1-5

## **Comment Letter 1: California Department of Transportation – District 9**

### **Response 1-1**

As discussed in Chapter 2, Project Description and Alternatives, of the Draft EIR/EA, off-site construction vehicle trips would be comprised of trucks hauling asphalt, cement, concrete, and other materials from various locations, and material from the existing mine in Keeler, to the Project Site. The Project Site would be primarily accessed via Cactus Flats Road and North Haiwee Road.

The commenter states that the traffic control option provided under Mitigation Measure TT-A is not feasible, specifically the use of a flagman at the intersection of US-395 and Cactus Flats Road for the proposed haul route that provides access to the Project Site for trucks traveling southbound on US-395 and turning left onto Cactus Flats Road. The commenter offered two alternate options for mitigating potential construction impacts related to this proposed haul route. The first option would require LADWP to provide a dedicated southbound left turn lane from US-395 to Cactus Flats Road, per Caltrans standards under the encroachment permit process. The second option would extend the proposed haul route southward to utilize an existing left turn lane on North Haiwee Road to enter the Project Site instead of Cactus Flats Road. In response to the commenter, LADWP reviewed the two options and will move forward with the first option of providing a dedicated southbound left turn lane from US-395 to Cactus Flats Road, as this option would not result in an increase in haul truck trip distances, and thereby would not result in a change to the analysis presented in the Draft EIR/EA. Due to the width of the current roadway, the provision of a dedicated southbound left turn lane would only require the restriping of the roadway at the intersection of US-395 at Cactus Flats Road. The restriping of the roadway would require a temporary short-term closure of one lane in the area surrounding the US-395 and Cactus Flats Road intersection. The restriping of the roadway would be included in the traffic control plan for the Proposed Project, and LADWP will coordinate with Caltrans on the encroachment permit process for the provision of a southbound left turn lane to ensure minimal impacts to traffic flows on US-395.

The commenter is referred to Chapter 2, Clarifications and Modifications, of this Final EIR/EA, which includes revisions to Mitigation Measure TT-A. As Mitigation Measure TT-A will be revised, the second option suggested by the commenter to extend the proposed haul route to North Haiwee Road would not be required. The Proposed Project would implement required dust control measures, as discussed in Section 3.3, Air Quality.

### **Response 1-2**

The commenter provides schedule updates for Caltrans projects discussed in the Draft EIR/EA, specifically the US-395 Olancho/Cartago Four-Lane Project (Line #5 under Table 4-1 of the Draft EIR/EA) and the Haiwee Creek Southbound Shoulder Widening Project (Line #9 under Table 4-1 of the Draft EIR/EA). In response to the commenter, the project status and schedule of the US-395 Olancho/Cartago Four-Lane Project has been revised from “anticipated project construction from 2017 through 2019” to a revised anticipated start date of late 2020. The project status and schedule of the Haiwee Creek Southbound Shoulder Widening Project has not changed, and construction is still anticipated to commence in 2018; therefore, no text updates have been made. The commenter is referred to Chapter 2, Clarifications and Modifications, of this Final EIR/EA, which includes revisions to the descriptions of the US-395 Olancho/Cartago Four-Lane Project. Should the schedule for construction of the Proposed Project overlap with construction of these Caltrans projects, LADWP would coordinate with



Caltrans and would be required to comply with all applicable Caltrans regulations during construction.

### **Response 1-3**

The commenter provides suggestions for text revisions to a figure in Appendix M, the Transportation/Traffic Technical Report. In response to the commenter, Appendix M, Transportation/Traffic Technical Report, has been updated as part of the administrative record for the Proposed Project. No further response to this comment is required.

### **Response 1-4**

The commenter provides Caltrans contact information regarding permits for encroachment and oversized vehicles and does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR/EA. This information is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. No further response to this comment is required.

### **Response 1-5**

The commenter includes an attachment to their comment letter depicting the postmile markers along US-395 near the Project Site, as referenced in Comment 1-1. This attachment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. No further response to this comment is required.

Comment Letter No. 2

## INDIAN WELLS VALLEY WATER DISTRICT

### BOARD OF DIRECTORS

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Chuck Cordell, Vice President  
Donald J. Cortichiato  
Chuck Griffin  
Ron Kicinski

Donald M. Zdeba  
General Manager  
Krieger & Stewart, Incorporated  
Engineers  
McMurtrey, Hartssock & Worth  
Attorneys-at-Law

October 27, 2017

Los Angeles Department of Water and Power  
Environmental Affairs  
111 North Hope Street, Room 1044  
Los Angeles, CA 90012  
Attn.: Mr. Brian Gonzalez  
Email: [Brian.Gonzalez@ladwp.com](mailto:Brian.Gonzalez@ladwp.com)



Re: North Haiwee Dam No. 2 Project  
Draft Environmental Impact Report  
SCH No. 2014101065

Dear Mr. Gonzalez:

This letter is written on behalf of the Indian Wells Valley Water District ("District"). Specifically, this letter responds to the Notice of Availability dated September 21, 2017 requesting comments on the North Haiwee Dam No. 2 Project, Draft Environmental Impact Report ("DEIR"). The District appreciates the opportunity to review and comment on the DEIR.

2-1

The District is the owner of certain real property commonly known as the Butterworth Ranch which is located approximately ½ mile north of the proposed North Haiwee Dam No. 2 ("NHD2") and is shown in Figure 2-1 of the DEIR. Our comments are generally limited to the potential impacts on the Butterworth Ranch as a result of construction and operation of the Project. Our primary concern is the DEIR's analysis and conclusion with respect to HWQ-2 *"Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?"* For example:

Construction of the Dam: According to the information presented in Table 2-1 of the DEIR/EA, excavation of the North Haiwee Dam No. 2 (NHD2) could extend from 15 feet to 30 feet below ground surface (bgs), or up to 15 feet below the depth of the existing North Haiwee Dam (NHD). In addition, the overlapping columns of the CDSM alternative will extend anywhere from 50 to 80 feet bgs, which is within approximately 25 feet of bedrock, according to the 100-foot bedrock depth set forth in Appendix H. Since the depth to groundwater is as little as 13 feet bgs in the area (according to Section 3.10.2), construction of the NHD2 foundation (especially the CDSM alternative) would appear to have the potential to significantly restrict northward subsurface groundwater flow from the Haiwee Reservoir. In fact, the DEIR analysis acknowledges that "The CDSM columns would be less permeable than recompacted soil, and therefore would result in reduced seepage into the NHD2 footprint" and that "groundwater flow through the columns would be reduced ... and would only locally impede the flow of groundwater in the basin." (DEIR, 3.10-23)

2-2

500 West Ridgecrest Boulevard – Mailing Address: P.O. Box 1329, Ridgecrest, California 93556-1329  
(760) 375-5086 Fax (760) 375-3969  
[www.iwvwd.com](http://www.iwvwd.com) E-mail: [iwvwd@iwvwd.com](mailto:iwvwd@iwvwd.com)

No analysis is provided as to how much local groundwater flow would be impeded or its potential impacts on Butterworth Ranch. Further quantitative analysis is required in this regard. 2-2  
Cont'd


Dewatering Activities: In addition, the estimated 700 million gallons of water over 18 months of proposed dewatering would appear, on the surface, to have the potential to reverse the groundwater gradient north of the dam and potentially result in temporary, but impactful, reductions in groundwater levels in the area. We are concerned that such groundwater impacts may adversely affect the ongoing groundwater pumping activities that are required to produce agricultural irrigation water at the Butterworth Ranch, an active farming facility, the southerly boundary of which is located approximately ½ mile northerly of the NHD2 site, thereby causing adverse economic impact. The DEIR acknowledges that "the well at the reservoir's keeper's residence could be impacted by dewatering activities" but "Butterworth Ranch is not expected to be impacted by dewatering activities." (DEIR, 3.10-24) What is the basis for this conclusion? CEQA requires an analysis of potential impacts, not unsubstantiated statements regarding potential impacts. Further analysis is needed. 2-3

Groundwater Model: The analysis presented in Section 3.10.4, HWQ-2 (pages 3.10-23 through 3.10-25) of the DEIR/EA concludes that groundwater impacts from dewatering activities would be local and temporary, but would not impact Butterworth Ranch. The groundwater impacts from operation of the proposed facilities would be less than significant because operation of the facilities would not significantly impact natural infiltration into the aquifer and because the footprint of the proposed facilities "is relatively small when compared to the area and capacity of the groundwater basin." 2-4

While the analysis attempts to address impacts related to natural recharge of the aquifer, and subsurface groundwater flow within the overall groundwater basin by narrative means, it does not offer a quantitative analysis of these impacts from a local, regional or overall basin standpoint. Further, it does not address impacts, either quantitatively or by narrative, related to potential restriction of the northward flow of subsurface groundwater, specifically from beneath the Haiwee Reservoir toward Butterworth Ranch that could be affected by a reduction in transmissivity beneath the proposed facilities. Such impacts, along with the effects of natural recharge, should be quantified using a groundwater modeling effort.

These comments are provided to assist LADWP in developing an EIR in compliance with CEQA. The District reserves its right to make further comments and/or objections to the DEIR.

Sincerely,



Donald M. Zdeba  
General Manager

## **Comment Letter 2: Indian Wells Valley Water District**

### **Response 2-1**

This comment includes introductory remarks and does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR/EA. No further response to this comment is required.

### **Response 2-2**

The commenter requests clarification on the potential groundwater impacts from the Proposed Project in relation to Butterworth Ranch. Several studies have been conducted regarding the impacts to groundwater related to the construction of the NHD2. Aquifer pumping tests were conducted by LADWP in 2006 and again in 2014. The results of the pumping tests were compared and it was concluded that a dewatering study for the Proposed Project would provide more accurate information on the groundwater impacts related to NHD2 construction and dewatering activities. Therefore, LADWP developed and calibrated a groundwater model using the MODFLOW software based on existing well log data and results from the pumping tests, exploratory drilling, and previous groundwater studies. The model calibration was evaluated for both steady-state and transient conditions. The model shows an existing seepage rate of 2,680 acre-feet (ac-ft) per year for NHD (existing conditions). As a conservative estimate of impacts, the groundwater model was used to evaluate the implementation of the CDSM Alternative, since this is the environmentally-superior alternative under CEQA, in particular the potential condition where a liner is installed in the proposed basin between the two dams. With implementation of the CDSM Alternative, the model shows the seepage from NHR would be 2,523 ac-ft/yr, which is a slight reduction from the existing seepage rate of 2,680 ac-ft. Therefore, impacts to the seepage rate with implementation of the Proposed Project are considered minimal.

### **Response 2-3**

The commenter is concerned about potential impacts to the Butterworth Ranch during construction of the Proposed Project due to dewatering activities. Planning and design of the Proposed Project has been further refined, and it is now estimated that the amount of dewatering required will be approximately 560 million gallons of water total, and not the original estimate of 700 million gallons, over the 18-month construction period. This will result in an drawdown depth of 15 to 20 feet at the Project Site, rather than the 30 to 50 feet originally evaluated in the Draft EIR/EA.

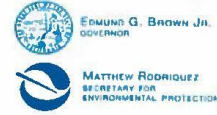
The elevation at ground surface at Butterworth Ranch is approximately 40 feet lower than the ground surface at the NHD2 construction site, which influences groundwater flow and levels. Current modeling of proposed dewatering activities indicates that the expected drawdown of the Indian Wells Valley Water District well (Well 2A) will be approximately 5 feet during the peak of dewatering activities. This will be a drawdown to a static groundwater depth of 15 to 20 feet bgs at the well. It should be noted that no site-specific field or laboratory testing data was available for the Butterworth Ranch property; therefore, the groundwater model relied on subsurface information available from adjacent property owned by LADWP. Available well records show that this well is screened at depths between 30 and 90 feet bgs. Based on the available data and the groundwater model, groundwater levels are anticipated to return to preconstruction levels after construction activities cease, and impacts to groundwater levels during dewatering activities would be temporary. Groundwater wells in the project area will continue to monitor

groundwater levels in the project vicinity during project operations to ensure adequate groundwater levels.

### **Response 2-4**

The commenter states that a groundwater model would need to be used to accurately discuss impacts to groundwater. A calibrated groundwater model was developed by LADWP to evaluate the impacts of the dewatering activity and NHD2 construction. Please refer to Responses 2-2 and 2-3 above for a discussion of the groundwater modeling.

Comment Letter No. 3



**Lahontan Regional Water Quality Control Board**

November 3, 2017

File: Environmental Doc Review  
Inyo County

Brian Gonzalez  
Los Angeles Department of Water and Power  
Environmental Affairs  
1114 North Hope Street, Room 1044  
Los Angeles, CA 90012  
[Brian.Gonzales@ladwp.com](mailto:Brian.Gonzales@ladwp.com)

**Comments on the Draft Environmental Impact Report/Environmental Assessment for the North Haiwee Dam No. 2 Project, Inyo County, State Clearinghouse Number 2014101065**

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received your Draft Environmental Impact Report/Environmental Assessment for the North Haiwee Dam No. 2 Project (DEIR) on September 25, 2017. Water Board staff have concerns pertaining to the disturbance and/or relocation of existing sediments of the Haiwee Reservoir, and have determined the Project as proposed will require permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. Our comments regarding the DEIR are provided below.

3-1

**Comments**

1. It is the understanding of Water Board staff, that sediments within the existing Haiwee Reservoir are not intended to be disturbed, excavated, or used for fill material beyond the limits of the proposed North Haiwee Dam No. 2. Water Board staff strongly recommend that existing sediments be analyzed to ensure potential impacts to water quality are adequately identified and evaluated prior to commencement of the Project.

3-2

**Permitting Requirements**

A number of activities associated with the proposed Project have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Board or Lahontan Water Board. The required permits may include the following.

3-3

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

2501 Lake Tahoe Blvd., So. Lake Tahoe, CA 96150 | 15095 Amargosa Road, Bldg 2, Ste 210, Victorville CA 92394  
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Brian Gonzalez

- 2 -

November 3, 2017


2. Streambed alteration and/or discharge of fill material to a surface water may require a clean Water Act (CWA), section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board.
3. Land disturbance of more than 1 acre may require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.
4. Water diversion and/or dewatering activities may be subject to discharge and monitoring requirements under either NPDES General Permit, Limited Threat Discharges to Surface Waters, Board Order R6T-2014-0049, or General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality, WQO-2003-0003, both issued by the Lahontan Water Board.

3-3  
Cont'd

Please be advised of the permits that may be required for the proposed Project, as outlined above. The specific Project activities that may trigger these permitting actions should be identified in the appropriate sections of the DEIR. The Project proponent should consult with Water Board staff early on should Project implementation result in activities that trigger these permitting actions. Information regarding these permits, including application forms, can be downloaded from our web site at <http://www.waterboards.ca.gov/lahontan/>.

We look forward to assisting you with your project in a manner that protects water quality and the environment. If you have any questions, please contact me at (760) 241-4942 ([jeffrey.fitzsimmons@waterboards.ca.gov](mailto:jeffrey.fitzsimmons@waterboards.ca.gov)) or Jan Zimmerman, Senior Engineering Geologist, at (760) 241-7376 ([jan.zimmerman@waterboards.ca.gov](mailto:jan.zimmerman@waterboards.ca.gov)).

3-4

  
Jeffrey S. Fitzsimmons, PG 8970  
Engineering Geologist

cc: State Clearinghouse (SCH 2014101065) ([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))  
Heidi Calvert, CA Dept. of Fish and Wildlife ([Heidi.Calvert@wildlife.ca.gov](mailto:Heidi.Calvert@wildlife.ca.gov))  
Katherine Rubin, LADWP ([Katherine.rubin@ladwp.com](mailto:Katherine.rubin@ladwp.com))

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### **Comment Letter 3: Lahontan Regional Water Quality Control Board**

#### **Response 3-1**

This comment includes introductory remarks regarding concerns pertaining to the existing sediments in Haiwee Reservoir and permits that the Proposed Project may require. Responses to these comments are provided in Responses 3-2 and 3-3, below. No further response to this comment is required.

#### **Response 3-2**

The commenter recommends that existing sediments in North Haiwee Reservoir are analyzed prior to commencement of the Proposed Project. During construction of the notch in NHD, water elevation in NHR would be lowered, which could potentially disturb sediments and expose the sediment delta that exists in NHR. Mitigation Measure HWQ-A, as stated on page 3.10-34 of the Draft EIR/EA, would be implemented to reduce potential impacts to water quality and incorporates a sediment management plan as part of the Proposed Project, which would further reduce the potential for water quality issues during construction of the notch. As stated in Mitigation Measure HWQ-A, prior to any sediment disturbing activities in and around Haiwee Reservoir, the soils must be sampled and characterized so that proper handling and disposal methods can be adequately evaluated. Based on current project design, it is anticipated that the notch would be constructed to minimize disturbance to any sediments or resuspension of reservoir sediments. Appropriate BMPs would be implemented as indicated in the Project-specific SWPPP, which could include silt fences, gravel bag barriers, diversion dikes, and interceptor swales. As stated on page 3.10-18 of the Draft EIR/EA, additional BMPs, such as turbidity curtains, may be implemented if necessary to protect water quality during construction of the notch in NHD.

#### **Response 3-3**

The commenter provides a list of permits that may be applicable to the Proposed Project related to construction activities that may impact waters of the State. As stated in Section 2.6, Best Management Practices, the Proposed Project would comply with all necessary Statewide Stormwater Discharges Associated with Construction and Land Disturbance Activities permit requirements, as well as Lahontan RWQCB permit requirements as applicable. The Proposed Project would also comply with any Waste Discharge Requirements and/or NPDES permit requirements, as stated on page 3.10-18 of the Draft EIR/EA.

Section 3.10, Hydrology, Water Quality, and Groundwater analyzes the potential impacts of the Proposed Project on hydrology, water quality, and groundwater. The section includes a discussion of the regulatory requirements that the Proposed Project is subject to, including the Clean Water Act. Page 3.10-19 states that “the Proposed Project would be subject to the statewide CGP for Stormwater Discharges Associated with Construction and Land Activities (NPDES CGP Permit).” As further stated, “a dewatering permit would be obtained from the Lahontan RWQCB” and a “Waste Discharge Application” would need to be submitted to the Lahontan RWQCB and may require an amended water quality certification, along with an NPDES permit for groundwater pumping and discharge.” LADWP will consult and coordinate with the Lahontan RWQCB regarding the required permits prior to construction.



### **Response 3-4**

This comment includes closing remarks and provides contact information regarding consultation with Water Board staff. This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR/EA. No further response to this comment is required.

Comment Letter No. 4



GENEVIEVE JONES  
TRIBAL COUNCIL CHAIR

**BIG PINE PAIUTE TRIBE OF THE OWENS VALLEY**

*Big Pine Paiute Indian Reservation*  
P.O. Box 700 · 825 SOUTH MAIN STREET · BIG PINE, CA 93513  
(760) 938-2003 · FAX (760) 938-2942  
[www.bigpinepaiute.org](http://www.bigpinepaiute.org)

November 6, 2017

Los Angeles Board of Water and Power Commissioners  
Los Angeles Department of Water and Power  
Room 1555-H  
111 North Hope St.  
Los Angeles, CA 90012

Mr. Brian Gonzalez  
Environmental Planning and Assessment  
Los Angeles Department of Water and Power  
111 North Hope St., Room 1044  
Los Angeles, CA 90012  
[Brian.Gonzalez@ladwp.com](mailto:Brian.Gonzalez@ladwp.com)

Dear Commissioners and Mr. Gonzalez:

Subject: Comments on Draft Environmental Impact Report/Environmental Assessment for the North Haiwee Dam No. 2 Project

The Big Pine Paiute Tribe of the Owens Valley (Tribe) submits the following comments on the Los Angeles Department of Water and Power (LADWP)/ Bureau of Land Management (BLM) Draft Environmental Impact Report/ Environmental Assessment (EIR/EA) for the North Haiwee Dam No. 2 Project. The Tribe understands the EIR/EA was prepared in accordance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The project is a joint project between the two agencies, but it is not subject to AB 52 in the strict sense because LADWP announced the project in a Notice of Preparation about three years ago, before AB 52 passed into law. However, BLM is required to consult.

4-1

The Tribe Supports the “No Project” Alternative (CEQA), also known as the “No Action” Alternative (NEPA). The No Project Alternative is described in the EIR/EA in the Executive Summary, p. ES-8, and it says:

4-2

“Under the No Project Alternative, the Proposed Project would not be implemented in any manner. NHD2 would not be constructed. The existing Dam would remain as-is, and NHR would operate at the levels required by DSOD. No berms would be constructed and no

grading would occur in the basin area, and the area north of NHD would remain dry as under existing conditions. No modifications would be made to the existing Dam. However, as it is known that there could be a catastrophic failure of the existing Dam during an MCE, it is possible that DSOD could place further restrictions on the use of NHR.

Under the No Project Alternative, the LAA would not need realignment and Cactus Flats Road would similarly remain as-is since NHD2 would not be constructed. Furthermore, no diversion structure or channel would be constructed. Operation of the LAA and Cactus Flats Road would continue as they do today, along with minor repairs and typical maintenance that would progress regardless of Proposed Project implementation.

4-2  
 Cont'd

Under the No Project Alternative, NHD2 would not be constructed, so no materials from the existing mine in Keeler would be needed. The existing mine is an operational mine, and mining operations would continue as they do today under the No Project Alternative.”

Reasons the Tribe supports no project are as follows:

- The proposed project to build a new dam at North Haiwee Reservoir is a choice being made by LADWP for the purpose of taking more water from the Eastern Sierra and not a requirement of the state of California. If LADWP continues to operate the reservoir as it has been operated in recent years, the existing infrastructure is acceptable to the state of California in terms of earthquake standards. Only if LADWP desires to put *more* water in the reservoir is the new dam required by the state of California to meet seismic requirements. LADWP desires to operate North Haiwee Reservoir up to an elevation of 3,760 feet, but in order to address state seismic safety requirements, LADWP has been restricted to an elevation of 3,757.50 feet (a difference of only 2.5 feet). There is no evidence to demonstrate the existing North Haiwee Dam elevation level creates a serious obstacle to LADWP’s water export activities. During this runoff year, LADWP planned to export from Owens Valley 460,200 acre-feet [p. 1-28, Los Angeles Department of Water and Power 2017 Annual Owens Valley Report], and some of this water was dumped into the desert presumably because the City of Los Angeles could not accommodate it.
- Under the No Project Alternative, there is no construction, so there is no destruction to Cultural, Biological, Air, and other resources.
- The project will cost a lot of money. Instead of spending so much money building up infrastructure in the Eastern Sierra, LADWP should be investing in projects which reclaim water in Los Angeles, clean up Los Angeles groundwater, and develop more stormwater capture facilities.
- Los Angeles Mayor Eric Garcetti has planned to reduce the City of Los Angeles's dependence on imported water, so a proposal for modifying infrastructure to *increase* water exports from the Eastern Sierra is in conflict with the commitment.
- The EIR/EA is vague with regard to how much more water can be exported to Los Angeles with the extra 2.5 feet in reservoir height. Because water moves through these reservoirs (it doesn’t just sit there for months on end), the higher maximum surface elevation helps DWP move a lot more water out of the Eastern Sierra.

4-3

4-4

4-5

4-6

4-7

If LADWP and BLM do not honor the Tribe's request, then the agencies should continue consultation and discuss further with the Tribe the terms of "mitigation" sufficient to compensate for the significant impacts to resources. Mitigations may include but not be limited to the hiring of Tribal Cultural Monitors, working with qualified Tribal Liaison(s), agreeing on a protocol and local repository for objects collected during data recovery, addressing the losses in a manner that the memories and their significance are preserved, and offsetting the impacts by setting aside lands in Cultural or Conservation Easements.

4-8

The Tribe respectfully requests LADWP (and BLM) abandon the project to replace North Haiwee Dam and continue the investment in helping Los Angeles reduce its dependence on imported water. Should you have questions about the Tribe's comments or to coordinate scheduling a meeting, please contact Tribal Environmental Director Dr. Sally Manning. She may be reached at [s.manning@bigpinepaiute.org](mailto:s.manning@bigpinepaiute.org) or (760) 938-2003 ext. 233.

4-9

Sincerely,



Genevieve A. Jones  
Tribal Chairwoman

- C: Eric Garcetti, Mayor, Los Angeles  
Carl Symons, Field Manager, BLM Ridgecrest  
Mitch O'Farrell, Los Angeles City Councilman, 13<sup>th</sup> District  
Nury Martinez, Los Angeles City Councilwoman, 6<sup>th</sup> District  
Richard Harasick, Senior Assistant General Manager, Water System, LADWP  
Native American Heritage Commission  
Inyo County Board of Supervisors

## **Comment Letter 4: Big Pine Paiute Tribe of the Owens Valley**

### **Response 4-1**

This comment includes introductory remarks and does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR/EA. No further response to this comment is required.

### **Response 4-2**

The commenter expresses their support for the No Project Alternative. The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. No further response to this comment is required.

### **Response 4-3**

The commenter asserts that the Proposed Project is not a requirement and that no evidence of the need for this project has been presented. In 2001, LADWP conducted a seismic stability evaluation of NHD and concluded that the existing Dam could experience structural failure in the event of a Controlling Maximum Credible Earthquake (MCE) scenario. The MCE is the largest earthquake that could possibly occur at a fault, based on the characteristics of that particular earthquake fault. During a MCE scenario, extensive liquefaction would occur in the foundation of NHD, causing the crest of the existing Dam to settle up to nine feet. This would result in the uncontrollable release of water from NHR, thereby creating a flooding and safety hazard to the residents of the Owens Valley. Subsequent to the flooding event, LADWP would be prevented from transporting along the LAA from the Owens Valley to the City, thus severing a major water supply for the City.

In 2002, the California Department of Water Resources, Division of Safety of Dams (DSOD) conducted an independent seismic stability review of NHD and concurred with LADWP's assessment on the seismic instability of NHD. Based on this evaluation, the DSOD has mandated that LADWP progress seismic improvements of NHR, as discussed in Section 1.3.3 on page 1-11 of the Draft EIR/EA. In the meantime, DSOD has directed LADWP to operate NHR at a restricted maximum surface water elevation of 3,757.5 feet, instead of the previous unassisted maximum elevation of up to 3,759 feet, in order to prevent an uncontrolled release of water and flooding in the event of dam failure resulting from an MCE. Furthermore, as stated in Section 2.2.2 on page 2-10 of the Draft EIR/EA, it is possible that DSOD could place further restrictions on the use of NHR under the No Project Alternative as it is known that there could be a catastrophic failure of the existing Dam during an MCE. As analyzed in Section 3.10, Hydrology, Water Quality, and Groundwater, even with the current DSOD required water level restrictions, an MCE could potentially cause the catastrophic failure of the existing Dam, which would result in the uncontrolled release of water onto communities, flooding them, resulting in significant impacts from the No Project Alternative.

Due to these evaluations and the DSOD directive, LADWP has been coordinating and working on the advancement of the Proposed Project with DSOD. As discussed on page 1-11 of the Draft EIR/EA under Section 1.4 Project Purpose, Need and Objectives, the fundamental purpose of the Proposed Project is to improve the seismic reliability of NHR through the construction of NHD2, in order to maintain the function of an essential water conveyance infrastructure component for the City of Los Angeles. The proposed NHD2 would serve to improve the seismic reliability of NHR in the event the existing Dam is damaged or breached by

an earthquake event. As stated on page 4-21 of the Draft EIR/EA, “without construction of the Proposed Project, NHR would remain impounded by a seismically unsound dam (NHD), potentially threatening life and property, and the City of Los Angeles’ water supply would be at risk. The DSOD has mandated that LADWP make improvements in order to improve the seismic reliability of NHR, and under the mandate LADWP is not permitted to operate the existing Dam at its unassisted maximum elevation of 3,760 feet or NHR at its normal capacity.”

The commenter also states that a new dam is only required by DSOD if additional water is added to the reservoir. As stated on page 4-18 of the Draft EIR/EA, “the Proposed Project is a seismic safety project and would not change water rights or otherwise increase the total volume of water transported through the LAA system.” The Proposed Project would serve to increase the reliability of maintaining adequate water supplies to the City of Los Angeles, and is not based on future additional water supplies. The water elevation in NHR was reduced at the direction of DSOD due to the seismic instability of NHD. LADWP needs to comply with DSOD requirements that continued progress is made toward the completion of the seismic improvements for NHD in order to resume operations of NHR of up to 3,759 feet.

The commenter also states that the DSOD-imposed restricted water levels of NHR would not impact LADWP’s operations. As stated above, assessments by both LADWP and DSOD concluded that the existing Dam could experience structural failure in the event of a MCE scenario, resulting in an uncontrollable release of water from NHR, thereby creating a flooding and safety hazard to the residents of the Owens Valley. Subsequent to the flooding event, LADWP would be prevented from transporting along the LAA from the Owens Valley to the City, thus severing a major water supply for the City.

#### **Response 4-4**

This comment states that the No Project Alternative would not have impacts to resources. As stated in Section 4.8, Reasons Why the Project is Being Proposed, Notwithstanding Unavoidable Significant Impacts, “the No Project Alternative...would not meet the Project objectives. Notably, the No Project Alternative would not meet DSOD’s requirements for seismic reliability of NHR, and would continue to expose individuals to seismic hazards associated with damage to the existing Dam should an earthquake event occur. Therefore, the No Project Alternative would not meet the underlying purpose of the Proposed Project, and is not considered a feasible alternative.” As further stated on page 4-22 of the Draft EIR/EA, “even though the Proposed Project does have significant and unavoidable impacts related to air quality, cultural resources, and noise during construction, these impacts are believed to be cumulatively less than significant if the Proposed Project was not undertaken. Furthermore, the Proposed Project would ensure that, should the existing Dam be damaged or breached by an earthquake event, public health and safety would be ensured by protecting the local population from a hazardous flooding event. Additionally, the Proposed Project would also ensure that NHR would be able to continue to function as an essential water conveyance infrastructure component for the City. The Proposed Project fully supports public health, safety, and welfare, notwithstanding significant unavoidable impacts.” Therefore, although there would be no construction-related impacts with the No Project Alternative, the impacts from an earthquake event would result in damage or breach of NHD, thereby destroying numerous other resources (biological, cultural, etc.) and resulting in public health and safety impacts.

### **Response 4-5**

The commenter discusses the cost of implementation of the Proposed Project. Economic effects and financial costs are not one of the issue areas required in an environmental document under CEQA. This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR/EA. No further response to this comment is required. Notwithstanding, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Response 4-6**

This comment asserts that the Proposed Project conflicts with a commitment to reduce the City of Los Angeles' dependence on imported water. The fundamental purpose of the Proposed Project is to improve the seismic reliability of NHR through the construction of NHD2, in order to maintain the function of an essential water conveyance infrastructure component for the City of Los Angeles. As such, the Proposed Project would serve to increase the reliability of existing water supplies to the City of Los Angeles from the Owens Valley and does not result in an increase to water supply or exports.

### **Response 4-7**

This comment asserts that the maximum surface elevation of the Proposed Project would increase water export out of the Eastern Sierra. As stated on page 4-18 of the Draft EIR/EA, "LADWP does not propose to increase the amount of water from the Sierras or Owens Valley through this Proposed Project. The water supply for the City would, therefore, remain unchanged under the Proposed Project..." As such, the Proposed Project would not result in an increase to water supply or exports.

### **Response 4-8**

This comment includes a list of mitigations for potential impacts to tribal cultural resources, including hiring of Tribal Cultural Monitors, working with Tribal Liason(s), agreeing on a protocol and local repository for objects collected during data recovery, addressing the losses in a manner that the memories and their significance are preserved, and offsetting the impacts by setting aside lands in Cultural or Conservation Easements.

The analysis contained in Section 3.18, Tribal Cultural Resources, of the Draft EIR/EA discusses potential impacts to tribal cultural resources. As stated on page 3.18-6, "tribal consultation for the Project conducted by BLM and LADWP in May and June 2017 noted concerns by the Lone Pine Paiute-Shoshone Tribe and Big Pine Paiute Tribe related to the location of the cultural site CA-INY-9377 and its potential for disturbance during Project construction activities. As currently designed, the Proposed Project would not be able to feasibly avoid impacting a portion of the site during Project grading activities, and therefore impacts would have the potential to be significant. However, the Proposed Project would not adversely affect the majority of the site that contributes to its eligibility. Implementation of Mitigation Measure TCR-D would reduce the impacts to less than significant." As further stated on page 3.18-6, "grading activities would be monitored by a Native American monitor as described in Mitigation Measure TCR-C, further ensuring the portions of the site contributing to its eligibility are not impacted."

Ongoing consultation between BLM and tribal representatives would continue to occur throughout the Proposed Project regarding the presence/absence of tribal cultural resources within the Project Site. In addition, Mitigation Measures TCR-A, TCR-B, TCR-C, and TCR-D would be implemented, as stated in Section 3.18.5, Mitigation Measures. Mitigation Measure TCR-A includes the flagging of avoidance areas, which will include a 15 meter (50 foot buffer) around environmentally sensitive areas, by a qualified professional archaeologist and tribal cultural resources monitor. Mitigation Measure TCR-B includes the provision monitoring plan prior to ground-disturbing construction that will identify the steps to be taken in the event of an inadvertent discovery of tribal cultural resources. It specifies that a Native American monitor will be present to observe construction at areas sensitive for unidentified tribal cultural resources, and in the event of discovery, work in the area will immediately cease and the resource will be assessed per California Register of Historical Resources and National Register of Historic Places requirements. Mitigation Measure TCR-C states that LADWP will develop and implement procedures in the event that tribal cultural resources are discovered or unanticipated effects on tribal cultural resources occur during the Proposed Project's construction or operation, prior to initiation of ground disturbance activities. Mitigation Measure TCR-D includes a plan for mitigative data recovery, in the event that significant tribal cultural resources cannot be avoided during construction. Data recovery may range from detailed inspection and recordation of the resource, to supplemental historic research, to controlled excavation of construction impact zones. The plan will include a site-specific research design and will be submitted to BLM's archaeologist for review and consultation with SHPO and Native American groups as necessary and appropriate.

#### **Response 4-9**

The commenter expresses their support for the No Project Alternative and includes closing remarks. The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. No further response to this comment is required.



Comment Letter No. 5



## Owens Valley Indian Water Commission

46 TuSu Lane, Bishop, CA 93514 760-873-3300 873-3320 FAX

November 6, 2017

Los Angeles Board of Water and Power Commissioners  
Los Angeles Department of Water and Power  
Room 1555-H  
111 North Hope St.  
Los Angeles, CA 90012

Mr. Brian Gonzalez  
Environmental Planning and Assessment  
Los Angeles Department of Water and Power  
111 North Hope St., Room 1044  
Los Angeles, CA 90012  
[Brian.Gonzalez@ladwp.com](mailto:Brian.Gonzalez@ladwp.com)

**Re: Comments on Draft Environmental Impact Report/Environmental Assessment  
for the North Haiwee Dam No. 2 Project**

Dear Commissioners and Mr. Gonzalez:

The Owens Valley Indian Water Commission (Commission) is a Tribal Consortium whose member Tribes include the Bishop Paiute Tribe, Big Pine Paiute Tribe of the Owens Valley, and Lone Pine Paiute-Shoshone Reservation. The Commission hereby submits the following comments on the Los Angeles Department of Water and Power (LADWP)/ Bureau of Land Management (BLM) Draft Environmental Impact Report/ Environmental Assessment (EIR/EA) for the North Haiwee Dam No. 2 Project.

5-1

The Commission Supports the "No Project" Alternative (CEQA), also known as the "No Action" Alternative (NEPA). The No Project Alternative is described in the EIR/EA in the Executive Summary, p. ES-8, and it says:

5-2

Page 1 of 3

“Under the No Project Alternative, the Proposed Project would not be implemented in any manner. NHD2 would not be constructed. The existing Dam would remain as-is, and NHR would operate at the levels required by DSOD. No berms would be constructed and no grading would occur in the basin area, and the area north of NHD would remain dry as under existing conditions. No modifications would be made to the existing Dam. However, as it is known that there could be a catastrophic failure of the existing Dam during an MCE, it is possible that DSOD could place further restrictions on the use of NHR.

5-2  
Cont'd

Under the No Project Alternative, the LAA would not need realignment and Cactus Flats Road would similarly remain as-is since NHD2 would not be constructed. Furthermore, no diversion structure or channel would be constructed. Operation of the LAA and Cactus Flats Road would continue as they do today, along with minor repairs and typical maintenance that would progress regardless of Proposed Project implementation.

Under the No Project Alternative, NHD2 would not be constructed, so no materials from the existing mine in Keeler would be needed. The existing mine is an operational mine, and mining operations would continue as they do today under the No Project Alternative.”

The Commission supports the “No Project” Alternative because:

1. We believe the proposed project to build a new dam at North Haiwee Reservoir is a choice being made by LADWP for the purpose of taking more water from the Eastern Sierra and not a requirement of the state of California. If LADWP continues to operate the reservoir as it has been operated in recent years, the existing infrastructure is acceptable to the state of California in terms of earthquake standards. Only if LADWP desires to put *more* water in the reservoir is the new dam required by the state of California to meet seismic requirements. LADWP desires to operate North Haiwee Reservoir up to an elevation of 3,760 feet, but in order to address state seismic safety requirements, LADWP has been restricted to an elevation of 3,757.50 feet (a difference of only 2.5 feet). There is no evidence to demonstrate the existing North Haiwee Dam elevation level creates a serious obstacle to LADWP’s water export activities. During this runoff year, LADWP planned to export from Owens Valley 460,200 acre-feet [p. 1-28, Los Angeles Department of Water and Power 2017 Annual Owens Valley Report], and some of this water was dumped into the desert presumably because the City of Los Angeles could not accommodate it.
2. Under the No Project Alternative, there is no construction, so there is no destruction to Cultural, Biological, Air, and other resources.
3. The money it would cost for the project could be better spent. Instead of spending so much money building up infrastructure in the Eastern Sierra, LADWP should be investing in projects which reclaim water in Los Angeles,

5-3

5-4

5-5

- clean up Los Angeles groundwater, and develop more stormwater capture facilities. | 5-5  
Cont'd
4. Los Angeles Mayor Eric Garcetti has planned to reduce the City of Los Angeles' dependence on imported water, so a proposal for modifying infrastructure to *increase* water exports from the Eastern Sierra is in conflict with the commitment. | 5-6
5. The EIR/EA is vague with regard to how much more water can be exported to Los Angeles with the extra 2.5 feet in reservoir height. Because water moves through these reservoirs (it doesn't just sit there for months on end), the higher maximum surface elevation helps LADWP move a lot more water out of the Eastern Sierra. | 5-7

If LADWP and BLM do not honor the Commission's request, the Commission is requesting the agencies continue consultation and discuss further with the Commission and its member Tribes the terms of "mitigation" sufficient to compensate for the significant impacts to resources; such as offsetting the impacts by setting aside land in Cultural or Conservation Easements. | 5-8

The Commission respectfully requests LADWP and BLM abandon the project to replace North Haiwee Dam and continue the investment in helping Los Angeles reduce its dependence on imported water. | 5-9

Sincerely,



Teri Red Owl  
Executive Director

cc: Honorable Eric Garcetti, Mayor, City of Los Angeles  
Mr. Carl Symons, Field Manager, BLM Ridgecrest  
Honorable Mitch O'Farrell, Los Angeles City Councilman, 13<sup>th</sup> District  
Honorable Nury Martinez, Los Angeles City Councilwoman, 6<sup>th</sup> District  
Mr. Richard Harasick, Senior Assistant General Manager, Water System, LADWP

## **Comment Letter 5: Owens Valley Indian Water Commission**

### **Response 5-1**

This comment includes introductory remarks and does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR/EA. No further response to this comment is required.

### **Response 5-2**

The commenter expresses their support for the No Project Alternative. The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. No further response to this comment is required.

### **Response 5-3**

The commenter asserts that the Proposed Project is not a requirement and that no evidence of the need for this project has been presented. The commenter is referred to Response 4-3 regarding the fundamental purpose of the Proposed Project, and the studies conducted by LADWP and DSOD regarding the need for the Proposed Project.

### **Response 5-4**

This comment states that the No Project Alternative would not have impacts to resources. The commenter is referred to Response 4-4 regarding the consideration of the No Project Alternative.

### **Response 5-5**

The commenter discusses the cost of implementation of the Proposed Project. Economic effects and financial costs are not one of the issue areas required in an environmental document under CEQA. This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR/EA. No further response to this comment is required. Notwithstanding, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Response 5-6**

This comment asserts that the Proposed Project conflicts with a commitment to reduce the City of Los Angeles' dependence on imported water. The commenter is referred to Response 4-6 regarding the fundamental purpose of the Proposed Project.

### **Response 5-7**

This comment asserts that the maximum surface elevation of the Proposed Project would increase water export out of the Eastern Sierra. The commenter is referred to Response 4-7 regarding water exports.

### **Response 5-8**

This comment requests continued consultation from LADWP and BLM related to potential mitigation. As stated in Section 3.18, Tribal Cultural Resources, ongoing consultation between BLM and tribal representatives would continue to occur throughout the Proposed Project regarding the presence/absence of tribal cultural resources within the Project Site. The commenter is referred to Response 4-8 regarding ongoing consultation efforts and mitigation measures for potential impacts to tribal cultural resources.

### **Response 5-9**

The commenter expresses their support for the No Project Alternative and includes closing remarks. The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. No further response to this comment is required.

Comment Letter No. 6

The WilliamsFamily Trust

September 23, 2017

Los Angeles Department of Water and Power  
Environmental Affairs  
111 North Hope Street , Room 1044  
Los Angeles, CA 90012  
Attn: Mr. Brian Gonzalez  
Email: Brian.Gonzalez@ladwp.com

SUBJECT: Comment on the North Haiwee Dam Project

Dear: Mr. Gonzalez

We reviewed the information sent and it does not appear that the Project impacts Lot 119, Phase I of Enchanted Lake Suddivision, on Lake Village Road. We have no negative comments.

In addition, we would like to encourage the LADWP Board to investigate more seriously making Southern California more water independent and focus on using Inyo County Water within Inyo County. This may mean creating a split-off company to service that area. Let's call it the ICDWP. With modern technology, the time has come for southern California of use it's resources, at hand, to fill it these needs, especially for drinking water. Inyo County is expanding; it has become the last frontier and there in a strong need for such a service. Being that LSDWP is using Inyo Co. water now, that would make such an expansion a obvious business opportunity.

6-1

Respectfully;



Arlene L. (Paskow) Williams  
7428 Jenkins Ave.  
Hesperia, CA 92345

PHONE: 760-956-5098

EMAIL ADDRESS: leearlenewiljr@aol.com

**Comment Letter 6: Williams (Paskow), Arlene L.**

**Response 6-1**

The commenter acknowledges that the Proposed Project will not impact Lot 119, Phase I of Enchanted Lake Subdivision. This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR/EA. No further response to this comment is required. Notwithstanding, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comment Letter No. 7

10-18-17

Dear Brian,

Thanks so much for the North Haiwee Dam No. 2 Project report. I sure do appreciate your kindness with this hard copy. I'm starting to delve into it now.

I must say that in olden and simpler times, a project like this would have just taken place without all this seemingly ridiculous waste of time, effort and money. When you think that the area in question is basically desert scrub-land, it's unbelievable of these burdensome regulations put on the LADWP. As mankind isn't always too concerned about his environment (note the state of the world), one wonders who is benefitting from all this regulation? There is usually a money trail somewhere along the line.

It is of interest to me that there are photos of the area, as I'm interested in the Owens Valley and its environmental issues. This way I can see exactly what the area looks like.

Again, I thank you for your thoughtfulness with my request.

Sincerely, a friend in Pennsylvania,



John K. Ziegler  
20 Hillery Court  
Apt. A41  
York, PA 17402-7891

7-1



**Comment Letter 7: Ziegler, John K.**

**Response 7-1**

This comment expresses the opinion of the commenter and does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR/EA. No further response is required. Notwithstanding, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

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## 3.2 Responses to Oral Comments Received at the Draft EIR/EA Public Meeting

The public meeting was held during the Draft EIR/EA public review period to solicit comments from interested parties. The meeting was held on October 11, 2017 at 6:00 P.M. at Statham Hall ([Lone Pine Senior Center] 138 Jackson Street, Lone Pine, CA 93545). At the public meeting, an overview of the Proposed Project and Draft EIR/EA conclusions was presented. Following the presentation, the meeting was opened to oral public comments. Five members of the public provided oral comments on the Draft EIR/EA. A court reporter was not present at this meeting and notes were taken by the project team. A summary of the public comments (PC), as well as responses are provided in Table 3-2, below.

**TABLE 3-2  
 RESPONSES TO ORAL COMMENTS RECEIVED ON THE DRAFT EIR/EA**

No.	Comment	Response
PC-1	The commenter states that the document should be sent to Independence Library.	The Independence Library has been on the project mailing list and has been sent all environmental notices for the Proposed Project since the environmental review process began in 2014. Independence Library has received a CD containing the Draft EIR/EA and Technical Appendices.
PC-2	The commenter asks if the cement and concrete for the CDSM would be sourced locally and what the volume is.	As discussed on page 2-17 of the Draft EIR/EA, the CDSM Alternative would require an on-site portable cement grout batch plant to batch cement grout for the mixing rigs. Raw materials for grout would be trucked in from Bishop, Mojave, or Ridgecrest. The CDSM Alternative would require approximately 90,450 tons of cement.
PC-3	The commenter asked if there will be a large volume of truck traffic.	<p>As discussed in Section 3.17, Transportation and Traffic, of the Draft EIR/EA, CDSM Alternative and Excavate and Recompact Alternative would not degrade traffic operations below the target Level of Service (LOS) established by Caltrans or Inyo County for the following roadway segments: SR-136 north of SR-190; SR-190 between US-395 and SR-136; and US-395 south of North Haiwee Road.</p> <p>Roadway segment 3, US-395 between SR-190 and north of North Haiwee Road, would experience an increase in passenger car equivalent volumes higher than the No Project Alternative, but would not degrade the existing measure of effectiveness of LOS D, as the existing conditions for this roadway segment also has a LOS D rating.</p> <p>Roadway segments 5 and 6 are located within segments 5 and 6 of the Caltrans <i>US-395 Transportation Concept Report</i>, and have anticipated peak highway traffic levels which are far below the traffic volumes anticipated in the <i>US-395 Transportation Concept Report</i>. As such, the Proposed Project would have no impact on the condition of the highway.</p> <p>The commenter is referred to Table 3.17-6 and Table</p>

		3.17-7 on page 3.17-8 of the Draft EIR/EA for the forecasted traffic volumes and LOS for years 2018 through 2024 for the CDSM Alternative and Excavate and Recompect Alternative, respectively.
PC-4	The commenter asked if the construction bid was released yet.	This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR/EA. Notwithstanding, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.
PC-5	The commenter asked how long the construction project will last.	As described in Section 2.4.1, Construction Phasing, construction of the Proposed Project under the CDSM Alternative would last approximately five and a half years. The commenter is referred to Figure 2-7, Construction Schedule by Alternative, on page 2-15 of the Draft EIR/EA, which depicts the project schedule by construction phase.
PC-6	The commenter asked if LADWP has a budget to hire tribal monitors.	The commenter is referred to mitigation measure TCR-B in Section 3.18, Tribal Cultural Resources, of the Draft EIR/EA. Mitigation measure TCR-B states “A Native American monitor will be present to observe construction at geographic locations that are sensitive for unidentified tribal cultural resources.”
PC-7	The commenter asked for clarification if some of the dam fill and materials would come from off-site and from the realignment.	Construction of NHD2 would require riprap, gravel, and sand materials. The majority of the materials for construction of NHD2 would utilize silty sand material from the LAA Excavation Area, as described in Chapter 1.0, Introduction. As materials from the LAA Excavation Area may not achieve the necessary specifications or produce the required quantity of materials for construction of HND2, materials would be purchased from the existing mine in Keeler. The commenter is referred to Section 2.3.2, Alternatives for NHD2 Construction Materials, for the discussion of potential sites considered for materials for construction of NHD2.
PC-8	The commenter asked who is conducting the biological surveys and asked how the biological disturbance is not significant considering the project is near a water source.	<p>Biological resources surveys were conducted by the LADWP Watershed Resources Group. Section 3.4, Biological Resources, of the Draft EIR/EA, analyzes the impacts of the Proposed Project on biological resources. Sensitive resources in the area include special-status plant and wildlife species, natural vegetation communities, and riparian habitat. No federally or state-jurisdictional wetlands were identified within the Project Site.</p> <p>A total of 148 special-status plant and wildlife species may potentially occur within the Proposed Project area. Ninety-three of special-status species were determined to have an unlikely or Low potential for occurrence and 55 special-status species were either Detected, or determined to have a Medium or High Potential for occurrence designation. Impacts to the following wildlife species are discussed in further detail in Section 3.4, Biological Resources: Desert tortoise, Bald eagle, Swainson’s hawk, bank swallow, yellow-billed cuckoo,</p>

		<p>Mohave, ground squirrel, burrowing owl, raptors, bats, American badgers, desert kit fox. Implementation of mitigation measures BIO-A, BIO-B, BIO-C, BIO-D, BIO-E, BIO-F, BIO-I, BIO-J, BIO-L, and BIO-N would ensure that less than significant impacts would occur to these species if these species were incidentally observed within the Proposed Project area.</p> <p>A total of 39.83 acres of permanent impacts and 53.90 temporary impacts would occur to natural vegetation communities upon implementation of the Proposed Project, including Allscale Scrub, Fourwing Saltbush Scrub, Joshua tree, Cresotebush-burrobush Scrubland, and Tamarisk Thicket. Although the construction of the Proposed Project would result in the direct loss of vegetation communities, the disturbance is not considered substantial. Impacts to undisturbed vegetation communities have been avoided to the greatest extent feasible and minimal habitat fragmentation would occur. Although direct and indirect effects to vegetation communities would occur, these impacts are not considered to be significant. Additionally, these impacts would be minimized with the implementation of mitigation measures BIO-A, BIO-B, BIO-H, BIO-K, and BIO-M.</p> <p>A 0.8-acre area of riparian trees occurs at the southeastern section of the Project Site that would be impacted by the Proposed Project via the removal of Tamarisk Thicket riparian trees. Additionally, 1,100 feet west of the Tamarisk Thicket is another small Tamarisk Thicket proposed for removal. However, because Haiwee Reservoirs are just south of the Project Site, there is a large and significant amount of riparian habitat with mature riparian trees present for wildlife, and prior to any tree disturbance, implementation of mitigation measure BIO-D and BIO-K would reduce the potential impacts to riparian habitats to less than significant.</p> <p>Impacts to biological resources would be potentially significant; however, implementation of mitigation measure BIO-A through BIO-O would reduce impacts to biological resources to less than significant levels.</p>
PC-9	<p>The commenter asked whether there is an estimate for the number of employees that might be doing the work for each phase of the project.</p>	<p>Section 2.4.3, CDSM Alternative Construction Scenario, and Section 2.4.4, Excavate and Recompect Construction Scenario, provide estimates for the number of personnel required for construction of each phase of the Proposed Project. As shown in Table 2-2 on page 2-22 of the Draft EIR/EA, there would be no more than 30 personnel per day for construction of the Cactus Flats Road Realignment. Table 2-3 on page 2-22 of the Draft EIR/EA shows that there would be no more than 38 personnel per day for the heaviest period of construction for the LAA Realignment and 33 personnel per day for the LAA Excavation Area for both of the Build</p>

		<p>Alternatives. Table 2-4 on page 2-24 of the Draft EIR/EA shows that there would be no more than 73 personnel per day for the construction of NHD2 and 8 personnel per day for the hauling of materials from the existing mine in Keeler under the CDSM Alternative. Table 2-7 on page 2-32 of the Draft EIR/EA shows that there would be no more than 84 personnel per day for construction of NHD2 and 8 personnel per day for the hauling of materials from the existing mine in Keeler under the Excavate and Recompact Alternative. Table 2-5 on page 2-24 shows that there would be no more than 38 personnel per day for construction of the Diversion Channel and NHD Modifications.</p>
PC-10	<p>The commenter inquired about the cost estimate for the project.</p>	<p>Economic effects and financial costs are not one of the issue areas required in an environmental document under CEQA. This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR/EA. Notwithstanding, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.</p>
PC-11	<p>The commenter stated that the language in the EIR about the project being mandated by the DSOD is not direct.</p>	<p>One of the project objectives, as described in Section 1.4.2, Project Objectives, is to comply with Division of Safety of Dams (DSOD) mandates for action to improve the reliability of NHR.</p> <p>Based on the 2001 <i>North Haiwee Dam Seismic Stability Evaluation</i>, DSOD restricted the maximum water level in NHR to an elevation of 3,757.5 feet, in order to prevent an uncontrolled release of water and flooding in the event of dam failure resulting from a Maximum Credible Earthquake. In order to resume operations of NHR of up to 3,760 feet, LADWP needs to comply with DSOD requirements that continued progress is made toward the completion of the seismic improvements for NHD.</p> <p>As stated on page 1-11 of the Draft EIR/EA, DSOD has mandated that LADWP progress seismic improvements. As such, LADWP has coordinated with DSOD regarding the review of the design and construction phases of the proposed NHD2.</p>
PC-12	<p>The commenter asked whether the basin would remain as-is or would be excavated.</p>	<p>As described on page 2-20 of the Draft EIR/EA, the basin would be constructed during the excavation and fill periods for construction of NHD2. The basin would be graded in order to level the basin floor.</p>
PC-13	<p>The commenter asked what the volume of the basin would be.</p>	<p>Section 2.5, Operation and Maintenance, of the Draft EIR/EA states that the basin would contain approximately 600 acre-feet of water at the unassisted operating level of up to 3,760 feet.</p>
PC-14	<p>The commenter asked if it is a requirement to locate the new Dam where it is located for the Proposed Project or whether NHD2 could be constructed closer to the existing Dam.</p>	<p>NHD2 will be constructed approximately 800 feet north and roughly parallel to the existing Dam's axis. Based on geotechnical and geologic field investigations completed by the LADWP, the location was determined to be a feasible site for construction of the NHD2. In addition, the proposed location of NHD2 was selected to</p>

		<p>minimize the length of the dam and amount of excavation from left abutment to right abutment. The proposed location is the shortest length from side to side within the valley downstream of the existing Dam. The location also provides adequate distance between the toe of the new Dam and toe of the existing Dam to avoid potential impacts during construction to the existing Dam, which extends below the existing ground surface on the downstream side.</p>
PC-15	<p>Referring to South Haiwee Dam, the commenter asked whether the current delta area will be a continuation of sand or the current lake bed. The commenter also asked whether there will be excavation for South Haiwee Dam.</p>	<p>The Proposed Project does not include any work within South Haiwee Dam. Thus, any work done for South Haiwee Dam would be outside of the Project Site and would be considered a separate project from that proposed in the EIR/EA.</p>
PC-16	<p>The commenter asked whether there will be a notch in the existing Dam, how the notch would look, and inquired about the materials used to construct the notch.</p>	<p>As described in Chapter 2.0, Project Description and Alternatives, a notch would be cut into the existing NHD to connect the basin and NHR, allowing water to flow from the basin into NHR. The notch would be constructed through mechanical excavation utilizing excavation equipment and then reinforced with six to eight inches of concrete, along with weld wire reinforcement to prevent erosion. Upon completion of NHD2, the notch would match the design parameters for the LAA Realignment, allowing the basin to handle the LAA system's maximum flow rate of 900 cubic feet per second.</p> <p>The commenter is referred to Figure 3.1-8 on page 3.1-8 of the Draft EIR/EA, which provides a general visual simulation of the notch compared to existing conditions.</p>
PC-17	<p>The commenter asked whether the project would be used to increase the capacity of the reservoir.</p>	<p>The commenter is referred to Response 4-3 above regarding the fundamental purpose of the proposed project.</p>
PC-18	<p>The commenter raised concerns regarding the condition of the existing Cactus Flats Road Realignment near the old historic borrow site for NHD. The commenter requested that the Proposed Project take the hazard into consideration.</p>	<p>As described on page 2-2 of the Draft EIR/EA, the existing Cactus Flats Road would need to be realigned to accommodate the new Dam. The existing Cactus Flats Road, including the portion of Cactus Flats Road near the historic borrow site for NHD, would remain in place but would no longer be accessible to the public. The Cactus Flats Road Realignment would avoid the area that the commenter is concerned about.</p> <p>The commenter is referred to Figure 2-3 on page 2-5 of the Draft EIR/EA, which shows the Cactus Flats Road Realignment.</p>
PC-19	<p>The commenter asked whether the existing LAA channel to the north of the LAA Realignment will be filled in once the LAA Realignment is constructed.</p>	<p>As shown in Figure 2-4, the location of the existing LAA would be a part of the LAA Excavation Area that would be excavated for fill material for NHD2. Page 2-6 of the Draft EIR/EA states that the existing LAA segment would be demolished and backfilled after the LAA Realignment is connected. Once construction is complete, the LAA Excavation Area would be restored to its approximate natural state, as part of the Proposed</p>

		Project's Topsoil Salvage and Revegetation Plan. The Topsoil Salvage and Revegetation Plan, is included as mitigation measure BIO-H in Section 3.4, Biological Resources, of the Draft EIR/EA.
PC-20	The commenter asked whether the aqueduct will connect to the basin or to the dam.	<p>Once constructed, the LAA Realignment would be connected to the existing LAA, which would continue flow into NHR. Additionally, the LAA Diversion Channel would convey water from the newly aligned LAA through the diversion structure into the basin.</p> <p>The commenter is referred to Figure 2-1 on page 2-3 of the Draft EIR/EA, which shows the existing LAA, LAA Realignment, and LAA Diversion Channel.</p>
PC-21	The commenter asked if there are plans to fill up the basin and use it as a fishing area.	The basin would not be used as a fishing area. LADWP closed public access to Haiwee Reservoirs in August 2005 to ensure safety and security of the water supply against potential threats. As discussed on page 2-8 of the Draft EIR/EA, the basin would be utilized for water quality and sediment management purposes.
PC-22	The commenter asked if the basin area is going to be blue stone treated.	LADWP has utilized copper sulfate in the past to mitigate harmful algae blooms. This method is only used as needed. In addition, LADWP is currently evaluating other alternatives to copper sulfate to eliminate harmful algae blooms. Due to the recent changes in the Lahontan Basin Plan, any use of copper sulfate or other method would be conducted in compliance with regulatory requirements, including approval from the Lahontan Water Board.
PC-23	The commenter inquired about the Joshua trees in the area.	<p>As discussed in Section 3.4, Biological Resources, of the Draft EIR/EA, direct effects from construction of the Proposed Project may potentially impacts individual Joshua trees that occur on the Project Site and on BLM-managed land, resulting in both temporary and permanent impacts. Approximately 3.13 acres of permanent impacts and 11.66 acres of temporary impacts would occur to Joshua trees. These impacts would be minimized with the implementation of mitigation measures, including mitigation measure BIO-O, which includes the implementation of Joshua tree salvage measures in accordance with the California Desert Native Plants Act and DRECP.</p> <p>The Joshua trees found on the Project Site on BLM-managed land do not meet the definition of "Joshua tree woodlands" as defined in the DRECP.</p>
PC-24	The commenter asked whether BLM is going to conduct an independent biological assessment on BLM-managed land.	The Biological Resources Assessment, prepared by the LADWP Watershed Resources Group, encompasses the entire Project Site which includes both LADWP-owned and BLM-managed land. The Biological Resources Assessment and Section 3.4, Biological Resources in the Draft EIR/EA have been prepared in coordination with LADWP, the lead agency under CEQA, and BLM, the lead agency under NEPA.



PC-25	The commenter asked when the construction of the first phase would begin.	Construction of the Proposed Project is anticipated to commence in the first quarter of 2018. The commenter is referred to Section 2.4.1, Construction Phasing, in the Draft EIR/EA for a discussion of the phases and schedule for the Proposed Project.
PC-26	The commenter asked if LADWP contracts out the construction management.	This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR/EA. Notwithstanding, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.
PC-27	The commenter asked what the last date to comment on the Draft EIR/EA is.	Pursuant to CEQA and its implementing guidelines, the Draft EIR/EA was circulated for a 45-day public review and comment period starting on September 21, 2017 and concluding on November 6, 2017.
PC-28	The commenter asked if the existing Dam is an earth dam with a concrete face, and if the new Dam will have a concrete foundation.	<p>The existing Dam is an earthen dam. The foundation for NHD was constructed by excavating a cutoff trench into the native alluvium. This was followed by placement of hydraulic fill.</p> <p>Under both the CDSM Alternative and Excavate and Recompact Alternative, the new Dam would be a zoned earthen embankment dam, comprised of shell, core, filter, and drain materials, as described in Chapter 2.0, Project Description and Alternatives. The difference between the two Build Alternatives would be the method of construction of NHD2.</p> <p>Under the CDSM Alternative, the foundation of NHD2 would be reinforced through installation of a grid of overlapping cement deep soil mixing (CDSM) columns. CDSM involves the creation of soil-cement columns with large augers, which inject cement grout and/or other admixtures into the existing foundation soils to create strengthened columns in the ground.</p> <p>Under the Excavate and Recompact Alternative, the earth within and adjacent to the footprint of NHD2 would be removed to a depth of approximately 30 feet in order to create a base for the new Dam. A combination of existing material removed from the foundation area and the LAA Excavation area, and new materials excavated from the existing mine in Keeler, would be mixed and used to replace the 30-foot deep excavated area. This mixed material would be mechanically compacted to 95 percent relative compaction to form the base of the new Dam below the surface of the ground. Concrete would be used to create a cutoff wall within the foundation area. Once the base for NHD2 is constructed and compacted, the new Dam would be constructed on top of it.</p>

PC-29	The commenter asked what makes the new Dam more seismically sound than the existing Dam, and if there are examples of other dams that use the CDSM methods.	<p>NHD2 would be designed to retain water contained in NHR in the event of failure of NHD. The methods of construction for the foundation of the new Dam considered for the Proposed Project, including CDSM and Excavate and Recompact, are modern and approved methods for dam foundations in areas susceptible to liquefaction.</p> <p>The new Dam will be more seismically sound than the existing Dam because the new Dam will be designed to meet current seismic standards, and it will be constructed using the modern construction methods. CDSM has been used to remediate Perris Dam, Sunset North Basin Dam, and San Pablo Dam in California.</p> <p>Additionally, LADWP has coordinated with DSOD regarding the review of the design and construction phases of the proposed NHD2. Operation of the new Dam would require a Certificate of Approval from DSOD.</p>
PC-30	The commenter asked whether the existing Dam has a structural foundation.	The commenter is referred to the response for PC-28 above regarding the foundation for the existing Dam.
PC-31	The commenter asked when the existing Dam was built.	The commenter is referred to Section 1.1, Project Overview, of the Draft EIR/EA, which states that North Haiwee Dam was constructed in 1913.
PC-32	The commenter asked if there are plans to replace other dams.	The DSOD mandate for LADWP to progress seismic improvements is specific to North Haiwee Dam. As such, any work done outside of the Project Site is not a part of this Project and would not be within the purview of this EIR/EA. No further response to this comment is required.
PC-33	The commenter asked if access and traffic on Cactus Flats Road will continue on its current course.	As described on page 2-2 and page 2-14 of the Draft EIR/EA, the existing Cactus Flats Road would need to be realigned to accommodate the new Dam. The demolition and closure of the existing Cactus Flats Road would not occur until the Cactus Flats Road Realignment is opened for use; thus, access would not be impacted by the Proposed Project. The commenter is referred to Figure 2-3 on page 2-5 of the Draft EIR/EA, which shows the Cactus Flats Road Realignment.