Agenda

County of Inyo
Board of Supervisors

Board of Supervisors Room
County Administrative Center
224 North Edwards
Independence, California

All members of the public are encouraged to participate in the discussion of any items on the Agenda. Anyone wishing to speak, please obtain a card from the Board Clerk and indicate each item you would like to discuss. Return the completed card to the Board Clerk before the Board considers the item (s) upon which you wish to speak. You will be allowed to speak about each item before the Board takes action on it.

Any member of the public may also make comments during the scheduled "Public Comment" period on this agenda concerning any subject related to the Board of Supervisors or County Government. No card needs to be submitted in order to speak during the "Public Comment" period.

Public Notices: *(1)* In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Clerk of the Board at (760) 878-0373. (28 CFR 35.102-35.104 ADA Title II). Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Clerk of the Board 72 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format. (Government Code Section 54954.2). *(2)* If a writing, that is a public record relating to an agenda item for an open session of a regular meeting of the Board of Supervisors, is distributed less than 72 hours prior to the meeting, the writing shall be available for public inspection at the Office of the Clerk of the Board of Supervisors, 224 N. Edwards, Independence, California and is available per Government Code § 54957.5(b)(1).

Note: Historically the Board does break for lunch, the timing of a lunch break is made at the discretion of the Chairperson and at the Board's convenience.

March 1, 2016

8:30 a.m. 1. ***PUBLIC COMMENT***

CLOSED SESSION

2. ***CONFERENCE WITH LEGAL COUNSEL -ANTICIPATED LITIGATION [Pursuant to Government Code §54956.9(d)(4)]*** – discussion with legal counsel regarding potential initiation of litigation (one case.)

3. ***CONFERENCE WITH LABOR NEGOTIATORS [Pursuant to Government Code §54957.6]*** – Employee Organizations: Deputy Sheriff's Association (DSA); Elected Officials Assistant Association (EOAA); Inyo County Correctional Officers Association (ICCOA);Inyo County Employees Association (ICEA); Inyo County Peace Officers Association (ICPPOA); Law Enforcement Administrators' Association (LEAA). Unrepresented employees: all. Agency designated representatives: County Administrative Officer, Kevin Carunchio, Assistant County Administrator, Rick Benson, Deputy Personnel Director, Sue Dishion, Information Services Director, Brandon Shults, County Counsel, Marshall Rudolph, and Assistant County Counsel, John Vallejo.

OPEN SESSION

10:00 a.m. ***PLEDGE OF ALLEGIANCE***

4. ***REPORT ON CLOSED SESSION***

5. ***PUBLIC COMMENT***

6. ***COUNTY DEPARTMENT REPORTS*** *(Reports limited to two minutes)*

7. ***INTRODUCTIONS*** – the following Health and Human Services employees will be introduced to the Board: Byung Yu, HHS Specialist; Deborah Ditmar, Office Clerk; Rebecca Houle, HHS Supervisor; and Donna Stephen, Addictions Counselor.

CONSENT AGENDA (Approval recommended by the County Administrator)

COUNTY ADMINISTRATOR

8. ***Motor Pool*** – Request Board award the bid to and authorize the purchase from Bishop Ford of 9 2016 Ford Police Interceptor Utilities including law enforcement equipping in an amount not to exceed $408,317.31.

9. ***Personnel*** – Request Board ratify and approve the July 1, 2015 – June 30, 2018 Memorandum of Understanding between the County of Inyo and the Law Enforcement Administrator's Association (LEAA); and authorize the Chairperson to sign.

DISTRICT ATTORNEY

10. Request Board A) approve the Contracts between the County of Inyo and Prosecutor by Karpel, to provide professional services for an on-line case management software and hosting to the Inyo County District Attorney, including software licenses, customization for local needs, installation and web hosting for one year, in the amount of $85,520 for the initial contract and $5 per month, estimated at $60 per month at current staffing levels for the first year of hosting services, contingent upon the Board's adoption of future budgets; and B) authorize the Chairperson to sign.

HEALTH AND HUMAN SERVICES

11. Request approval of Amendment No. One to the Contract between the County of Inyo and Vista Pacifica Enterprises for residential placement for adults in a locked facility, to increase the amount of the Contract by $28,000 for a total Contract amount not to exceed $78,000, for the period of July 10, 2015 through June 30, 2016; and authorize the Chairperson to sign.

PLANNING

12. Request Board reappoint David German, as a regular member, to the Natural Resource Advisory Committee, to complete an unexpired three-year term ending October 6, 2018. *(Notice of Vacancy resulted in one request for appointment being received from Mr. German.)*

PUBLIC WORKS

13. Request Board approve the Plans and Special Provisions for the Dehy Park Improvement Project Phase II and authorize the Public Works Director to advertise for bids for the project, contingent upon receipt of the State's authorization to proceed with construction.

14. Request Board accept the Right-of-Way Grant Offer from the Bureau of Land Management (BLM) for Right-of-Way for various Chicago Valley Roads and authorize the Chairperson to sign.

15. Request Board award and approve the Contract between the County of Inyo and Michael Baker International, for the provision of completing two Triennial Performance Audits of the LTC, ESAAA, and ESTA, in an amount not to exceed $77,768 for the period of March 1, 2016 through August 31, 2020, contingent upon the Board's adoption of future budgets; and authorize the Chairperson to sign contingent upon the appropriate signatures being obtained.

16. Request Board reject the bid received for the Tecopa Community Center HVAC Replacement Project and authorize the Public Works Director to rebid the project.

ROAD DEPARTMENT

17. Request Board A) declare equipment and vehicles recommended by staff and identified as Exhibit A to the Staff Report, as surplus; B) authorize the Road Department to offer the equipment and vehicles for sale using a public auction; C) authorize the Road Department to utilize General Auction Company located in Buena Park, California, for the removal and sale of the surplus; and D) authorize the Public Works Director to execute the consignment agreement for the sale through the auction process and transmit a signed copy of the agreement to the Clerk of the Board for the Board's files.

DEPARTMENTAL (To be considered at the Board's convenience)

18. ***BOARD OF SUPERVISORS – Supervisor Jeff Griffiths*** – Request Board approve a letter to Governor Brown supporting the appointments of Dan Yparraguirre and Michael Flores to the California Fish and Game Commission; and authorize the Chairperson to sign.

19. ***COUNTY ADMINISTRATOR*** – Request Board A) receive a brief oral update on tomorrow's all-day community stakeholder meeting for developing an Area Resource Center that will be facilitated by staff from the US Davis Extension Training Center; and B) consider designating two (2) members of the Board of Supervisors to attend.

20. ***PUBLIC WORKS*** – Request approval of a resolution titled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Authorizing the Submittal of a State of California, Department of Parks and Recreation, Off-Highway Vehicle Grant Application."

21. ***COUNTY ADMINISTRATOR – Emergency Services*** - Request Board continue the local emergency, The Gully Washer Emergency that resulted in flooding in the central, south and southeastern portion of Inyo County during the month of July, 2013, as recommended by the County Administrator.

22. ***COUNTY ADMINISTRATOR - Emergency Services*** – Request Board continue the local emergency, known as the "Land of EVEN Less Water Emergency" that was proclaimed as a result of extreme drought conditions that exist in the County as recommended by the County Administrator.

23. ***COUNTY ADMINISTRATOR – Emergency Services*** - Request Board continue the local emergency, known as the "Death Valley Down But Not Out Emergency" that was proclaimed as a result of flooding in the central, south and southeastern portion of Inyo County during the month of October, 2015.

24. ***HEALTH AND HUMAN SERVICES – Health Services*** – Request Board receive an update from staff on Tobacco Control activities and accomplishments for 2015.

TIMED ITEMS (Items will not be considered before scheduled time)

11:00 a.m. 25. ***PLANNING*** – Request Board receive a presentation from staff and provide input and recommendations for the Owens Valley Solar Energy Study (OVSES) final report.

CORRESPONDENCE – ACTION (To be considered at the Board's convenience)

COMMENT (Portion of the Agenda when the Board takes comment from the public)

26. ***PUBLIC COMMENT***

BOARD MEMBERS AND STAFF REPORTS

CORRESPONDENCE - INFORMATIONAL

27. ***ENVIRONMENTAL HEALTH*** – Proposition 65 Report of a biodiesel oil and petroleum spill on Highway 395 just north of Ft. Independence Road exit.

28. ***LICENSES*** – Application for Alcoholic Beverage License for Independence Shell and Mini Market and Seasons Restaurant.

For Clerk's Use Only:
AGENDA NUMBER

8

AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

☒ Consent ☐ Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: Motor Pool

FOR THE BOARD MEETING OF: March 1, 2016

SUBJECT: Purchase of FY 2015-2016 Motor Pool Vehicles

DEPARTMENTAL RECOMMENDATION: Request your Board award a bid to Bishop Ford for the purchase of (9) Nine 2016 Ford Police Interceptor Utilities including law enforcement equipping in the amount of $ 408,317.31.

SUMMARY DISCUSSION: Motor Pool sought bids for the purchase of nine, 2016 Police Interceptor Utility Vehicles from several vendors. Bishop Ford provided the only response. The local dealer is willing to provide the County with nine fully equipped vehicles at a total cost of $408,317.31. This bid is consistent with the budgeted replacement cost. Since these are Sheriff's patrol vehicles they fall outside of the Enterprise contract.

The Motor Pool 5-year Vehicle Replacement Schedule projected an expenditure of $527,661 for the purchase of 10-vehicles in fiscal year 2015-2016. However, with this order we will be purchasing 12 new cars. One of the additional vehicles had been ordered last year but was delayed in delivery. It became necessary to add another vehicle to replace a car destroyed in a traffic accident. These new vehicles proposed for purchase will replace patrol units that have met the Motor Pool Replacement Criteria (that being age, high mileage, excessive costs from repairs, and/or dependability) and are needed by the Sheriff's department.

The vehicles being taken out of service will be sold at auction.

ALTERNATIVES: Your Board could choose not to purchase some or all of these vehicles at this time. However, staff recommends making the purchase as these vehicles meet or exceed the Motor Pool Replacement Policy criteria.

FINANCING: The vehicles recommended for purchase have been included in the 2015-2016 Motor Pool Budget 200100, Object Code 5655.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the board clerk.)* N/A Approved: _____ Date_____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (*Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)* Approved: Yes Date 2/23/16
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) N/A Approved: _____ Date_____

DEPARTMENT HEAD SIGNATURE: Richard Benson Date: 2/23/16
(Not to be signed until all approvals are received)

For Clerk's Use Only:
AGENDA NUMBER

9

AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

XX Consent Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: Kevin Carunchio, County Administrator

FOR THE BOARD MEETING OF: March 1, 2016

SUBJECT: Adoption of the July 1, 2015 – June 30, 2018 Law Enforcement Administrator Association MOU

DEPARTMENTAL RECOMMENDATION:

Request Board ratify and approve the July 1, 2015- June 30, 2018 Memorandum of Understanding between the County of the Inyo and the Law Enforcement Administrators Association (LEAA).

SUMMARY DISCUSSION:

Your Board has given direction regarding negotiations on the current contract with the Law Enforcement Administrator's Association (LEAA). At this time, negotiations have concluded successfully with all parties agreeing on the Memorandum of Understanding.

ALTERNATIVES:

Your Board could choose not to approve the Memorandum of Understanding and direct staff to re-negotiate the terms with LEAA.

OTHER AGENCY INVOLVEMENT:

Personnel Department
County Counsel
Law Enforcement Administrator's Association

FINANCING:

The increased costs will be absorbed in the Sheriff's Department Budget this fiscal year. Future year increases will be addressed during the budget process.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the board clerk.)* Approved: _____ Date_____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (*Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)* Approved: yes Date 2/25/2016
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: ✓ Date 2/25/16

DEPARTMENTHEAD SIGNATURE: (Not to be signed until all approvals are received) Kevin Carunchio by [signature] Date: 2/25/16

MEMORANDUM OF UNDERSTANDING

between

INYO COUNTY LAW ENFORCEMENT ADMINISTRATORS ASSOCIATION

and

COUNTY OF INYO

July 1, 2015- June 30, 2018

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COMPREHENSIVE
MEMORANDUM OF UNDERSTANDING
BETWEEN

THE COUNTY OF INYO
AND
THE INYO COUNTY LAW ENFORCEMENT ADMINISTRATOR'S ASSOCIATION

2015-2018

Section 1 – Introduction

Article 1 – Recognition

The County of Inyo (hereinafter called the "County") has recognized the Inyo County Law Enforcement Administrators Association (hereinafter called the "Association") as the formally recognized employee organization of bargaining unit employees for the purpose of meeting its obligations under the Meyers-Milias-Brown Act, Government Code Section 3500 *et seq.*, when rules, regulations, or laws affecting wages, hours and other terms and conditions of employment are amended or changed.

Article 2 – Not applicable

Article 3 - Non-Discrimination

Section 1: The parties mutually recognize and agree to protect the rights of all employees hereby to join and/or participate in protected Association activities, or to refrain from joining or participating in protected activities, in accordance with Government Code Sections 3500 to 3511.

Section 2: The County and the Association agree that they shall not discriminate against any employee because of race, color, sex, age, national origin, ancestry, political or religion or religious creed, medical condition or sexual orientation. The County and the Association shall reopen any provision of this Agreement for the purpose of complying with any final order of a federal or state agency or court of competent jurisdiction requiring a modification or change in any provision or provisions of this Agreement in compliance with state or federal anti-discrimination laws.

Section 3: Whenever the masculine gender is used in this Agreement, it shall be understood to include the feminine gender.

Article 4 – Personnel Rules and Regulations

The County of Inyo Personnel Rules and Regulations are hereby incorporated by reference and, except as provided in this Memorandum of Understanding, govern the terms and conditions of employment.

Article 5 – Membership

The Association represents the following management positions;

Undersheriff:	Sheriff's Department
Lieutenants:	Sheriff's Department
Chief Investigator:	District Attorney

Article 6 – Merit System Membership

Those positions represented by the Association shall be part of the County Merit System, with the terms and conditions of their employment governed by the County Merit System rules, the County of Inyo Personnel Rules and Regulations and this Memorandum of Understanding. The County shall amend the current Merit System rules as necessary to comply with this section.

Section 2 – Salaries / Additional Compensation

Article 1 – Salaries

Section 1: The positions represented by the Association are flat salaried positions subject only to benefits as addressed by this MOU.

Undersheriff:	SC85, SD85, SE85
Lieutenant:	SC81, SD81, SE81
Chief Investigator	SC81, SD81, SE81

Section 2: 1% COLA : July 1, 2015
1% COLA : First full payperiod in July 2016
2% COLA: First full payperiod in July 2017.

Article 2 – Longevity Pay

County agrees to the following longevity increases after ten (10) years of consecutive services:

10 years: 2%
15 years: 2%
20 years: 2%
25 years 2%

Article 3 – Bilingual Pay

County agrees to compensate Members who meet bilingual proficiency qualifications an additional five percent (5%) per month. The Sheriff shall designate the languages and testing requirements, including periodic re-examination of proficiency as deemed appropriate, which will determine the qualifications for and maintenance of this incentive.

Article 4 – Uniforms

Section 1: The uniform allowance is $1,000.00 per year for the cleaning, replacement and maintenance of Members clothing.

Section 2: This allowance shall be paid quarterly in the amount of $250. This shall be payable on the last payroll date of each quarter.

Section 3: All clothing damaged within the course and scope of employment shall be replaced or repaired at no cost to the Member. The determination as to replacement or repair shall be made by the Department. Normal wear and tear is not included.

Article 5 – Out of Classification Pay

In the event a represented employee is temporarily assigned for a period of more than 5 working days to a position with a higher salary range that member shall have his

or her salary increased to the amount of the higher range for the duration of the assignment. The increase is retroactive to the first day of the assignment.

Article 6 – Educational Reimbursement

The County agrees to reimburse educational expenses up to a maximum of $350.00 per fiscal year, per Member for tuition and books.

- The Member must be engaged in a course of study that has a direct relationship to duties performed and would benefit the Department and County and is approved by the Department Head.
- The Member must complete the course work with a grade of "passing" or higher and submit a final grade report and a receipt for books purchased.
- If a Member makes a commitment to attend course work either in-county or out-of-county, the Department will make every attempt to accommodate a Member's request for duty scheduling to allow for successful course completion.
- The Member will be required to utilize leave time if time off in excess of normally scheduled time off is required for successful course completion.
- If the Department grants scheduling priority to a Member and such a priority cause other Members to receive undesirable shift work or not receive the normal rotational shift change, the Department will not be subject to grievance issues.

Article 7 – Other Safety Compensation

A. Education Incentive:

1. County agrees to compensate Members holding Associate College degrees and/or an Intermediate Certificate issued by Peace Officers Standards and Training an additional 5 percent (5%) of the Members base pay.

2. County agrees to compensate Members holding Bachelor College degrees and/or an Advanced Certificate issued by Peace Officer Standards and Training an additional 5 percent (5%) of the Members base pay.

3. County agrees to compensate Members holding a Supervisory Certificate issued by Peace Officer Standards and Training an additional 5 percent (5%) of the Member's classification base pay.

4. County agrees to compensation Members possessing a Masters Degree in a field applicable to Law Enforcement Management and/or a Management Certificate from Peace Officers Standards and Training (POST) an additional 6% of the Members base pay. **Effective first payperiod after MOU is approved.**

5. Stand By Pay: Employees requested by the Department Head to serve an after hours response capacity will receive $100 per day for performing standby duties on Saturday and Sunday and any county recognized holiday.

B. Safety Equipment: The County agrees to supply the following safety equipment to Members. If Members wish to purchase equipment that is not standard issue, they may do so at their own expense. All equipment shall meet Departmental approval prior to use.

Gun
Holster
Sam Browne belt and accessories
Baton and holder
Handcuff case and handcuffs
Flashlight including batteries
Ammunition and holder
Safety helmet
Body armor
Parka Rain gear (pants and jacket)

Association agrees to waive all claims for sums expended by its Members to purchase equipment.

C. Expert Pay: All members who qualify as "Expert" or higher at a quarterly qualification shoot will receive a one-time payment of $50. A qualifying shoot shall be scheduled by the Department once each quarter with a Department appointed firearms instructor. For those members unable to participate in the designated shoot due to vacation, illness or other reason acceptable to the Department, the Department may schedule a make-up qualifying shoot. A member may have only one attempt to qualify as Expert or higher for this additional compensation each quarter. The Firearms Instructor will designate, in accordance with Department policy, which attempt at the qualifying shoot will be the "designated qualifying shoot".

D. Additional Compensation in "Times of Emergency" – In times of declared disaster/emergency, State or Federal, those members assigned to that disaster/emergency shall be compensated for overtime at the rate of time and one-half (1.5%) upon the receipt of reimbursement funds by the County from the State or Federal government for the members work that meets the requirements for the reimbursement rate of 1.5%. This additional compensation shall be provided per the requirements of Resolution No. 94-15.

Section 3 – Leave

Article 1 – Vacation

Vacation accrual rates and use of vacation are defined in the County Personnel Rules and Regulations Manual.

1. Effective November 1, 1997, the maximum amount of vacation days, which may be accrued, shall be 280 hours (35 days).

2. Any excess over 280 hours (35 days) must be used by October 31, 1997, but there shall be no forfeitures of any accrued but unused vacation.

3. In the event an employee is denied a request for vacation, which denial causes the employee to cease accruing vacation benefits due to the 35 day cap provided herein, the employee may continue to accrue vacation benefits so long as (1) the employee and his/her supervisor agree that the employee will take necessary vacation time at a date in the future to bring the employee below the 35-day cap; (2) the alternate vacation must be scheduled and taken by the employee within six months; and (3) the County Administrator approves the arrangements, which approval will not be unreasonably denied.

4. In the event an employee would cease accruing vacation benefits due to the 35-day cap provided herein, the employee may continue to accrue vacation benefits so long as (1) the employee and his/her supervisor agree that the employee will take necessary vacation time at a date in the future to bring the employee below the 35-day cap; (2) the vacation must be scheduled and taken by the employee within six months; and (3) the County Administrator approves the arrangements, which approval will not be unreasonably denied.

The Association understands that the County is under no obligation to change vacation benefits for DSA employees and that an agreement providing for no changes to vacation benefits for DSA employees would result in no changes to LEAA represented employees.

Article 2 – Holidays

Association Members shall be entitled to the following legal holidays:

January 1 (New Years Day)
Third Monday in January (Martin Luther King Day)
February 12 (Lincoln's Birthday)
Third Monday in February (Washington's Birthday)
Last Monday in May (Memorial Day)
July 4 (Independence Day)
First Monday in September (Labor Day)
September 9 (California Admissions Day)
Second Monday in October (Columbus Day)
November 11 (Veterans Day)
Thanksgiving Day
Friday immediately following Thanksgiving Day
December 25 (Christmas)
Christmas Eve and New Years Eve (See below)

All regular employees eligible therefore under Rule 818 of the Personnel Rules shall be entitled to a one (1) day holiday with pay on their last working day preceding either December 25 or January 1 of each year. The employee's Department head shall determine upon which of the alternative days the employee may take such leave. Department heads shall schedule such leaves in a manner, which ensures continuation of regular County business with a minimum degree of disruption. If an employee cannot be excused on either day, the employee shall be entitled to the leave at some other time convenient to the Department.

Every day appointed by the President or Governor for a public fast, thanksgiving or holiday.

If any of the above-designated holidays falls on a Saturday, the preceding Friday is a holiday. If any of the above designated holidays falls on a Sunday, the following Monday is a holiday. Employees for whom necessity requires a different holiday schedule than generally applied shall work according to regulations prepared by the Department Head.

Article 3 – Sick

Tthere shall be no payoff of accrued unused sick leave upon termination or retirement.

Article 4 – Leave Pool

Association members are all currently involved in the County Leave Pool as such continue to be involved on an equal basis with DSA members.

Section 4 – Other Benefits

Article 1 – Insurance

Section 1: The County shall maintain the existing health (including PORAC Premier), dental, vision, long-term disability and life insurance and shall continue them on an equal basis for those benefits.

Section 2: Except as specified herein, the represented employees shall receive all benefits as provided for in the Personnel Rules and Regulations.

Section 3: Effective the first full pay period in January 2014 - County agrees to pay 80% of the premium of PERS Choice, PORAC or PERS Select Plans. Employee will be responsible for 20% of the premium. The maximum the County will contribute toward a different CalPERS plan other than listed above will be 80% of PERS Choice premium.

Section 4. Effective first full pay period in January 2014 , employees who have other medical coverage and have opted out of the County's Medical Plan will receive the following:

Employee Only:	$92.31 per pay period
Employee + 1:	$184.62 per pay period
Family:	$276.93 per pay period

Section 5. If and when the County is allowed or becomes eligible to participate in a Two-Tier Medical Insurance System allowing the discontinuation or modification of retiree medical benefits for new hires, LEAA agrees to meet and confer on implementation of the Two-Tier Medical Insurance System.

Article 2 – Retirement

Section 1: The County agrees to provide the 3% at 50 Full Formula PERS retirement for Association members.

Section 2: The County agrees to pay the Association members contribution for PERS retirement at the rate of 9%.

Section 3: Members upon retirement may convert up to three hundred (300) days accrued unused sick leave to service credit upon retirement.

Section 4: County will pay 100% of the Members' normal contributions as employer paid member contributions (EPMC) and report the same percentage of compensation earnable as additional compensation pursuant to Government Code Section 20636 (c)(4) and 20691.

Section 5 : County will implement PEPRA as outlined in the law for all new employees hired after January 1, 2013.

Section 5 – Policy and Procedures

Article 1 – No Smoking Policy

County and Association agree to a non-smoking policy as a condition of employment for new hires.

Article 2 – Drug and Alcohol Policy

A. Association agrees to the County Alcohol and Drug Abuse Policy as last amended 9/91. County agrees that members are excluded from this policy when duties require they maintain possession of alcohol or drugs. County also agrees that members who are required by the Department to undergo an alcohol or drug test as described in the policy will:

1. be entitled to a second sample and independent analysis of the second sample; and

2. be evaluated under County Personnel Rules and Regulations policies with regard to "probable cause" for drug testing.

B. The Association also agrees to the County of Inyo Drug and alcohol Policy pursuant to the Department of Transportation Resolutions as last amended April 1, 1998.

Article 3 – Employee Assistance Policy

The County will provide represented employees with the same employee assistance program as provided to its other merit system employees.

Article 4 – Travel Pay

County will use the Internal Revenue Service (IRS) policy regarding reimbursement of travel pay. If the IRS rates increase, the County reimbursement rates will increase in the same amount as the IRS rates. Should the IRS rates decrease or undergo fundamental changes, renegotiations between the County and the Association on travel pay will occur.

Article 5 – Tuition Reimbursement

The County agrees to reimburse educational expenses up to a maximum of $350.00 per year, per Member for tuition and books.

The Member must be engaged in a course of study that has a direct relationship to duties performed and would benefit the Department and County and is approved by the Department Head. The Member must complete the course work with a grade of "passing" or higher and submit a final grade report and a receipt for books purchased.

If a Member makes a commitment to attend course work either in county or out-of-county, the Department will make every attempt to accommodate a Member's request for duty scheduling to allow for successful course completion. The Member will be required to utilize leave time if time off in excess of normally scheduled time off is required for successful course completion.

If the Department grants scheduling priority to a Member and such a priority cause other Members to receive undesirable shift work or not receive the normal rotational shift change, the Department will not be subject to grievance issues.

Article 6 – Mistaken Overpayments

Should any covered employee be overpaid due to any mistake or inadvertence, the County may recover the amount of overpayment by subsequent unilateral deduction from the pay of the employee in question up to not more than the amount of the overpayment. However, not more than twenty-five percent (25%) of any such employee's net pay shall be deducted from any one paycheck for this purpose.

Article 7 - Elevation to Elected Office

In the event an Association member is elected to any County office, the Member may carry over to the new position 120 days of sick leave for the sole purpose of converting such sick leave to service credit at the time of retirement.

In the event an elected office is vacated by an elected official, a represented employee temporarily assigned the duties of that elected official shall have his salary increased to the amount the elected official received when the office was vacated. Such increase shall be paid beginning the date the office was vacated until the vacancy is filled by either the Board of Supervisors or an election, whichever is earlier.

Article 8 – Discipline & Grievance Procedure

Employee grievances and discipline shall be handled in accordance with the County Personnel Rules and Regulations. Selection of Hearing Officer shall be mutually agreed upon by both parties and to be selected from a list provided by Mr. Curtis Lyon of the State Mediation and Conciliation Service.

This Memorandum of Understanding hereby incorporates by reference the provisions of sections 3300 through 3311 of the Government Code of the State of California, which sections are collectively known as the Public Safety Officers' Procedural Bill of Rights Act.

Article 9 – Personnel Complaints per Section 832.5 of the California Penal Code

Personnel complaints will be taken as required by law.

In those cases where a personnel complaint is of a nature that may result in disciplinary action as referenced in Sections 3300 through 3311 of the California Government Code, the Department will request such complaint be made in writing. If the complaining party refuses to write or sign such complaint, such refusal will be noted in the investigator's report along with the reason, if known.

Article 10 – Administrative Reorganization

If Department lay-offs are required, those having a below standard evaluation at last annual evaluation will be laid off first, and thereafter, layoffs will be made by seniority. Seniority shall be determined first by rank, then by length of service within a rank and finally by length of service with the Department.

When the Department rehires after layoffs have occurred, the last employee laid off will be the first employee rehired.

Section 6 – Other Terms

Article 1 - Authorized Agents

Authorized agents, for the purpose of administering the terms and provisions of this Memorandum of Understanding shall be:

County:
County Administrative Officer
P.O. Box N
Independence, CA 93526

Association:
President, Law Enforcement Administrators Association
P.O. Box 31
Lone Pine, CA 93545

Article 2 – No Strike – No Lockout

Section 1: The Association, its officers, agents, representatives and or members agree that during the term of this MOU they will not cause or condone any strike, walkout, slowdown, sick-out or any other job action by withholding or refusing to perform services.

Section 2: The County agrees that it shall not lockout the represented employees during the term of this MOU. The term "lockout" is hereby defined so as to include the discharge, suspension, termination, layoff, failure to recall or failure to return to work employees of the County in the exercise of it's rights as set forth in any of the provisions of this MOU or applicable ordinance or law.

Section 3: Any employee of the County who participates in any conduct prohibited in Section 1 above may be subject to disciplinary action up to and including termination.

Section 4: In the event that any one or more officers, agents, representatives, or members of the Association engage in any of the conduct prohibited in Section 1 above, the Association shall immediately instruct any persons engaging in such conduct that their conduct is in violation of this MOU and is unlawful and they must immediately cease engaging in conduct prohibited in Section 1 above, and return to work.

Article 3 – Emergency Waiver

In the event of circumstances beyond the control of the County, such as acts of God, fire, flood, insurrection, civil disorder, national emergency, or similar circumstances, if the County Administrative Officer or his designee so declares, any provisions of this MOU or the Personnel Rules of the County, which restricts the County's ability to respond to these emergencies, shall be suspended for the duration of such emergency. After the emergency is declared over, the Association shall have the right to meet and confer with the County regarding the impact on employees of the suspension of these provisions in the MOU and any personnel rules and policies.

Article 4 – Re-opener

Section 1: Either the Law Enforcement Administrators Association or the County may reopen this MOU to negotiate any term(s) and condition(s) expressly addressed or absent from this MOU upon 30 days written notice to the other side. Both parties agree to negotiate regarding any issues subject to the request to reopen the MOU. Changes will only be made by mutual agreement of both sides.

Section 2: The parties shall reopen any provisions of this MOU for the purpose of complying with any final order of a federal or state agency or court of competent jurisdiction requiring a modification or change in any provision or provisions of this MOU in order to comply with state or federal laws.

Article 5 – Employee Organizational Rights and Responsibilities

Article 6 – Separability

Should any provision of this MOU be found to be inoperative, void, or invalid by a court of competent jurisdiction, all other provisions of this MOU shall remain in full force and effect.

Article 7 – Sole and Entire MOU

Section 1: It is the intent of the parties hereto that the provisions of this Memorandum of Understanding shall supersede all prior agreements and memoranda of agreement or memoranda of understanding, or contrary salary and/or personnel resolutions, or written, expressed or implied, between the parties, and shall govern the entire relationship and shall be the sole source of any and all rights which may be asserted hereunder. This Memorandum of Understanding is not intended to conflict with Federal or State law.

Section 2: The parties acknowledge that the Board of Supervisors will adopt this agreement by resolution and that said resolution shall remain in full force and effect during the life of this Memorandum of Understanding.

Article 8 – Term of MOU

The term of this Memorandum of Understanding shall continue in full force and effect until June 30, 2018. The County will provide each employee represented by the Association a copy of this and all subsequent MOU's.

Article 9 – Ratification and Execution

The County and the Association acknowledge that this Memorandum of Understanding shall not be in full force and effect until ratification by the Association and adopted by the Board of Supervisors of the County of Inyo. Subject to the foregoing, this MOU is hereby executed by the authorized representatives of the County and Association and entered into as of this th day of .

DATED: 2/22/16

SIGNED: _____
LEAA President Eric Pritchard

DATED: _____

SIGNED: _____
Chairperson, Board of Supervisors

For Clerk's Use Only:
AGENDA NUMBER

10

AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent ☒ Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: Thomas L. Hardy, District Attorney

FOR THE BOARD MEETING OF: **March 1, 2016**

SUBJECT: Case Management System for District Attorney

DEPARTMENTAL RECOMMENDATION:

Request Board to 1) approve the contracts between the County of Inyo and Prosecutor by Karpel, of St. Louis, Missouri, to provide professional services for an on-line case management software and hosting to the Inyo County District Attorney. The contracts include software licenses, customization for local needs, installation and web hosting for one year; and, 2) authorize the Chairperson to sign the contracts contingent upon the future adoption of the County's FY 2016-17 Budget.

CAO RECOMMENDATION:

SUMMARY DISCUSSION: A few years ago, the County was notified that the current case management system used by various Departments, including the District Attorney would no longer be supported. JALAN has been used as our case management system for over ten (10) years, and has generally been inadequate for the department's needs since it was installed. Newer technology has enabled case management systems to be hosted "off-site" accessible via the internet and have been created to accommodate a wider variety of information for tracking and reporting purposes.

The District Attorney has worked closely with Information Services to explore cost effective options to replace the antiquated and unsupported system, resulting in a formal Request for Proposals to various vendors. Several replied, and Prosecutor by Karpel was chosen as the desired system. This company has contracted with several other small and medium-sized District Attorney offices in the state of California with reported good results. The system will allow the District Attorney to move towards a "paper optional" format for all of its files and records, and provided an integrated system for electronically receiving an processing law enforcement reports, generating necessary court pleadings and documents, subpoenaing witnesses, setting and monitoring restitution collection, providing other victim services, grant reporting, and communicating and document sharing with partner agencies (including local law enforcement agencies, the courts, and the Probation Department). The system will also, for the first time, give the District Attorney accessible data gathering and reporting so that case data and criminal trends can be accurately measured in Inyo County.

Attached are the contracts for professional services for your review and approval. One contract is for the initial installation and transfer of existing date (contract entitled "Contract for Prosecutor by Karpel) in the amount of $85,520.00, and a second contract (entitled Hosted by Karpel Agreement) providing for hosting services at the rate of $5.00 per month per user, estimated to be $60.00 per month at current staffing levels). The second contract is for the first year of hosting.

ALTERNATIVES: The Board could choose not to approve the contracts with Karpel; however, this is not recommended as Karpel meets the needs of the Department and related Departments and Agencies, and overall is the most cost effective.

OTHER AGENCY INVOLVEMENT:

SELECTION OF VENDOR: The District Attorney has worked closely with County Information Services to evaluate technical aspects of the project, prepare the original Request for Proposals, and in evaluating proposals received. It is anticipated that Information Services will be actively involved in the implementation of the project.

FINANCING: The Inyo County Community Corrections Partnership has previously approved the use of AB 109 ("criminal justice realignment") funding for this project, subject to approval by your Board. AB109 monies in the amount of $85,000 have been budgeted in the FY 15/16 Mid-Year District Attorney Budget Number 022400, Revenue Object Code Number 4821 Intra County Charges/Expenditure Object Code 5700 Construction in Progress. Additionally, the District Attorney has received notification that additional funding has become available through the CalOES Victims of Crime grant funding in the approximate amount of $12,174, which can only be used this fiscal year. The CalOES Victims of Crime FY 15/16 Mid-Year Budget Number 620415 reflects the additional Revenue in Object Code Number 4498 State Grants/Expenditure Code Number 5700 Construction in Progress. Funding in future years should be covered by the DA share of criminal justice realignment funding.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the board clerk.)* Approved: Yes Date 1/27/16
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (*Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)* Approved: yes Date 2/1/2016
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved:_____ Date_____

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)__ Date: 2/1/2016

Attachments: contracts

DISTRICT ATTORNEY'S OFFICE
INYO COUNTY, CALIFORNIA

CONTRACT FOR

PROSECUTORbyKarpel®

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KARPEL SOLUTIONS

9717 Landmark Parkway Dr.. • Suite 200 • St. Louis, MO 63127 • 314-892-6300 • www.karpel.com

This agreement between Karpel Computer Systems Inc., a Missouri corporation, doing business as Karpel Solutions (hereinafter referred to as "Karpel Solutions") and Inyo County, a political subdivision of the State of California (hereinafter referred to as "Client") is for the purposes of reviewing this proposal and to enter into this contract including the Master Terms and Conditions set forth below wherein Karpel Solutions agrees to sell licenses for its copyrighted software program known as PROSECUTORbyKarpel® (hereinafter referred to as "PbK").

1. SCOPE OF WORK

PROSECUTORbyKarpel Implementation Timeline

Deadline	Task Description	Days out
February 14, 2016	Final Contract & Implementation Agreement are signed. Project Pre-Implementation Meeting scheduled. Minimum Server and Workstation requirements are explained to agency project manager. Server Connection Credentials to the Agency Server are given to Karpel to begin the data extraction. The agency project manager will notify local IT support for remote access credentials and coordinate with local agency IT to provide Karpel with legacy data if a remote extraction is not possible	120
March 15, 2016	**4 hour Online pre-implementation meeting** with Project Manager and System Administrators (one system administrator must be a policy setting attorney). This meeting will begin with PBK application overview, Legacy Application Analysis, enhancement/interface definitions, document gathering for conversion and formalize schedule.	90
March 15, 2016	Server & PC assessment completed and any necessary hardware or software ordered to meet PBK Installation Prerequisites.	90
April 14, 2016	**1st Data Conversion Webinar** is reviewed on Karpel servers along with the PBK Pre-load worksheets. Data validation spreadsheets will be explained and data validation will begin. System Administrator training begins. Workflow pre-configuration is conducted. System enhancements are completed and demonstrated.	60
April 14, 2016	Server Connection Credentials to the PBK application server are given to Karpel. Installation of SQL and PBK on the server by Karpel will begin. Karpel Support installation and application testing on each workstation should begin at this time. Karpel Solutions or local IT support will schedule workstation application testing and follow Karpel testing procedures to thoroughly test browser functionality, document generation, Outlook Calendaring and email on each workstation	60
April 29, 2016	Additional Legacy Data, additional Legacy Documents and a fully complete PBK Pre-Load Spreadsheet and completed data validation spreadsheets from the first data conversion is received by Karpel.	45
April 26, 2016	Training Schedule is completed with assignment of all office staff to specific training sessions. The Policy Setting Attorney must attend the initial Configuration, Case Initiation and Event Entry sessions at a minimum. Training room and equipment are verified.	45

May 14, 2016	**2nd Data Conversion Review Webinar** - Karpel will install the preliminary data conversion on the Agency's pre-production site for this Webinar including completed Document templates and Event Entry Configuration. Agency will continue validating the accuracy of Defendants, Co-Defendants, Cases, Court Dates, Events, Dispositions, and Financials. Application testing will begin. Agency project manager will report all inaccuracies to Karpel. All Custom Enhancements are tested and verified. (*at this point, data conversions will be repeated as many times as deemed as necessary by our data conversion experts to correct data conversion anomalies reported in the data validation spreadsheets.)	30
May 30, 2016	Complete installation and testing of all workstations by Karpel Solutions or local IT support.	14
June 10, 2016	Final Legacy Data received by Karpel.	3
June 13, 2016	**Final Data Conversion is loaded on the production site**. Karpel trainers arrive at the training room. Final configuration of PBK is performed with all system administrators present. User training begins. Customer begins using PBK in a live state.	**Go Live**

The following Scope of Work represents the services required to reach the proposed solution and a successful project. Karpel Solutions will perform all work in accordance with the descriptions, scopes and specifications hereafter described.

This schedule will be modified as mutually agreed upon by Client and Karpel Solutions. Client is aware the bulk of work resides with Karpel Solutions. Karpel Solutions schedules and builds work plans based on go-live dates agreed to by both parties. When dates are moved by client that are outside of Karpel Solutions control a fee of 10% of the contract total will be assessed.

DOCUMENT CONVERSION AND SCOPE OF WORK

Document conversion consists of Karpel Solutions converting existing Microsoft Word®, Microsoft Works® and Corel WordPerfect® documents provided by Client up to the time of training as outlined in the Project Timeline listed above into a format that can be utilized by PbK on a best effort basis. Karpel Solutions does not support nor will convert customized macros, auto-text files or other custom programming items not a part of the ordinary functionality of Microsoft Word®, Microsoft Works® and Corel WordPerfect®

Karpel Solutions will provide hosting of PbK subject to the terms and conditions set forth in the Agreement for PROSECUTORbyKarpel Hosting.

2. OTHER INFORMATION

Any additional work requirements outside the scope of this proposal will be presented in the form of a change order and must be approved by client prior to start of such work. No additional charges will be incurred without prior written approval from client.

3. GENERAL CLIENT RESPONSIBILITIES

In order for the project to be completed on time and on budget, Client should be able to provide at a minimum:

1. Access to client facilities, computers, servers, network infrastructure and software as deemed necessary by the Karpel Solutions project manager during the project timeline through go-live.
2. Access to systems and equipment as required by Karpel Solutions including:
    a. Unlimited secure access to all PbK production servers, 24 hours a day, 7 days a week for overnight and weekend data conversions.
    b. PbK application access using Karpel Solutions laptops and clients network for training and application testing. Setup by Karpel System Administrators with assistance by client IT.
    c. Installation of the Karpel Solutions remote support tool (TeamViewer) on all desktops executing the PbK application. This tool requires the user to initiate the support connection.
3. Access to client data along existing servers and systems containing data if such data is to be converted and populated by Karpel Solutions into PbK.
4. Completion of the PROSECUTORbyKarpel Pre-Load Spreadsheet as directed in the above Scope of Work Timeline.
5. Data validation of converted cases from the legacy system as directed in the above Scope of Work Timeline.
6. Document Template validation of all converted templates as directed in the above Scope of Work Timeline.
7. Definition, client development and client testing of all external interfaces as directed in the above Scope of Work Timeline.
8. An authorized contact person to assist in the definition of any project unknowns and authorized to approve the completion of each task.

Failure of Client to provide the above access and assistance can cause extended delays to resolving potential issues with the PbK application. Delays in allowing support access nullifies any set SLAs. No access to the PbK server and user workstations to provide support and updates can render the Karpel Solutions support agreement null and void. Support will not be provided if the installed version is greater than two versions behind the current release.

4. INVESTMENT SUMMARY

Karpel Solutions will perform according to all descriptions, scopes, and specifications herein described, in consideration for payment as set forth below,

Software Products/Licensing	Qty.	Price		Total
PROSECUTORbyKARPEL	12	$2,250		$27,000
Total Software				**$27,000**

Installation Services	Qty.	Price		Total
SQL Database configuration (production)	1	$1,000		$1,000
Client Support Tool/Scanning tool install and system compatibility check	12	$50		$600
Total Installation Services				**$1,600**

Professional Services	Qty.	Price		Total
Project Management		no cost		$0
Online Pre-implementation Meetings (hours)	12	$150		$1,800
*Data Conversion (JLan)	1	$25,000	($15,000)	$10,000
Document Conversion(up to 100 documents)	1	$2,500		$2,500
Total Professional Services				**$14,300**

***This is a fixed bid for data conversion**

Onsite Training Services	Qty.	Price		Total
Go-Live Training days (includes system admin training and onsite support)	5	$1,200	2 trainers	$12,000
Total Onsite Training Services				**$12,000**

We recommend 2 training resources for offices of 10 or more

Annual Support	Qty.	Price		Total
PROSECUTORbyKARPEL	12	$450		$5,400
Hosted Services ($5/user/month) Invoiced Annually	12	$60	per month	$720
Total Annual Support Services				**$6,120**

Estimated Expenses - *not to exceed*	
Travel expenses include airfare, lodging and ground transportation	$4,500

Total 1st Year Project Cost (excluding any applicable taxes)	**$65,520**

Phase II- Interface Configuration and Testing			
Law Enforcement Interface (configuration/setup)	2	$5,000	$10,000
Court Interface (configuration/setup)	1	$5,000	$5,000
Probation Interface	1	$5,000	$5,000
Total			**$20,000**

Interface Annual Support			
Law Enforcement Interface Annual Support Fee	2	$1,000	$2,000
Court Interface Annual Support Fee	1	$1,000	$1,000
Probation Interface Annual Support Fee	1	$1,000	$1,000
Total			$4,000

Optional Services/Cost	Qty.	Price		Total
**Adobe Acrobat Professional	1	$400	(current retail rate)	
***HostedbyKarpel Hosted eDiscovery		$1	per submission	
Document conversion (per document)	1	$25		
SQL Client Access License (for on premise installation)	12	$125		$1,500
External Agency View	1	$10,000		$10,000
External Agency View Annual Support	1	$2,000		$2,000
eSubpoena for Law Enforcement (includes External Agency View)	1	$20,000		$20,000
eSubpoena Annual Support	1	$4,000		$4,000
Post Implementation training- on site (min 1 day)		$1,200	Plus Travel Expenses	
Post Implementation training- on-line (min 2 hrs.)	2	$150		$300
Hourly rate for personnel	1	$150		

Note: With law enforcement, courts and other interfaces, the full and timely cooperation of the agency and its RMS vendor will be needed. The RMS vendor will need to provide a time-efficient and standards-based means of exporting data from the database to PBK to meet the quoted price. If this does not occur, it will result in an increase of the cost of the PBK law enforcement referral interface, court interface, or other required interface. The interface pricing is based upon an XML data transfer and must conform to the appropriate PBK Information Exchange Package Documentation (IEPD) for that interface.

** Adobe Acrobat is required for bates numbering and redaction. Only users that work with discovery will need to be licensed

***Hosted eDiscovery fee is per submission to the hosted site. A discovery submission can contain multiple documents and client is invoiced on a monthly basis.

This fee does not include additional hardware, Microsoft licenses, or networking services that may be necessary to properly and legally operate PbK. Said expenses are the Client's sole responsibility.

Server installation includes application SQL database and configuration of SQL Server for PbK® and shall be performed by Karpel Solutions due to the complexity of the configuration.

Travel expenses include airfare, lodging and ground transportation.

As with any project, all prices are subject to change as new information arises or as workload increases. Karpel Solutions will seek approval from Client if more work will be necessary to make the changes along the way, as described above.

Payment Terms

Payment schedule to be 50% of Software User Licenses due upon signed contract agreement and the remaining cost due upon completion of implementation and training.

5. ANNUAL SUPPORT

5.1.1 TECHNICAL SUPPORT FEES

Client understands that technical support fees will be required annually, in order to receive software updates and technical support. The initial support period shall begin from the date of software installation as part of the initial licensing purchase. The Client may elect to purchase subsequent annual support, on a yearly basis at a fixed cost, and billed annually as referenced in Section 5 above. The option to purchase annual support is solely at the Client's discretion. The Client's license to use PbK is not dependent upon the Client purchasing annual support; however, if the Client discontinues annual support it will not be provided with updated versions of the software, unless it is purchased. Provided Client's computers, network and systems meet recommended specifications set for by Karpel Solutions and the Client is current with annual support payments then Karpel Solutions shall provide updated versions of their system and/or software as they become available during the terms of the contract.

5.1.2 SUPPORT PROVIDED

Karpel Solutions will provide support (e.g. software updates, general program enhancements and technical support) for all software provided, including ongoing unlimited telephone technical support problem determination, and resolution.

5.1.3 HOURS OF OPERATION

Karpel Solutions will provide technical support Monday through Friday, at a minimum of fifteen (15) hours a day. Technical support services shall be available between the hours of 7:00 a.m. through 10:00 p.m. Central time, via a toll free telephone number provided.

5.1.4 INCLUDED SUPPORT

Support services include the detection and correction of software errors and the implementation of all PbK program changes, updates and upgrades. Karpel Solutions shall respond to the inquiries regarding the use and functionality of the solution as issues are encountered by Authorized Users.

5.1.5 RESPONSE TIMES

Karpel Solutions shall be responsive and timely to technical support calls/inquires made by the Client. The Client will first make support inquires through their qualified system administrators to assure the policies and business practices of the Client are enforced prior to contacting Karpel Solutions. The timeliness of the response is dependent upon the severity of the issue/support problem, as defined below:

The severity of the issue/support problem shall determine the average problem resolution response time *in any calendar month of the contract as follows:*

Severity Level 1 shall be defined as urgent situations, when the Client's production system is down and the Client is unable to use PbK, Karpel Solutions' technical support staff shall accept the Client's call for assistance at the time the Client places the initial call; however if such staff is not immediately available, Karpel Solutions shall return the customer's call within one (1) business hour. Karpel Solutions shall resolve Severity Level 1 problems as quickly as possible, which on average should not exceed two (2) business days, unless otherwise authorized in writing by the Client.

Severity Level 2 shall be defined as critical software system component(s) that has significant outages and/or failure precluding its successful operation, and possibly endangering the customer's environment. PbK may operate but is severely restricted. Karpel Solutions' technical support staff shall accept the customer's call for assistance at the time the customer places the initial call; however if such staff is not immediately available, Karpel Solutions shall return the Client's call within four (4) business hours. Karpel Solutions shall resolve Severity Level 2 problems as quickly as possible, which on average should not exceed three (3) business days, unless otherwise authorized in writing by the customer.

Severity Level 3 shall be defined as a minor problem that exists with PbK but the majority of the functions are still usable and some circumvention may be required to provide service. Karpel Solutions' technical support staff shall accept the Client's call for assistance at the time the customer places the initial call; however if such staff is not immediately available, Karpel Solutions shall return the Client's call on average no later than the next business day. Karpel Solutions shall resolve Severity Level 3 problems as quickly as possible, which should not exceed the next available release of software, unless otherwise authorized in writing by the Client.

General Assistance: For general software support/helpdesk calls not covered by the above severity level descriptions, Karpel Solutions' technical support staff shall accept the Client's call for assistance at the time the Client places the initial call; however if such staff is not immediately available, Karpel Solutions shall return the Client's call on average no later than the next business day.

6. LICENSE TERMS AND USE

This software, PbK is a proprietary product of Karpel Solutions. It is licensed (not sold) and is licensed to Client for its use only by the terms set forth below.

1. In consideration of payment of a sublicense fee, Karpel Solutions hereby grants Client a non-exclusive and non-transferable sublicense to use any associated manuals and/or documentation furnished.

2. Client cannot distribute, rent, sublicense or lease the software. A separate license of PbK is required for each user or employee. Each license of PbK may not be shared by more than one full time employee or user (40 hours per week), nor more than two (2) part-time employees or users, working no more than 40 hours per week together. The Client agrees that Karpel Solutions will suffer damages from the Client's breach of this term and further agrees that as such Karpel Solutions shall be entitled to the cost of the license, installation and training costs associated for each violation, including Karpel Solutions' reasonable attorneys' fees and costs.

3. License does not transfer any rights to software source codes, unless Karpel Solutions ceases to do business without transferring its duties under this agreement to another qualified software business. Karpel Solutions will, at client's expense, enter into escrow agreement for the storage of the source codes.

3. PbK and its documentation are protected by copyright and trade secret laws. Client may not use, copy, modify, or transfer the software or its documentation, in whole or in part, except as expressly provided for herein. Karpel Solutions retains all rights in any copy, derivative or modification to the software or its documentation no matter by whom made. PbK is licensed for a single installation of one full time employee. A separate license is required for each installation of PbK. Client shall not provide or disclose or otherwise make available PbK or any portion thereof in any form to any third party. Client agrees that unauthorized copying and distribution will cause great damage to Karpel Solutions and this damage is far greater than the value of the copies involved.

5. PbK was developed exclusively at private expense and is Karpel Solutions' trade secret. For all purposes of the Freedom of Information Act or any other similar statutory right of "open" or public records the Software shall be considered exempt from disclosure. PbK is "commercial computer software" subject to limited utilization "Restricted Rights." PbK, including all copies, is and shall remain proprietary to Karpel Solutions or its licensors.

IN WITNESS WHEREOF, the parties have caused this Agreement subject to the Master Terms and Conditions set forth below to be executed on the date first above written. This proposal is offered as an all-inclusive turnkey solution and, unless noted otherwise, pricing is based on acceptance of both services and licenses. Any changes to this solution may result in additional costs. If not accepted within thirty (30) days, Karpel Solutions reserves the right to withdraw this proposal. Should any adjustments to this proposal become necessary; Karpel Solutions will draft and present a "Change Order" to Client for its review and approval. This offer is entire agreement between the parties, and no oral agreements or other written documents, exclusive of the attached exhibits are part of the agreement. Any modifications of this agreement must be in writing, and prior to acceptance of this offer, Karpel Solutions reserves the right to make modifications to this offer. The signatories warrant they have the authority to bind their respective party.

Inyo County	**Karpel Solutions**
_____	_____
Name	Name
_____	_____
Title	Title
_____	_____
Date	Date

7. MASTER TERMS AND CONDITIONS

KARPEL COMPUTER SYSTEMS, INC. (dba "Karpel Solutions"),
MASTER TERMS AND CONDITIONS

GENERAL TERMS

1. ACCEPTANCE TERM. The proposal attached to these Master Terms and Conditions is tendered for acceptance in its entirety within thirty (30) days from the date of the proposal, after which it is to be considered null and void.

2. PAYMENT TERMS. A statement for services rendered will be submitted by Karpel Solutions at the completion of the service. The invoice is payable upon receipt. Terms are Net thirty (30) days. Interest shall be applied at the rate of one and one half percent (1.5%) per month on any amounts not received by Karpel Solutions within the due date. Karpel Solutions reserves the right to discontinue performing services for client in the event of nonpayment of services by client, and client agrees to reimburse Karpel Solutions for reasonable collection expenses on delinquent accounts, including attorney's fees and costs.

3. ASSIGNMENT. This Agreement will inure to the benefit of and be binding upon Karpel Solutions and Client and Karpel Solutions' respective successors and assigns. Notwithstanding the foregoing, Client may not assign or otherwise transfer this Agreement or Client's rights and obligations under this Agreement without the prior written consent of Karpel Solutions, and any purported assignment or other transfer without such consent will be void and of no force or effect. Karpel Solutions may assign and /or transfer this Agreement or Karpel Solutions' rights and obligations under this Agreement at any time

4. MODIFICATION AND WAIVER. Any modifications of this Agreement must be in writing and signed by both parties. Neither party will be deemed to have waived any of its rights under the Agreement by any statement or representation other than (i) by an Authorized Representative and (ii) in an explicit written waiver. No waiver of a breach of this agreement will constitute a waiver of any prior or subsequent breach of this Agreement.

5. FORCE MAJEURE. Neither party shall be deemed in default of this Agreement to the extent that performance of its obligations or attempts to cure any breach thereof are delay or prevented by reason of any act of God, government, fire, natural disaster, accident, terrorism, network or telecommunication system failure, sabotage or any other cause beyond the control of such party ("Force Majeure"), provided that such party promptly gives the other party written notice of such Force Majeure.

6. INDEPENDENT CONTRACTORS. The parties will be deemed to have the status of independent contractors, and nothing in this Agreement will be deemed to place the parties in the relationship of employer-employee, principal-agent, or partners or joint ventures. Neither party has the authority to bind, commit or make any representations, claims or warranties on behalf of the other party without obtaining the other party's prior written approval.

7. SOFTWARE ANOMALIES. New commercial software releases or upgrades, or any hardware and/or software owned by or licensed to Client, used in connection with Karpel Solutions services may have anomalies, performance or integration issues unknown to Karpel Solutions which can impact the timely, successful implementation of information systems. Karpel Solutions will inform the client promptly if this occurs and will attempt to analyze, correct and/or work around the anomalies or performance issues on a "best effort" basis. Karpel Solutions is not responsible for any delay or inability to complete its services if such anomalies or performance issues occur. Client is responsible for payment for all of Karpel Solutions' services at the rate stated in the proposal whether or not a successful solution is achieved.

8. SOFTWARE AUDIT. Client agrees to allow Karpel Solutions the right to audit Client's use of PbK and licenses of PbK at any time. Client will cooperate with the audit, including providing access to any books, computers, records or other information that relate to the use of PbK. Such audit will not unreasonably interfere with Client's activities. In the event that an audit reveals unauthorized use, reproduction, distribution, or other exploitation of PbK, Client will reimburse Karpel Solutions for the reasonable cost of the audit, in addition to such other rights and remedies that Karpel Solutions may have. Karpel Solutions will not conduct an audit more than once per year.

9. CLIENT ENVIRONMENT. Client is responsible for the application, operation and management of its information technology environment, including but not limited to: (a) purchasing, licensing and maintaining hardware and software; (b) following appropriate operating procedures; (c) following appropriate protective measures to safeguard the software and data from unauthorized duplication, modification, destruction or disclosure; (d) following adequate backup contingency plans; and (e) employing qualified personnel to obtain the desired results. Karpel is not responsible for the loss of data in PbK or security breaches that result in the unauthorized dissemination of data contained in PbK that is the result of Client not following appropriate operating procedures, security and protective measures and/or following adequate backup contingency plans.

10. MATERIALS. Client will pay Karpel Solutions for materials purchased for the client's use. Materials may include computer hardware, software, hosting, facility leases, other services, telecommunications charges, freight, shipping, mailing, document reproduction and any other such costs incurred in performance of services for client. Upon mutual agreement, client will reimburse Karpel Solutions for all out-of-town travel expenses, such as automobile/airline travel, hotel, meals, and cab fare. Billing for services rendered on-site on an as needed basis will include portal-to-portal time.

11. TERMINATION. Client may terminate the Annual Support portion of this Agreement thirty (30) business days after it is has provided Karpel Solutions with written notice that it believes that Karpel Solutions has failed to perform under, or materially breaches, the Annual Support portion of this Agreement and of the Client's intent to terminate the Annual Support portion of this Agreement. Such written notice is to be sent Certified US Mail to Karpel Solutions at 9717 Landmark Parkway Dr., Suite 200, St. Louis, MO 63127. Thereafter, Karpel Solutions will have thirty (30) business days from the receipt of such notice to correct the stated problem. If at the end of such thirty (30) business day period, Karpel Solutions has not corrected the stated problem, then client may

terminate the Annual Support portion of this Agreement. Karpel Solutions may terminate the Annual Support portion of this Agreement on thirty (30) days written notice.

12. COPYRIGHT. Karpel Solutions reserves the right to seek damages if Client is responsible for a subsequent violation of Karpel Solutions' copyright, and Client assumes responsibility for the acts and omissions of its agents acting in the course of their duties or otherwise with respect to the protection of Karpel Solutions' copyright.

LIMITED WARRANTIES, LIMITATION OF LIABILITY, INDEMNIFICATION

1. LIMITED WARRANTY. Karpel Solutions warrants it will perform all services in a professional manner by qualified personnel. Karpel Solutions warrants it has the requisite power and authority to enter into and perform its obligations under this Agreement. Karpel Solutions warrants that the performance by Karpel Solutions of any services described in the Agreement shall be in compliance with all applicable laws, rules and regulations. No representations or warranties as to the use, functionality or operation of PbK are made by Karpel Solutions other than as expressly stated in this Agreement. Karpel Solutions warrants that the software known as PROSECUTORbyKarpel shall conform in all material aspects to the specifications as outlined in Karpel Solutions response to RFP—DA15-01 Inyo County District Attorney Case Management System . No further representations or warranties as to the use, functionality or operation of PROSECUTORbyKarpel are made by Karpel Solutions other than as expressly stated in this agreement.

2. INTERNET AND NETWORK. Karpel Solutions makes PbK available to Client through the Internet and/or Client's own network and systems, to the extent commercially reasonable, and subject to outages, communication and data flow failures, interruptions and delays inherent in the Internet and network communications on the Client's own network and systems. Client recognizes that problems with the Internet, including equipment, software and network failures, impairments or congestion, or the configuration of Client's own computer systems and network, may prevent, interrupt or delay Client's access to PbK. Karpel Solutions is not liable for any delays, interruptions, suspensions or unavailability of PbK attributable to problems with the Internet or the configuration of Client's computer systems or network.

3. PASSWORD PROTECTION. Access to PbK is password-protected. Karpel Solutions provides multiple authentication alternatives for access to PbK. KARPEL SOLUTIONS STRONGLY ENCOURAGES THE USE OF STRONG PASSWORD AUTHENTICATION. Karpel Solutions is not responsible for Client's use of the PbK. Only the number of users set forth above may access the Service and Website. Client must inform their users that they are subject to, and must comply with, all of the terms of this Agreement. Client is fully responsible for the activities of Client's employees and authorized agents who access to PbK. Karpel Solutions is not liable for any unauthorized access to PbK and data or information contained therein, caused by failure of Client to protect the login and password information of users.

4. SYSTEM REQUIREMENTS. Karpel Solutions provides PbK based upon the system requirements as specified by Karpel Solutions for Client. Karpel Solutions has no liability for any failure of PbK based upon Client's failure to comply with the system requirements of Karpel Solutions.

5. THIRD PARTY SOFTWARE. Karpel Solutions makes no express or implied warranties as to the quality of third party software or as to Karpel Solutions' ability to support such software on an on-going basis.

6. LIMITED ENGAGEMENT. Due to the limited nature of Karpel Solutions' engagement by client, Karpel Solutions makes no express or implied warranties as to the quality of, or the ability of software developed by Karpel Solutions to operate with, any hardware, network, software, systems and/or external data flows already in place at client's facilities or as may be added by the client.

7. DISCLAIMER. THE FOREGOING WARRANTIES ARE EXCLUSIVE AND ARE MADE IN LIEU OF ALL OTHER WARRANTIES, EITHER EXPRESS AND IMPLIED, WHICH ARE HEREBY DISCLAIMED, INCLUDING WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF NONINFRINGEMENT, TITLE, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND ANY WARRANTIES ARISING OUT OF A USE IN TRADE OR COURSE OF DEALING OR PERFORMANCE. KARPEL SOLUTIONS DOES NOT WARRANT (i) THAT ACCESS TO OR USE OF ALL OR ANY PART OF PBK WILL BE CONTINUOUS, ERROR-FREE OR UNINTERRUPTED, (ii) THAT THE RESULTS ARISING OUT OF CLIENT'S USE OF PBK WILL BE ACCURATE, COMPLETE OR ERROR-FREE, OR (iii) THAT THE SERVICE, SOFTWARE, DOCUMENTATION OR WEBSITE WILL MEET CLIENT'S NEEDS.

KARPEL SOLUTIONS EMPLOYEES

Karpel Solutions has spent substantial sums of money and invested large amounts of time in recruiting, supervising and training Karpel Solutions employees. Client further agrees that it has a unique opportunity to evaluate Karpel Solutions employees' performance, and has the potential to hire Karpel Solutions employees, and further agrees that such hiring away would substantially disrupt the essence of Karpel Solutions' business and ability to provide its services for others, and as such Karpel Solutions cannot agree to such a hiring. The Client acknowledges that Karpel Solutions employees work for Karpel Solutions under a non-competition agreement; therefore, Client agrees it shall not solicit for employment or contract as an independent contractor, or otherwise hire or engage a Karpel Solutions employee during the term of this Agreement or for a period of 2 years after the completion/termination of the project, whichever is longer.

CONFIDENTIALITY

1. CONFIDENTIALITY. Neither party shall disclose or use any confidential or proprietary information of the other party. The foregoing obligations shall not apply to information which: (i) is or becomes known publicly through no fault of the receiving party; (ii) is learned by the receiving party from a third party entitled to disclose it; or (iii) is already known to the receiving party.

2. PERSONALLY IDENTIFIABLE INFORMATION. The parties recognize that certain data Client or Karpel Solutions may use in conjunction with the PbK may be confidential personally identifiable information of third parties. Karpel Solutions shall use all best efforts to protect the confidentiality of personally identifiable information of third parties. Karpel Solutions shall have no liability for disclosure of personally identifiable information caused by Client's own negligence or misconduct.

3. DISCLOSURE REQUIRED BY LAW. In the event that any confidential or proprietary information is required to be disclosed pursuant to any law, code, regulation or court order from a court of competent jurisdiction, the receiving party shall give the disclosing party immediate written notice of such requirement and shall use its best efforts to seek or to cooperate with the disclosing party in seeking a protective order with respect to the confidential information requested.

4. SIMILAR PROGRAMS AND MATERIALS. Provided Karpel Solutions does not violate the provisions of this section regarding confidentiality, the Agreement shall not preclude Karpel Solutions from developing for itself, or for others, programs or materials which are similar to those produced as a result of services provided to Client.

5. INJUNCTIVE RELIEF. Any breach of the confidentiality provisions of this Section will cause irreparable harm to the other party. The parties agree that the non-breaching party may enforce the provisions of this Section by seeking an injunction, specific performance, criminal prosecution or other equitable relief without prejudice to any other rights and remedies the non-breaching party may have.

MARKETING

1. Client agrees that Karpel Solutions may identify Client as a customer of Karpel Solutions in Karpel Solutions' written promotional and marketing materials, as well as in any oral or visual presentations regarding the business of Karpel Solutions.

2. Provided Karpel Solutions does not violate the provisions of the foregoing section regarding confidentiality, Karpel Solutions shall have the right to demonstrate for other prospective clients any application developed by Karpel Solutions under this Agreement and shall have the right to include information about any such application in marketing materials and presentations.

MISCELLANEOUS

1. ELECTRONIC DOCUMENTS. To the extent possible, and under the terms required by Client, Client and Karpel Solutions may communicate by electronic means, including but not limited to facsimile documents. Both parties agree that: a signature or an identification code ("USERID") contained in an electronic document is legally sufficient to verify the sender's identity and the document's authenticity; an electronic document that contains a signature or USERID is a signed writing; and that an electronic document, or any computer printout of it, is an original when maintained in the normal course of business.

2. SEVERABILITY. If any portion of this Agreement is held to be void, invalid or otherwise unenforceable, in whole or in part, then the remaining portions of the Agreement shall remain in effect. This is the complete and exclusive statement of the Agreement between the parties which supersedes all proposals, oral or written, relating to the subject matter of this Agreement.

3. ENTIRE AGREEMENT. This Agreement constitutes the sole agreement between client and Karpel Solutions with respect to the subject matter hereof. It may not be modified or assigned except by written agreement of Client and Karpel Solutions.

4. NOTICES. Any notices provided under this Agreement will be in writing in the English language and will be deemed to have been properly given if delivered personally or if sent by (i) a recognized overnight courier, (ii) certified or registered mail, postage prepaid, return receipt requested, or (iii) facsimile, if confirmed by mail. Karpel Solutions' address for such notices is set forth below. Client's address for such notices will be the address on file with Karpel Solutions as provided by Client. Such address or contact information may be revised from time to time by provision of notice as described in this Section. All notices sent by mail will be deemed received on the tenth (10th) business day after deposit in the mail. All notices sent by overnight courier will be deemed given on the next business day after deposit with the overnight courier. All notices sent by facsimile will be deemed given on the next business day after successful transmission.

   Karpel Solutions
   9717 Landmark Parkway Dr., Suite 200
   St. Louis, MO 62127
   (314) 892-6300
   karpel@karpel.com

5. GOVERNING LAW. The parties agree that California law applies to all matters of interpretation of this agreement. The parties further agree that the prevailing party shall be entitled to a judgment for its reasonable attorneys' fees and costs.

KARPEL SOLUTIONS

9717 Landmark Parkway Dr. • Suite 200 • St. Louis, MO 63127 • 314-892-6300 •

District Attorney's Office
Inyo County, California

HOSTEDbyKarpel Agreement

For

PROSECUTOR by KARPEL

A Hosted Solution

Prepared by: Jane Quick, Sales Executive

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This agreement between Karpel Computer Systems Inc., a Missouri corporation, doing business as Karpel Solutions (hereinafter referred to as "Karpel Solutions") and Inyo County, a political subdivision of the State of California (hereinafter referred to as "Client") is for the purposes of reviewing this proposal and to enter into the contract below wherein Karpel Solutions agrees to provide internet based software hosting through HOSTEDbyKarpel of the copyrighted software program known as PROSECUTORbyKarpel® that has been licensed to Client.

1. DEFINITIONS

a. "Confidential Information" means information of either Karpel Solutions or Client which is disclosed under this Agreement in oral, written, graphic, machine recognizable, electronic, sample or any other visually perceptible form by one of us to the other, and which is considered to be proprietary or trade secret by the disclosing party. Confidential Information of Karpel Solutions expressly includes, without limitation, the Software and Documentation. The Confidential Information of Client includes, without limitation, Personally Identifiable Information and Client Content. Confidential Information shall not include information which the party receiving the information can document: (i) was in the possession of or known by it without an obligation of confidentiality prior to receipt of the information, (ii) is or becomes general public knowledge through no act or fault of the party receiving the information, (iii) is or becomes lawfully available to the receiving party from a third party without an obligation of confidentiality, or (iv) is independently developed by the receiving party without the use of any Confidential Information.

b. "Client Content" means all data, information, documents, and file Client uploads or inputs into PbK on the Service through the website, including, without limitation, Personally Identifiable Information.

c. "Enhancements" means any specific configurations or customizations to the Software, which Client may request and Karpel Solutions agrees in writing to provide.

d. "Documentation" means any operating instructions, specifications and other documentation related to the operation, description and function of PbK, the Service or Website provided by Karpel Solutions whether supplied in paper or electronic form.

e. "Intellectual Property" means any patents, patent applications, copyrights, mask works, trademarks, service marks, trade names, domain names, inventions, improvements (whether patentable or not), trade secrets, Confidential Information, moral rights, and any other intellectual property rights.

f. "Hosted" or "Hosting" means the act of providing service and access to Client Content by the Internet.

g. "Personally Identifiable Information" means any information that may be used to identify specific persons or individuals, which is collected by either Karpel Solutions or Client for use in conjunction with the use of PbK on HOSTEDbyKarpel. Personally Identifiable Information shall be considered Confidential Information.

h. "PbK" means the PROSECUTORbyKarpel criminal case management system and specifically the Client's licensed copy of PROSECUTORbyKarpel.

i. "Service" means the HOSTEDbyKarpel hosting platform provided by Karpel Solutions which allows internet based hosting of the Client's licensed copy of PbK through the Website.

j. "Service Level Requirements" means the technical service levels Karpel Solutions shall meet for Services as set forth below in the Service Level Commitments for the delivery of the Services.

k. "Software" means the Client's licensed copy of the PbK application, and includes any and all updates, enhancements, underlying technology or content, law enforcement transfer interfaces, other Enhancements and any Documentation as may be provided the Client by Karpel Solutions.

l. "Website" means the content and functionality currently located at the domain www.hostedbykarpel.com on the internet, or any successor or related domain that provides access to the Software and Service

2. FEES AND TERMS

a. FEES. Client will pay Karpel Solutions $5 per month for each user that has access to the Software through the Service and Website. A total of 12 users of Client are authorized access to the Service under this Agreement and the aggregate space for all users and all information hosted by the Service is limited to one terabyte (1TB) of storage. Additional users can be added at any time by Client at a rate of $5 per month. If storage exceeds 1TB, any additional storage above 1TB will be billed at a flat rate of $225 per 1TB / per month with no additional notice provided to the Client. Client will be billed on an annual basis.

In the event Client or Karpel terminates this agreement, Client understands and agrees to pay $1,000 to Karpel Solutions for work in connection with the return of Client Content and Confidential Information.

Client will pay Karpel Solutions a flat one-time fee of $1000.00 for the migration of their PbK licensed copy to the Service accessible through the Website

b. TERM. The term of this Agreement shall be for (1) year and will begin upon Karpel Solutions' receipt of Client's full payment of the applicable fees for a year. Such term shall be perpetual and automatically renew for subsequent terms of equal length, unless either Karpel Solutions or Client gives notice to the other party thirty (30) days prior to the expiration of the then-current term of intent not to renew. Prior to the expiration of the term, Karpel Solutions will send Client a renewal invoice, which must be paid in full within thirty (30) days from the date of the invoice. Pricing of subsequent annual terms may be subject to change at the sole discretion of Karpel Solutions.

c. INTEREST AND LATE FEES. Past due accounts will be charged interest on a monthly basis, calculated at one and one-half percent (1.5%) per month of the unpaid balance or the maximum rate allowable by law.

3. SERVICE LEVEL COMMITMENT

a. UPTIME. Karpel Solutions is committed to providing the Software, Website and Service in a consistent and reliable manner. Karpel Solutions will provide the Software, Website and Service to Client with a stated minimum uptime of 99.5% to Client.

b. SCHEDULED MAINTENANCE. Karpel Solutions periodically performs scheduled maintenance including but not limited to outline, preventative or emergency maintenance of the Software, Website, and/or Service. Client understands that schedule maintenance may affect availability of the Service, Website, and/or Software. If schedule maintenance is to be performed Karpel Solutions will provide notice to Client three (3) days prior to the scheduled maintenance. Karpel Solutions will make every effort to schedule maintenance outside of normal business hours of the client between the hours of ten (10) p.m. and five (5) a.m. Central Standard Time.

c. DATA RETENTION AND BACKUPS. As a part of the Service and Website, Karpel Solutions will maintain under this Agreement consistent, regular and validated backups both onsite and offsite of the Client Content, Confidential Information and Software. Backups occur and will be maintained pursuant to Karpel Solutions internal backup policies. Upon written request, Karpel Solutions will make available to Client a copy of Karpel Solutions' current backup policies and procedures.

d. AUDITS AND SECURITY. Karpel Solutions is committed to maintaining the security of Client Content, Confidential Information, and Software on Karpel Solutions' Service and Website. Karpel Solutions will maintain the Software, Website and Service in a secure manner subject to the Customer Obligations outlined below. Karpel Solutions will perform annual security audits of the Website and Service to ensure the integrity and security of the Website and Service. Results of the Audits and Security Policy for Karpel Solutions will be made available to Client upon written request.

e. DATA TRANSMISSION. Karpel Solutions ensures that all data transmitted to and from the Service and Website is transmitted at a minimum level of 128-bit SSL encryption using digital certificates issued by an internationally-recognized domain registrar and certificate authority.

f. DATA LOCATION. Karpel Solutions will maintain the Service, Software, Client Content and Confidential Information of Client in a SAS 70/SSAE 16 certified data facility.

4. CUSTOMER OBLIGATIONS

a. PASSWORD PROTECTION. Access to the Software through the Service and Website is password-protected. Karpel Solutions provides multiple authentication alternatives for access to the Website and Software. KARPEL SOLUTIONS STRONGLY ENCOURAGES THE USE OF STRONG PASSWORD AUTHENTICATION. Karpel Solutions is not responsible for Client's use of the Service, Website or Software. Only the number of users set forth above may access the Service and Website. Client must inform their users that they are subject to, and must comply with, all of the terms of this Agreement. Client is fully responsible for the activities of Client's employees and authorized agents who access the Service and Website. Karpel Solutions is not liable for any unauthorized access to the Service and Website,

including access caused by failure of Client to protect the login and password information of users.

b. RESTRICTIONS ON USE. Client agrees to conduct all activities on the Service and Website in accordance with all applicable laws and regulations. Access to the Service, Website, Software and Documentation must be solely for Client's own internal use. Client may not (and may not allow any third party to) (i) decompile, mirror, translate, disassemble or otherwise reverse engineer any part of the Software, source code, algorithms, or underlying ideas of the Software; (ii) provide, lease, lend, subcontract, sublicense, re-publish or use for timesharing, service bureau or hosting purposes any or all of the Software or Documentation; or (iii) reproduce, modify, copy, distribute, publish, display or create derivative works of any or all of the Software or Documentation or (iv) alter, remove, or obscure any copyright, trademark or other proprietary notices or confidentiality legends on or in the Software or Documentation.

c. SUSPENSION. Karpel Solutions reserves the right to immediately suspend access to Software without notice and at any time that Karpel Solutions suspects or has reason to suspect a security, data breach or if suspension is necessary to protect its rights, Client's rights or the rights of a third party. Karpel Solutions will immediately contact Client upon suspension of the Service and Website.

5. CONFIDENTIALITY

CONFIDENTIALITY. Confidential Information may not be, directly or indirectly, copied, reproduced, or distributed by either party to the Agreement receiving the Confidential Information except to the extent necessary for the receiving party to perform under the terms of this Agreement and only for the sole benefit of the party disclosing the Confidential Information. The party to the Agreement receiving Confidential Information may not, directly or indirectly, sell, license, lease, assign, transfer or disclose the Confidential Information of the disclosing party, except as allowed under the terms of this Agreement or upon written consent of the disclosing party.

a. PERSONALLY IDENTIFIABLE INFORMATION. The parties recognize that certain data Client or Karpel Solutions may use in conjunction with the Software may be confidential Personally Identifiable Information. Karpel Solutions shall use all best efforts to protect the confidentiality of Personally Identifiable Information. Karpel Solutions shall have no liability for disclosure of Personally Identifiable Information caused by Client's own negligence or misconduct.

b. DISCLOSURE REQUIRED BY LAW. In the event that any Confidential Information is required to be disclosed pursuant to any law, code, regulation or court order from a court of competent jurisdiction, the receiving party shall give the disclosing party immediate written notice of such requirement and shall use its best efforts to seek or to cooperate with the disclosing party in seeking a protective order with respect to the Confidential Information requested.

c. INJUNCTIVE RELIEF. Any breach of the confidentiality provisions of this Section will cause irreparable harm to the other party. The parties agree that the non-breaching party may enforce the provisions of this Section by seeking an injunction, specific performance,

criminal prosecution or other equitable relief without prejudice to any other rights and remedies the non-breaching party may have.

6. OWNERSHIP OF INTELLECTUAL PROPERTY

a. KARPEL SOLUTIONS OWNERSHIP. Karpel Solutions retains all right, title and interest in and to the Software, Documentation, Website, Service and related Intellectual Property. Any suggestions, solutions, improvements, corrections or other contributions Client provides regarding the Software, Documentation, Website or Services will become the property of Karpel Solutions and Client hereby assigns all such rights to Karpel Solutions without charge.

b. CLIENT OWNERSHIP. Client retains all rights, title and interest in and to the Client Content, and all related Intellectual Property. Client hereby grants to Karpel Solutions and Karpel Solutions hereby accepts a non-exclusive, non-transferable, worldwide, fully-paid license to use, copy, and modify the Client Content solely to the extent necessary and for the sole purposes of providing access to the Software, Documentation, Website, and Services or otherwise complying with its obligations under this Agreement.

7. WARRANTY

a. LIMITED WARRANTY. Karpel Solutions warrants it will provide the Services and Website in a professional manner by qualified personnel. Karpel Solutions warrants it has the requisite power and authority to enter into and perform its obligations under this Agreement. Karpel Solutions warrants that the performance by Karpel Solutions of any services described in the Agreement shall be in compliance with all applicable laws, rules and regulations. Karpel Solutions warrants it will provide access to and use of the Software, Service and Website in material accordance with the Service Level Commitment outlined above. Karpel Solutions warrants that the Website, Software and Service shall conform in all material aspects to the specifications as outlined in Karpel Solutions response to RFP-DA15-01 Inyo County District Attorney Case Management System. No further representations or warranties as to the use, functionality or operation of the Software, Website or Service are made by Karpel Solutions other than as expressly stated in this agreement.

b. INTERNET. Karpel Solutions makes the Website, Software and Services available to Client through the internet to the extent commercially reasonable, and subject to outages, communication and data flow failures, interruptions and delays inherent in Internet communications. Client recognizes that problems with the Internet, including equipment, software and network failures, impairments or congestion, or the configuration of Client's computer systems, may prevent, interrupt or delay Client's access to the Service, Website or Software. Karpel Solutions is not liable for any delays, interruptions, suspensions or unavailability of the Website or Software attributable to problems with the Internet or the configuration of Client's computer systems or network.

c. SYSTEM REQUIREMENTS. Karpel Solutions provides the Services and Website based upon the system requirements as specified by Karpel Solutions for Client. Karpel Solutions has no liability for any failure of the Services or the Software based upon Client's failure to comply with the system requirements of Karpel Solutions.

d. WARRANT LIMITATION. The warranties set forth in this Agreement do not apply if non-compliance is caused by, or has resulted from (i) Client's failure to use any new or corrected

versions of the Software or Documentation made available by Karpel Solutions, (ii) use of the Software or Documentation by Client for any purpose other than that authorized in this Agreement, (iii) use of the Software or Documentation in combination with other software, data or products that are defective, incompatible with, or not authorized in writing by Karpel Solutions for use with the Software or Documentation, (iv) misuse of the Software or Documentation by, (v) any malfunction of Client's software, hardware, computers, computer-related equipment or network connection, (vi) any modification of the Software not performed by or otherwise authorized by Karpel Solutions in writing, or (vii) an event of Force Majeure.

e. DISCLAIMER. THE FOREGOING WARRANTIES ARE EXCLUSIVE AND ARE MADE IN LIEU OF ALL OTHER WARRANTIES, EITHER EXPRESS AND IMPLIED, WHICH ARE HEREBY DISCLAIMED, INCLUDING WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF NONINFRINGEMENT, TITLE, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND ANY WARRANTIES ARISING OUT OF A USE IN TRADE OR COURSE OF DEALING OR PERFORMANCE. KARPEL SOLUTIONS DOES NOT WARRANT (i) THAT ACCESS TO OR USE OF ALL OR ANY PART OF THE SERVICE, SOFTWARE, DOCUMENTATION OR WEBSITE WILL BE CONTINUOUS, ERROR-FREE OR UNINTERRUPTED, (ii) THAT THE RESULTS ARISING OUT OF CLIENT'S USE OF THE SOFTWARE, DOCUMENTATION OR WEBSITE WILL BE ACCURATE, COMPLETE OR ERROR-FREE, OR (iii) THAT THE SERVICE, SOFTWARE, DOCUMENTATION OR WEBSITE WILL MEET CLIENT'S NEEDS.

f. EXCLUSIVE REMEDIES. If the Website, or Services provided under this Agreement does not materially comply with the requirements stated in the Limited Warranty Section outlined above, Karpel Solutions sole obligation shall be to correct or modify the Website or Services, at no additional charge. If Karpel Solutions determines it is unable to correct what is non-conforming, Client's sole remedy will be to receive a refund of the fees paid for the non-conforming or Services, even if such remedy fails of its essential purpose. You may also terminate this Agreement as set forth in the termination provision of this Agreement.

8. LIMITATION OF LIABILITY

KARPEL SOLUTIONS IS NOT RESPONSIBLE FOR ANY LOSS OF DATA, COST OF PROCUREMENT OF SUBSTITUTE GOODS, SPECIAL, INDIRECT, INCIDENTAL, EXEMPLARY, PUNITIVE, OR CONSEQUENTIAL DAMAGES ARISING OUT OF ANY BREACH OF THIS AGREEMENT, EVEN IF KARPEL SOLUTIONS HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. THIS LIMITATION APPLIES TO ALL CAUSES OF ACTION, WHETHER ASSERTED ON THE BASIS OF CONTRACT, TORT (INCLUDING NEGLIGENCE), but not including causes of action based on strict liability or statutory liability, OR OTHERWISE. UNLESS OTHERWISE SPECIFICALLY STATED, ALL REMEDIES AVAILABLE UNDER THIS AGREEMENT AND ALL REMEDIES PROVIDED BY LAW, WILL BE DEEMED CUMULATIVE AND NOT EXCLUSIVE. REGARDLESS OF THE FORM OF ANY CLAIM CLIENT MAY HAVE ARISING UNDER OR RELATING TO THIS AGREEMENT, KARPEL SOLUTIONS LIABILITY FOR ANY DAMAGES SHALL NOT EXCEED THE FEES CLIENT HAS PAID TO KARPEL SOLUTIONS PURSUANT TO THIS AGREEMENT IN THE PRIOR TWELVE (12) MONTHS.

9. INDEMNIFICATION

a. CLIENT'S INDEMNIFICATION. Client will indemnify, defend, and hold harmless Karpel Solutions from and against any and all liability, damage, loss or expense (including reasonable attorneys' fees) arising out of (i) any claim, demand, action or proceeding,

statutory or otherwise, based on allegations arising as a result of use of the Website, Software, Documentation or Services in a manner not expressly described or permitted by this Agreement, (ii) use of the Website, Software, Documentation or Services in any unlawful manner or for any unlawful purpose, (iii) Karpel Solutions' use of Client Content that infringes any third party Intellectual Property, or (iv) Karpel Solutions' use of Client Content as permitted by this Agreement that violates the privacy rights or the rights to Personally Identifiable Information of a third party.

b. KARPEL SOLULTIONS' INDEMNIFICATION. Karpel Solutions will at its own expense (including payment of attorneys' fees) defend Client in the event that any suit is brought against Client based on a claim that the Software directly infringes any valid U.S. Intellectual Property right and shall indemnify Client from any amounts assessed against Client in a resulting judgment or settlement of such claims. Karpel Solutions will not be liable for any cost or expense of defense Client incurs in connection with any such suit or claim, without Karpel Solutions' prior and specific authorization and consent.

   Notwithstanding the foregoing, Karpel Solutions has no obligations under this Section in the event any infringement claim is solely or in part based upon or arising out of any modification or alteration to the Software not made by Karpel Solutions, (ii) any combination or use of the Software with products, hardware or services not supplied by Karpel Solutions or approved in writing by Karpel Solutions in advance of such combination, (iii) Client's continuance of allegedly infringing activity after being notified of such activity, or after being informed of modifications that would have avoided the alleged infringement, (iv) Client's failure to use corrections or enhancements made available by Karpel Solutions, (v) use of the Software not in accordance with the applicable Documentation or outside the scope of this Agreement, or (vi) the use of the Software in a manner for which it was neither designed nor contemplated.

   Karpel Solutions' aggregate liability and obligation under this Section will be will not exceed the fees Client has paid to Karpel Solutions under this Agreement in the previous twelve (12) months. The foregoing remedies constitute Client's sole and exclusive remedies, and Karpel Solutions' entire liability and obligation, with respect to any suit or claim for infringement or misappropriation of third party Intellectual Property or other right by the license and/or use of the Software.

c. NOTIFICATION. The indemnification obligations set forth above will apply only if and to the extent (i) the indemnified party gives prompt written notice to the indemnifying party of the assertion of any such claims, demands, action or proceeding, (ii) the indemnifying party has the right to select counsel and control the defense and all negotiations for settlement thereof and (iii) the indemnified party provides all reasonable information, assistance and cooperation required to defend such claim, demand, action or proceeding. The indemnifying party shall not settle or dispose of any such claim, demand, action or proceeding without written notification to the indemnified party provided the settlement or disposal materially adversely impacts the indemnified party.

10. TERMINATION

a. TERMINATION. Client may terminate this Agreement thirty (30) business days after it is has provided Karpel Solutions with written notice that it believes that Karpel Solutions has failed

to perform under, or materially breaches, this Agreement and of the Client's intent to terminate the Agreement. Thereafter, Karpel Solutions will have thirty (30) business days from the receipt of such notice to correct the stated problem. If at the end of such thirty (30) business day period, Karpel Solutions has not corrected the stated problem, then client may terminate this Agreement. Karpel Solutions may terminate this Agreement on thirty (30) days written notice.

b. RIGHTS AFTER EXPIRATION OR TERMINATION. Upon expiration or termination of this Agreement, Karpel Solutions will immediately terminate Client's access to and use of the Website, Documentation, and Services. Upon expiration or termination of this Agreement, each party shall immediately cease to make use of any Confidential Information received from the other party. Within thirty (30) days of written request following termination or expiration of this Agreement, Karpel Solutions shall coordinate with Client a mutual agreeable manner for the return of Client Content and Confidential Information obtained or shared during the course of the Agreement. Client understands that upon any termination or expiration of this Agreement, Client must return to Karpel Solutions (or destroy and certify such destruction in writing) any Documentation or other materials provided by Karpel Solutions, whether in written or electronic form, regarding the Website, Software or Services provided under this Agreement. Termination is not an exclusive remedy.

11. MARKETING

Client agrees that Karpel Solutions may identify Client as a customer of Karpel Solutions in Karpel Solutions' written promotional and marketing materials, as well as in any oral or visual presentations regarding the business of Karpel Solutions. Karpel Solutions may use any non-Confidential Information, such as aggregate statistical information as part of Karpel Solutions overall statistics for marketing or promotional efforts.

12. GENERAL PROVISIONS

a. ASSIGNMENT. This Agreement will inure to the benefit of and be binding upon Karpel Solutions and Client and Karpel Solutions' respective successors and assigns. Notwithstanding the foregoing, Client may not assign or otherwise transfer this Agreement or Client's rights and obligations under this Agreement without the prior written consent of Karpel Solutions, and any purported assignment or other transfer without such consent will be void and of no force or effect. Karpel Solutions may assign and /or transfer this Agreement or Karpel Solutions' rights and obligations under this Agreement at any time.

b. MODIFICATION AND WAIVER; SEVERABILITY. Any modifications of this Agreement must be in writing and signed by both parties. A waiver by either party of a term or condition will not be deemed a waiver of any other or subsequent term or condition. Should any court of competent jurisdiction determine that any term or provision of this Agreement is unenforceable, or otherwise invalid, the offending term or provision will be modified to the minimum extent necessary to render it enforceable. If such modification is not possible, the term or provision will be severed from this Agreement with the remaining terms to be enforced to the fullest extent possible under the law.

c. FORCE MAJEURE. Except for a party's payment obligations hereunder, neither party shall be deemed in default of this Agreement to the extent that performance of its obligations or attempts to cure any breach thereof are delay or prevented by reason of any act of God,

government, fire, natural disaster, accident, terrorism, network or telecommunication system failure, sabotage or any other cause beyond the control of such party ("Force Majeure"), provided that such party promptly gives the other party written notice of such Force Majeure.

d. INDEPENDENT CONTRACTORS. The parties will be deemed to have the status of independent contractors, and nothing in this Agreement will be deemed to place the parties in the relationship of employer-employee, principal-agent, or partners or joint ventures. Neither party has the authority to bind, commit or make any representations, claims or warranties on behalf of the other party without obtaining the other party's prior written approval.

e. NOTICES. Any notices provided under this Agreement will be in writing in the English language and will be deemed to have been properly given if delivered personally or if sent by (i) a recognized overnight courier, (ii) certified or registered mail, postage prepaid, return receipt requested, or (iii) facsimile, if confirmed by mail. Karpel Solutions' address for such notices is set forth below. Client's address for such notices will be the address on file with Karpel Solutions as provided by Client. Such address or contact information may be revised from time to time by provision of notice as described in this Section. All notices sent by mail will be deemed received on the tenth (10th) business day after deposit in the mail. All notices sent by overnight courier will be deemed given on the next business day after deposit with the overnight courier. All notices sent by facsimile will be deemed given on the next business day after successful transmission.

Karpel Solutions
9717 Landmark Parkway Suite 200
St. Louis, MO 62127
(314) 892-6300
karpel@karpel.com

f. GOVERNING LAW AND DISPUTE RESOLUTION. This Agreement is to be construed and governed by the laws of the United States and the State of California, without regard to conflict of laws provisions. Any dispute arising out of or in connection with this Agreement, which cannot be settled amicably between the parties must be brought exclusively in the appropriate court located in Inyo County California, and Client expressly waives any and all objections regarding jurisdiction and forum non conviens. If either Karpel Solutions or Client employs attorneys to enforce any rights arising out of or relating to this Agreement, the prevailing party will be entitled to recover reasonable attorneys' fees and costs.

13. ENTIRE AGREEMENT

By signing below, Client hereby agrees to the above Agreement. This document constitutes the entire agreement between Client and Karpel Solutions with respect to the subject matter discussed above. Any waiver of any provision of this Agreement will be effective only if in writing and signed by Karpel Solutions. This Agreement supersedes and replaces all prior or contemporaneous understandings or agreements, written or oral, regarding this subject matter. This Agreement will inure to the benefit of Karpel Solutions successors, assigns and licensees.

INYO COUNTY	**KARPEL SOLUTIONS**
_____	_____
Name	Name
_____	_____
Title	Title
_____	_____
Date	Date

For Clerk's Use Only:
AGENDA NUMBER

11

AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

■ Consent ☐ Departmental ☐ Correspondence Action ☐ Public Hearing
☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: HEALTH & HUMAN SERVICES – Behavioral Health Division

FOR THE BOARD MEETING OF: March ~~8~~ 1, 2016

SUBJECT: Approval of Amendment Number One (1) to the Contract between the County of Inyo and Vista Pacifica Enterprises.

DEPARTMENTAL RECOMMENDATION:
Request Board approve Amendment Number One (1) to the contract between Inyo County Health and Human Services Behavioral Health and Vista Pacifica Enterprises (for residential placement for adults in a locked facility) in an additional amount of $28,000.00 for a total amount not to exceed $78,000.00 for the period of July 10, 2015 through June 30, 2016, and authorize the Chairperson to sign.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:
This Amendment is necessary to accommodate the ongoing placement at Vista Pacifica Enterprises of one adult who has been placed on LPS Conservatorship. Inyo County has a good working relationship with this facility and monitors the care of conserved adults carefully. We place persons in the least restrictive environment and try to move persons safely to a lower level as soon as possible. To date during this fiscal year we have had only 2 persons total placed under LPS Conservatorship with one placed at Vista Pacifica Enterprises.

ALTERNATIVES:
Your Board could deny approval of Amendment Number One (1) to this contract. This would result in the possible loss of this placement option for LPS conserved adults. This would result in limited placement options, which might eventually necessitate placement in the State Hospital at great expense to the County.

OTHER AGENCY INVOLVEMENT:
Inyo County Courts

FINANCING:
100% Mental Health Realignment Funds (clients partially reimburse with SSI payments). This expense is budgeted in Mental Health (045200) in Support & Care (5508). No County General Funds.

APPROVALS	
COUNTY COUNSEL:	**AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS** *(Must be reviewed and approved by County Counsel prior to submission to the Board Clerk.)* Approved: 02/09/2016 Date:
AUDITOR/CONTROLLER:	**ACCOUNTING/FINANCE AND RELATED ITEMS** *(Must be reviewed and approved by the Auditor/Controller prior to submission to the Board Clerk.)* Approved: yes Date: 2/10/2016
PERSONNEL DIRECTOR:	**PERSONNEL AND RELATED ITEMS** *(Must be reviewed and approved by the Director of Personnel Services prior to submission to the Board Clerk.)* Approved: ✓ 2/17/16 Date:

DEPARTMENT HEAD SIGNATURE: Jean Turner Date: 2/19/2016

(Not to be signed until all approvals are received)

AMENDMENT NUMBER 1 (One) **TO**
AGREEMENT BETWEEN THE COUNTY OF INYO AND
Vista Pacifica Enterprises
FOR THE PROVISION OF INDEPENDENT CONTRACTOR SERVICES

WHEREAS, the County of Inyo (hereinafter referred to as "County") and Vista Pacifica Enterprises, of Riverside, Ca (hereinafter referred to as "Contractor"), have entered into an Agreement for the Provision of Independent Contractor Services dated 8/4/2015, on County of Inyo Standard Contract No. 157, for the term from July 10, 2015 to June 30, 2016.

WHEREAS, County and Contractor do desire and consent to amend such Agreement as set forth below;

WHEREAS, such Agreement provides that it may be modified, amended, changed, added to, or subtracted from, by the mutual consent of the parties thereto, if such amendment or change is in written form, and executed with the same formalities as such Agreement, and attached to the original Agreement to maintain continuity.

County and Contractor hereby amend such Agreement as follows:

Revision to Section D of the original contract.

"D. Limit upon amount payable under Agreement. The total sum of all payments made by the County to Contractor for services and work performed under this Agreement shall not exceed Seventy Eight-Thousand Dollars ($78,000), hereinafter referred to as "contract limit". County expressly reserves the right to deny any payment or reimbursement requested by Contractor for services or work performed which is in excess of the contract limit."

The effective date of this Amendment to the Agreement is 2/1/16.

All the other terms and conditions of the Agreement are unchanged and remain the same.

AMENDMENT NUMBER 1 (One) TO
AGREEMENT BETWEEN THE COUNTY OF INYO AND
Vista Pacifica Enterprises
FOR THE PROVISION OF INDEPENDENT CONTRACTOR SERVICES

IN WITNESS THEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS _____ DAY OF _____, _____.

COUNTY OF INYO

By: _____

Dated: _____

CONTRACTOR

By: _____
Signature

_____
Type or Print

Dated: _____

APPROVED AS TO FORM AND LEGALITY:

_____
County Counsel

APPROVED AS TO ACCOUNTING FORM:

_____
County Auditor

APPROVED AS TO PERSONNEL REQUIREMENTS:

_____
Personnel Services

APPROVED AS TO RISK ASSESSMENT:

_____
County Risk Manager

For Clerk's Use Only:
AGENDA NUMBER

12

AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

☒ Consent ☐ Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time ☐ Closed Session ☐ Informational

FROM: Inyo County Planning Department

FOR THE BOARD MEETING OF: March 1, 2016

SUBJECT: Natural Resource Advisory Committee

DEPARTMENTAL RECOMMENDATION: Reappoint Mr. David German to the Natural Resource Advisory Committee as a voting member.

SUMMARY DISCUSSION: The Natural Resource Advisory Committee (NRAC) was created in 2009 to act as a technical committee on natural resource matters with the goal of providing pertinent information and making recommendations to the Board of Supervisors and the Planning Commission on matters relating to mineral, solar, geothermal, water and wind development, or upon referral.[1] The NRAC is made up of five voting members consisting of citizens of Inyo County selected County-wide, as well as two alternate members. On August 21, 2012, the Board of Supervisors extended the Committee for three years, and subsequently on July 21, 2015 extended the Committee for another three years.

The NRAC's authorizing resolution indicates that appointments of Committee members shall be made by the Board of Supervisors upon the recommendation of the Planning Director and Planning Commission. Several of the positions have expired, and the County issued a Request for Appointments; a Request for reappointment was received from Mr. David German (see attached). Upon the Planning Director's recommendation, the Planning Commission recommended that the Board reappoint Mr. German to the NRAC at its January 27, 2016 meeting. The term for this appointment shall be three years.

ALTERNATIVES: The Board may consider not appointing Mr. German. This is not recommended since he is qualified to serve, has been serving on the Committee, and staff has had difficulty recruiting new members.

OTHER AGENCY INVOLVEMENT: None directly. Indirectly, other agencies, such as the US Forest Service and the Bureau of Land Management, may be involved in the activities undertaken by the NRAC.

FINANCING: Resources from the County's general fund are utilized for NRAC operations.

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1 Refer to http://inyoplanning.org/natres.htm for more information regarding the NRAC, including the authorizing resolution.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the board clerk.)*
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (M*ust be reviewed and approved by the auditor-controller prior to submission to the board clerk.)*
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)

Date: 2/23/16

Attachment: Request for Appointment

Inyo County Board of Supervisors
County of Inyo
P.O. Box N
Independence, CA 93526

David W German
2250 Longview Drive
Bishop, CA 93514
760 937 6203
David.german.bishop@gmail.com

Dear Board of Supervisors:

I would like to request reappointment to the Natural Resources Advisory Committee as a regular member for an additional 3-year term ending on October 6, 2018. I am an Inyo County resident of 15 years. I have faithfully served on the committee during my current term by attending all scheduled meetings and contributing valuable insight into the matters being discussed. I believe that the Planning Director, Josh Hart, will confirm this.

I have a good knowledge of the county and the interest to both read and research the type(s) of items that come before the committee. With a background in engineering and research, I am well qualified to understand, analyze, and make recommendations to the Board on natural resource issues to best serve the needs of the county and its residents.

I look forward to hearing from you on this matter.

Thank you for your consideration

David German

RECEIVED
2015 SEP -9 AM 8:23
INYO COUNTY
ADMINISTRATOR
CLERK OF THE BOARD

AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent ☒ Departmental ☐ Correspondence Action ☐ Public Hearing
☐ Schedule time for ☐ Closed Session ☐ Informational

For Clerk's Use Only:
AGENDA NUMBER
13

FROM: Public Works Department

FOR THE BOARD MEETING OF: MAR - 8 2016

SUBJECT: Adoption of Plans and Special Provisions for Dehy Park Improvement Project Phase II, and authorize the Public Works Director to advertise for bids.

DEPARTMENTAL RECOMMENDATIONS: Request your Board to:

1. Adopt the Plans and Special Provisions for the Dehy Park Improvement Project Phase II; and

2. Authorize the Public Works Director to advertise for bids for the project, contingent upon receipt of the State's authorization to proceed with construction.

CAO RECOMMENDATION: N/A

SUMMARY DISCUSSION:

Phase II of the Dehy Park Improvement Project will improve the eastern and northern portions of the park. The plans for the project include parking lot improvements, installation of a new footbridge and path north of the creek connecting to the existing bridge and the trail to the museum. Phase II will also construct a rock garden approved by the Fort Independence Indian Reservation.

Significant archaeological resources were encountered during the cultural resource investigation of Phase I. Phase II of the project has been delayed due to additional environmental documents required to be prepared and submitted to the State Historic Preservation Office (SHPO) for recovery per the approved recovery plan. In addition the County was required to enter into a Memorandum of Agreement (MOA) with the Fort Independence Indian Reservation for location and installation of a rock garden based on the original investigation.

Public Works has completed the Plans and Special Provisions for Phase II, received environmental clearance with commitments, and submitted the state request for authorization to the State. Construction is intended to be awarded by mid-February if state authorization is received. The current construction schedule allows the tree removal to happen before the migratory bird nesting season, however we just received state authorization, therefore, the construction may shift to the alternate construction schedule of mid-September, 2016. Approval of the Plans and Special Provisions and authorization to advertise the Dehy Park Phase II Project by your Board at this time will allow for the current construction schedule as well as the potentially needed alternate schedule.

The public works department has reviewed and approved the Plans and Special Provisions for the Dehy Park Phase II Improvement project.

ALTERNATIVES:

Your Board could choose not to adopt the Project Plans and Specifications, not approve the project for advertisement for bids and direct staff to find other options.

OTHER AGENCY INVOLVEMENT:

The Auditor's office to make payments to the contractor after contract is awarded.
County Counsel to review and approve contract documents.

FINANCING:
The cost for the construction and construction engineering will be paid through budget unit 670105, Dehy Park Grant Programs, object code 5700 Construction in progress. This Project is reimbursable at the billing rates: Construction – 88.53%. Federal Funding – 11.47% State match; Construction Engineering – 100% Federal funding.

APPROVALS		
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by County Counsel prior to submission to the board clerk.)	Approved: Yes Date 2/4/16
AUDITOR/CONTROLLER	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.)	Approved: yes Date 2/23/2016
PERSONNEL DIRECTOR	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)	Approved: NA Date 2/23/16

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received) _____ Date: 2/23/16

AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent ☐ Departmental ☐ Correspondence Action ☐ Public Hearing
☐ Schedule time for ☐ Closed Session ☐ Informational

For Clerk's Use Only:

AGENDA NUMBER

14

FROM: Public Works Department

FOR THE BOARD MEETING OF: March 1, 2016

SUBJECT: Right-of-Way Grant Offer for Chicago Valley Roads

DEPARTMENTAL RECOMMENDATIONS:

1. Your Board accept the Right-of-Way Grant Offer from Bureau of Land Management (BLM) for Right-of-Way (ROW) for various Chicago Valley Roads and authorize the Board Chairperson to sign the Right-of-Way Grant Offer.

SUMMARY DISCUSSION:

In approximately 1980 residents of Chicago Valley properties east of Shoshone approached the County in an effort to secure ROW across BLM lands so their properties could have legal access and the properties could be subdivided. In October of 1982 the BLM approved a 30 year ROW for these roads. The original grant expired in 2012. On May 7, 2013 your Board authorized the submittal of a ROW Grant application to the BLM.

As a stipulation with this ROW acceptance, Inyo County is required to enter into a road use and maintenance agreement with each of the legal private owners in Chicago Valley area, collectively the "users". Inyo County and the users of these Chicago Valley roads must recognize the need to provide safe, reliable ingress and egress to Chicago Valley roads, near State Highway 178, in Inyo County as further described in Exhibit A of the ROW (the "Access Roads").

A copy of the executed agreement between Inyo County and the "users" has been provided to BLM and is attached to the grant as Exhibit C.

ALTERNATIVES:

The Board could choose not to approve Right-of-Way Grant Offer. This is not recommended because it would limit the options of the property owners and potentially restrict the ability of property owners to subdivide and develop their land. There are approximately 13 tax parcels and 20 residents in this area.

OTHER AGENCY INVOLVEMENT:

(1) BLM, Barstow Field Office
(2) County Counsel for review of documents

FINANCING: N/A

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by County Counsel prior to submission to the board clerk.) Approved: yes Date 2/17/16
AUDITOR/CONTROLLER	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.) Approved: NA Date
PERSONNEL DIRECTOR	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: NA Date

DEPARTMENT HEAD SIGNATURE: _____ Date: 2/18/16
(Not to be signed until all approvals are received)

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Barstow Field Office
2601 Barstow Road
Barstow, CA 92311
www.ca.blm.gov/barstow

FEB - 1 2016

In Reply, Refer To:
2810 (P)
CACA-11407
LCAD080.32

Return Receipt Requested
US Certified Mail #7015 0640 0006 5805 4304

DECISION

Cap Aubrey	:	
Inyo County, Road Department	:	CACA-11407
P.O. Box Q	:	Chicago Valley Roads
Independence, CA 93526	:	

Right-of-Way Grant Offered

Enclosed in duplicate are two unsigned right-of-way grants offered for issuance for the above referenced right-of-way (ROW). Please carefully review each of the enclosed documents.

To accept the ROW, please have an authorized officer sign each copy of the grant where applicable and return both sets of documents to this office. A signed copy of the ROW grant will be returned to you once approved by the Bureau of Land Management (BLM) authorizing officer.

As a stipulation with this ROW acceptance, Inyo County is required to enter into a road use and maintenance agreement with each of the legal private owners in Chicago Valley and their respective tenants, collectively the "users". Inyo County and the users of Chicago Valley must recognize the need to provide safe, reliable ingress and egress to Chicago Valley, near State Highway 187, in Inyo County as further described in the Exhibit A of the ROW (the "Access Roads"). A copy of the agreement between Inyo County and the "users" has been provided to BLM and is attached to the grant as Exhibit C.

Under 43 Code of Federal Regulations (CFR) Part §2804.16 an applicant must reimburse the United States for costs incurred in monitoring the ROW. The County of Inyo is an exempt governmental agency from such costs for governmental purposes that benefit the general public.

Under 43 CFR§2806.14, upon acceptance of an ROW, a holder is subject to pay rental for the use of public lands. The County of Inyo is a local government exempt from applicable use rental.

The determination record is considered a decision and may be appealed to the Interior Board of Land Appeals, Office of the Secretary of the Interior, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. A copy of the notice must also be filed with the Office of the Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Suite E-1712, Sacramento, CA 95825. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR §4.21 (58 FR §§4939, January 19, 1993) or 43 CFR §2801.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR §4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied;
(2) The likelihood of the appellant's success on the merits;
(3) The likelihood of immediate and irreparable harm if the stay is not granted; and
(4) Whether the public interest favors granting the stay.

Should you have any questions or concerns, please contact Joan Patrovsky, Realty Specialist at (760) 252-6032 or jpatrovs@blm.gov.

Katrina Symons
Field Manager

Enclosures-
Form 2800 (2) w/exhibits
Form 1842-1

FORM 2800-14

Issuing Office
BARSTOW FIELD OFFICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT

SERIAL No. CACA-11407

1. As approved by the Decision Record, of a Categorical Exclusion, dated January 2014, a right-of-way is hereby issued pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (*90 Stat. 2776; 43 U.S.C. 1761*) and the Bureau of Land Management right-of-way regulations (43 CFR Part §2800) and amendments thereto.

2. Nature of Interest: a right-of-way grant for operation and maintenance of six existing dirt roads located on public lands within Chicago Valley, Inyo County, California.

   a. By this instrument, the holder:

      Inyo County Road Department
      P.O. Box Q
      168 N. Edwards Street
      Independence, CA 93526

      receives a right to operate, maintain, and terminate six (A, B, C, D, E and F) residential dirt access roads; as described on Exhibit A-1 through A-4, on public lands described as follows:

      San Bernardino Meridian
      T.22N., R.7E., Sec.11, SE1/4 of the SW1/4, and S1/2 of the SE1/4;
      T.22N., R.7E., Sec.14, SE1/2 of the SW1/4;
      T.22N., R.7E., Sec.23, N1/2 of the NE1/4, and NE/4 of the NW1/4;
      T.22N., R.7E., Sec.24, W1/2 of the NW1/4, N1/2 of the SW1/4 and NW1/4 of the SE1/4;

   b. The right-of-way area granted herein is for six (6) access roads. Each road shall be limited to a maximum width of 30'. This right-of-way contains 11 total acres, more or less.

   c. This instrument shall terminate on **December 31, 2036**, unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

   d. This instrument may be renewed. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

f. This instrument is issued subject to valid existing rights in accordance with 43 CFR §2805.14.

3. Terms and Conditions:

a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part §2800.

b. The Authorized Officer may change the terms and conditions of this instrument as a result of changes in legislation, regulations, or as otherwise necessary to protect public health or safety or the environment in accordance with 43 CFR §2800.

c. The Authorized Officer may order an immediate temporary suspension of operations, orally or in writing, in accordance with 43 CFR §2807.16 to protect public health or safety or the environment if the Authorized Officer determines that the holder has violated one or more of the terms, conditions, or stipulations of this instrument. An immediate temporary suspension order is effective until the holder receives a written Notice to Proceed from the Authorized Officer.

d. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.

e. Each grant issued for a term of thirty (30) years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 10th year and at regular intervals thereafter not to exceed 20 years. Provided, however, that a right-of-way granted herein may be reviewed at any time deemed necessary by the authorized officer.

f. The stipulations, plans, maps, or designs set forth in Exhibit A-1 through A-4: Record of Survey and the BLM Land Description, Exhibit B: Stipulations, Exhibit C: Road Maintenance Agreement and Restrictions (Inyo County and Chicago Valley roads users) and Exhibit D: Memorandum of Agreement between Inyo County and BLM are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.

g. Failure of the holder to comply with applicable law or any provision of this right-of-way grant shall constitute grounds for suspension or termination thereof.

h. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

i. This instrument may be assigned consistent with the regulations, but all assignments are subject to approval by the Authorized Officer. In addition, the qualifications of all assignees must comply with the requirements of the regulations. A partial assignment of this instrument shall not be approved if such action would hinder the Authorized Officer's management of the authorization or the associated public lands.

j. The holder shall not initiate any construction or other surface disturbing activities to the right-of-way without prior written approval of the Authorized Officer, or their delegate. Such authorization shall be a written Change of Condition/Adjustment. Each Change of Condition /Adjustment shall authorize construction or use only as therein expressly stated and only for the particular location and use therein described. All Changes of Condition/Adjustments are subject to such terms and conditions as deemed necessary by the Authorized Officer at the time of approval. Approved changes authorize construction or use only as therein expressly stated and only for the particular location, phase, area, or use described. The Authorized Officer may, by written notice, suspend or terminate in whole or in part any change of condition/adjustment which has been approved, when in the Authorized Officer's judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.

k. In the event that the public land underlying the ROW encompassed in this grant, or portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the ROW, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations in Title 43 CFR parts 2800 and 2880, as well as any rights to have the holder apply to the BLM for amendments, modifications, or assignments and for the BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the ROW, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW holder.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant.

INYO COUNTY	BUREAU OF LAND MANAGEMENT
(Signature of Holder)	(Signature of Authorized Officer)
(Title)	BARSTOW FIELD MANAGER (Title)
(Date)	(Effective Date of Grant)

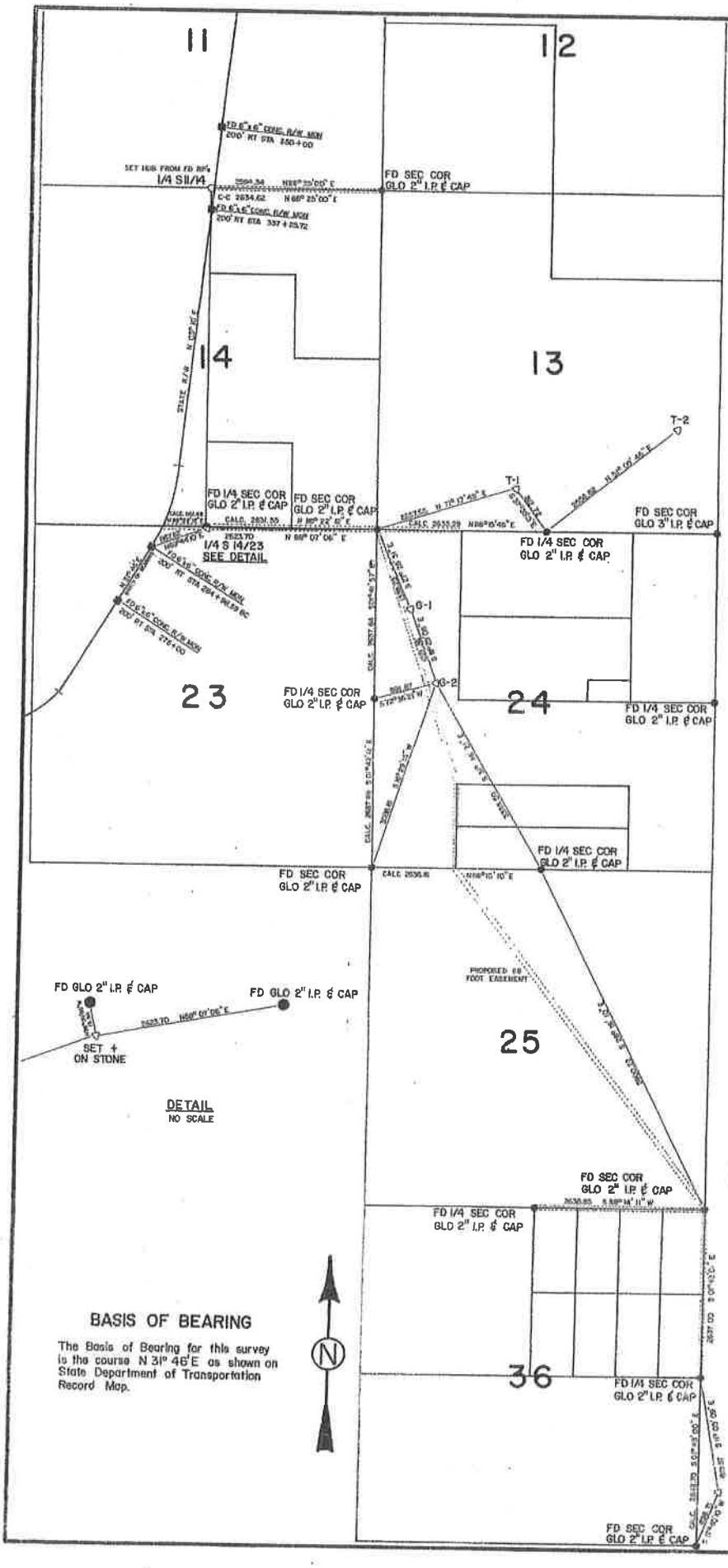
Attachments:
- Exhibit A- Record of Survey/Land Description-4 pgs.
- Exhibit B- Supplemental Stipulations-5 pages
- Exhibit C- Road Maintenance Agreement -21 pages
- Exhibit D- Memorandum of Agreement-2 pages

RECORD OF SURVEY

A SURVEY TO OBTAIN EASEMENTS IN PORTIONS OF SECTIONS 11,12,13,14,23,24, 25, & 36, T. 22N., R. 7E., S.B.B.& M IN INYO COUNTY, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND IN THE DISTRICT LAND OFFICE.

SCALE: 1" = 1000' DATE: MAY 1980

Exhibit A
CACA-11407
County of Inyo- Chicago Valley
Page 1 of 4 BLM



RECORDER'S CERTIFICATE

Filed this 5th. day of FEBRUARY, 1981, at 9:25 Am. in Book RS10 of MAPS at page 88, at the request of County Surveyor

Jeanne L. Barton, Deputy
County Recorder

COUNTY SURVEYOR'S CERTIFICATE

This map has been examined for conformance with the Land Surveyor's Act this 30 day of January, 19 81.

James Good
County Surveyor

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Land Surveyor's Act at the request of the property owners of Chicago Valley in May, 1980

Francis A. Gamboni

L.S. No. 4114

RS10 PAGE 88

BLM 2014

63101

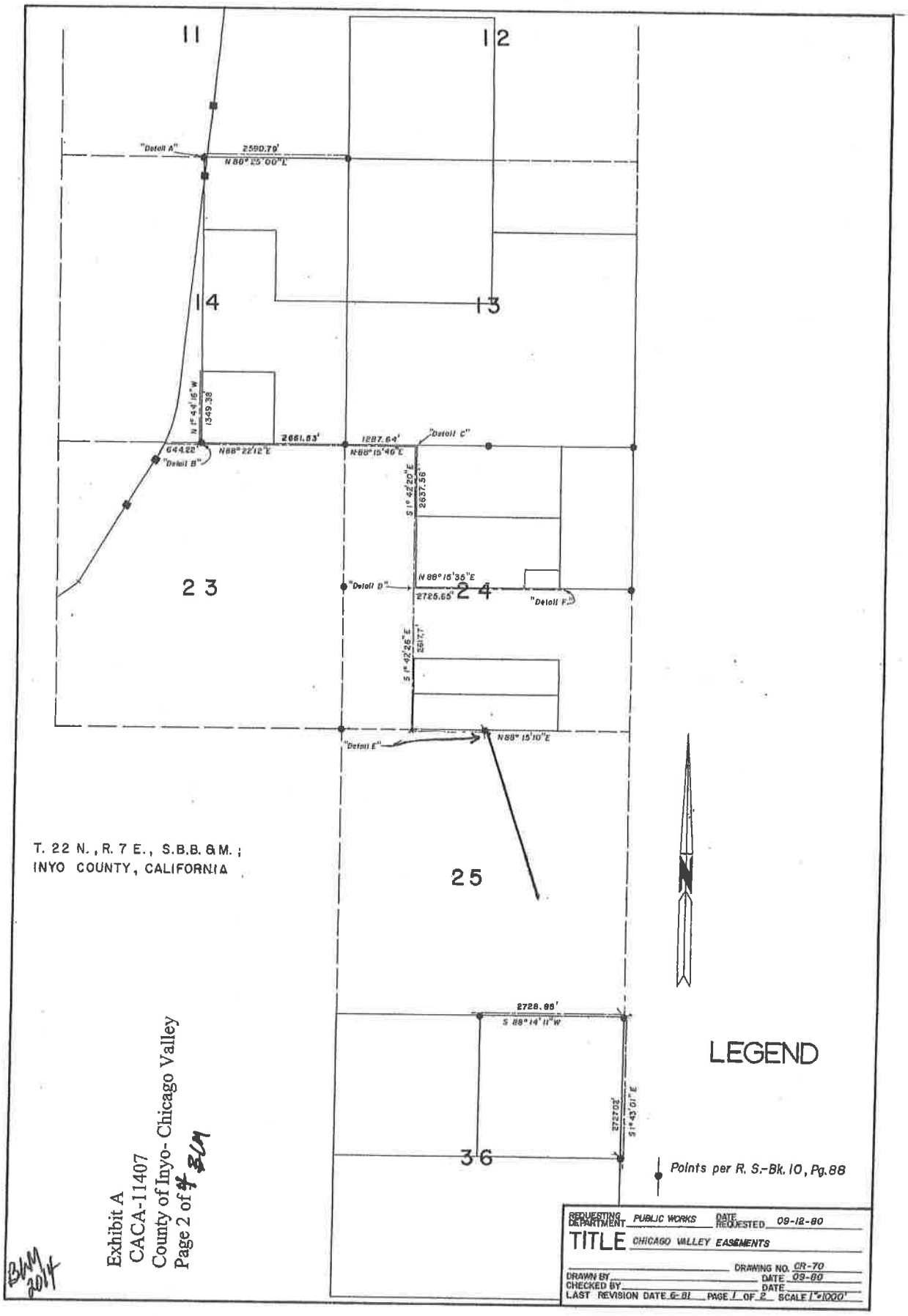
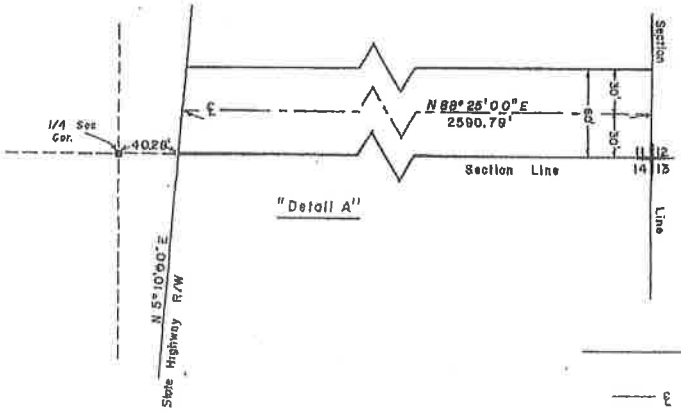


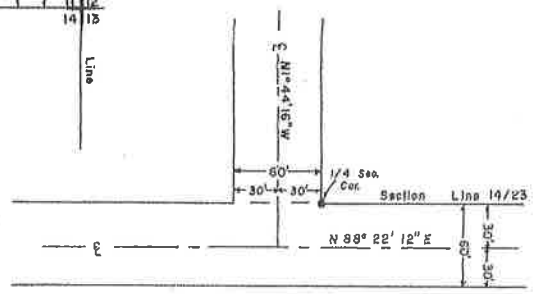
Exhibit A
CACA-11407
County of Inyo- Chicago Valley
Page 2 of 4

BLM 2014

63102



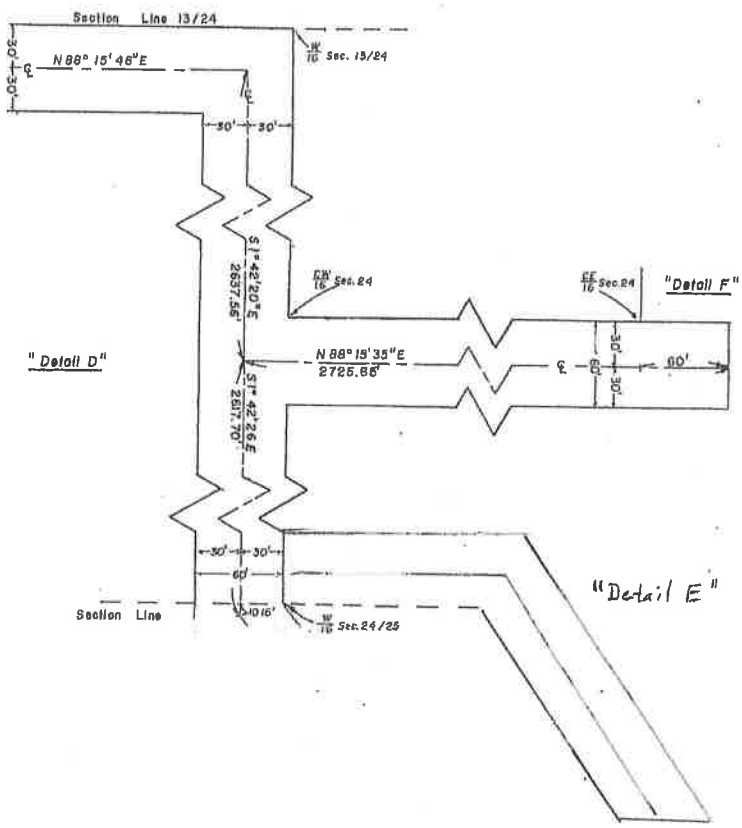
"Detail A"



"Detail B"

Exhibit A
CACA-11407
County of Inyo- Chicago Valley
Page 3 of 4

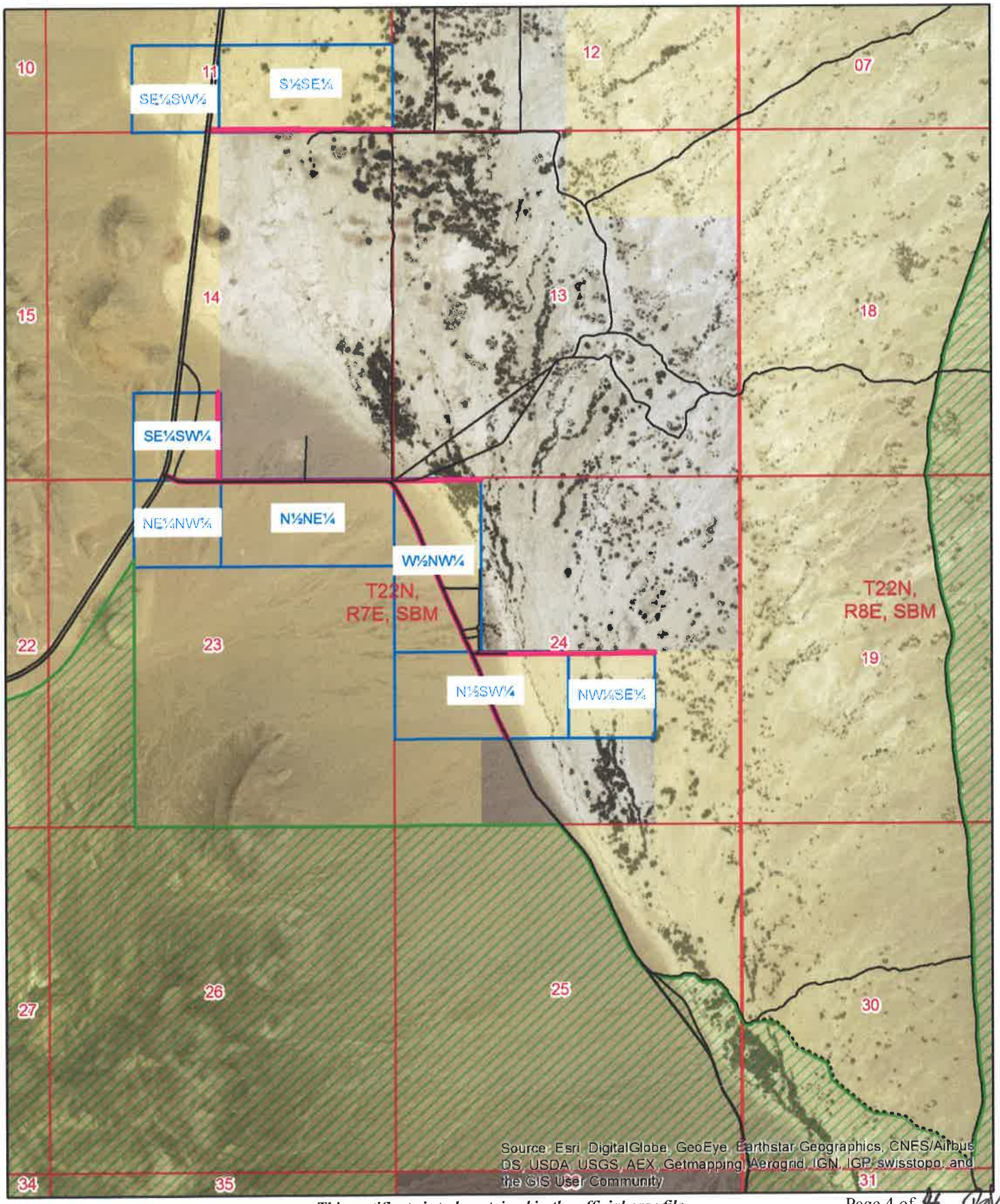
"Detail C"



CACA 11407 Chicago Valley Road ROWs Detail

EXHIBIT A

BLM land
BLM wilderness
Other existing tracks
Abandoned 4WD track
Chicago Valley Rd
SH178
Included in length calculation
Wilderness boundary



BLM

EXHIBIT B
STIPULATIONS

The BLM Authorized Officer for the administration of this grant is the Field Manager, Barstow Field Office, 2601 Barstow Road, Barstow, CA, Phone (760) 252-6000.

The grantee shall comply with **all** terms, conditions and stipulations contained in this grant unless otherwise approved in writing by the Authorized Officer. Non-compliance with any of the stipulations by grantee or by any of their agents may result in the cancellation or suspension of the grant or adverse action against the holder.

The Bureau of Land Management (BLM) retains the right to occupy and use the right-of-way and to issue or grant rights-of-ways or, other land uses, upon, over, under, and through the lands, provided that the occupancy and use will not reasonably interfere with the rights granted herein.

1. **Maintenance of the roads, drainages and retention berms shall be the responsibility of the Chicago Valley residents, tenants or land owners utilizing the roads for access. A valid written agreement between Inyo County and each of the individual owners shall be established. Copies of the agreements must be provided to BLM.**

2. All activities relating to the road berms shall be confined to the minimum area necessary and shall not exceed:

    a. Existing dirt roads as identified on Exhibit A- maps, within a 30 foot width and 2' high berms along roadbed edges. Dirt berms will not be constructed across washes, to facilitate natural drainage and minimize erosion.

    b. All activities associated with the roads shall remain within the right-of-way, and for access to the residences from State Highway 178.

    c. Construction of new roads is **not** authorized. Any additional new road(s) construction or widening shall require prior written approval by the BLM authorizing officer.

    d. Removal of non-native vegetation (cedar and/or tamarisk) by mechanical means is authorized. The holder is responsible for all weed control within the right-of-way.

    e. All trash and equipment shall be removed from the right-of-way following completion of periodic road maintenance.

3. No part of this right-of-way shall be assigned to other parties without the consent of the Authorized Officer. No assignment shall be recognized until it is approved in writing by the Authorized Officer.

4. The holder must amend the ROW grant at any time additional land and/or new uses are proposed which are beyond the scope of the existing authorization.

5. The right-of-way shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but limited to, human waste, trash, refuse, oil drums, petroleum products, ashes and equipment.

6. All local, State and Federal ordinances, regulations and laws governing the release of hazardous materials and wastes shall be implemented. Additionally, any and all reportable releases shall be reported to the BLM within 24 hrs of discovery of the release, at (760)252-6000 and after hours or during weekends through the Federal Interagency Communication Center at (909)383-5651/5652. An Initial Report shall be faxed to the Authorized Officer within 24 hours of release discovery at (760) 252-6099. A comprehensive follow-up report must be received by the Authorized Officer within seven (7) calendar days of the incident's discovery.

7. No signs or advertisement devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer. Only approved Department of Transportation (DOT) safety, informational and directional signs may be posted.

8. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the Holder shall immediately report the incident, in writing, to the Authorized Officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management survey monuments or references are obliterated during operations, the Holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The Holder shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the Holder shall be responsible for the survey cost.

9. Protocol -Discovery of Human Remains in California

   All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the state of California regardless if the remains are modern or archaeological.

Upon discovery of human remains within the State of California, all work in the area must cease immediately, nothing disturbed and the area is to be secured. The County Coroner's Office of the county where the remains were located must be called. The Coroner has two working days to examine the remains after notification. The appropriate land manager/owner or the site shall also be called and informed of the discovery. If the remains are located on federal lands, federal land managers/federal law enforcement/federal archaeologist are to be informed as well because of complementary jurisdiction issues. It is very important that the suspected remains and the area around them remain undisturbed and the proper authorities called to the scene as soon as possible as it could be a crime scene.

Disturbing human remains is against federal and state laws and there are criminal/civil penalties including fines and/or time in jail up to several years. In addition, all vehicles and equipment used in the commission of the crime may be forfeited.

The Coroner will determine if the bones are historic/archaeological or a modern legal case.

Modern Remains

If the Coroner's Office determines the remains are of modern origin, the appropriate law enforcement officials will be called by the Coroner and conduct the required procedures. Work will not resume until law enforcement has released the area.

Archaeological Remains

If the remains are determined to be archaeological in origin and there is no legal question, the protocol changes depending on whether the discovery site is located on federally or non-federally owned/managed lands.

Remains discovered on federally owned/managed lands
After the Coroner has determined the remains are archaeological or historic and there is no legal question, the appropriate Field Office Archaeologist must be called. The archaeologist will initiate the proper procedures under ARPA and/or NAGPRA. If the remains can be determined to be Native American, the steps as outlined in NAGPRA, 43 CFR 10.6 *Inadvertent discoveries*, must be followed.

Remains discovered on non-Federally owned/managed lands
After the Coroner has determined the remains on non-federally owned/managed lands are archaeological and there is no legal question, the Coroner will make recommendations concerning the treatment and disposition of the remains to the person responsible for the excavation, or to his or her authorized representative. If the Coroner believes the remains to be those of a Native American he/she shall contact by telephone within 24 hours, the California Native American Heritage Commission (NAHC). The NAHC will immediately notify the person it believes to be the most likely descendent of the remains. The most likely descendent has 48 hours to make recommendations to the land owner for treatment or disposition of the human remains. If the descendent does not make recommendations within 48 hours, the land owner shall reinter the remains in an area of the property secure from further disturbance. If the land owner does not

accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.

10. The rehabilitation plan shall address but not limited to the removal and reclamation of the retention berms and any ancillary improvements. Approval of the plan must be in writing by the authorized officer prior to commencement. All structures, equipment and materials shall be removed prior to termination of the grant. The holder and residents are responsible for the full costs of removal and restoration of the land.

11. The United States shall not be liable for any damage to the roads and shoulder berms as a result of fire, wind or other natural disasters or other actions stemming from the land management activities of the Bureau of Land Management.

12. The holder shall hold harmless the United States against any liability for damages to life, person, or property arising from the use or maintenance of this right-of-way.

The Holder acknowledges by signing below, that he/she knows, understands and accepts the supplemental stipulations under which this right-of-way grant is issued.

_____ _____

Inyo County Authorized Officer Date

_____

Title

1

EXHIBIT C
INYO COUNTY ROAD
MAINTENANCE AGREEMENT
CHICAGO VALLEY
CACA-11407

ROAD MAINTENANCE AGREEMENT AND RESTRICTIONS

THIS ROAD MAINTENANCE AGEEMENT AND RESTRICTIONS is made this 17 day of JULY, 2015, by Inyo County ("County") and Ethel L. Messer; Sorrells TR, CJ and A Keefer C/O Charles Sorrells; Sorrells Trust, Charles C/O Nelson & Sorrells; Sorrells TR, CJ & A Keefer C/O Charles Sorrells; James C and Nora Rook; Carl R Rook Jr.; Phillips Trust, John and Sandra; Old West Land Co. LLC C/O Charles Sorrells, Messer, Ethel; Best, Jamee F; Gilliam, James; Best, Jamee F; Gilliam, Ralph J; Gilliam, Vance; Keefer Trust, Alice; Brown, Charles F; Brown, George A; Gilliam, Celestia M; James C and Nora Rook; Carl R Rook Jr; Phillips Trust, John and Sandra; Old West Land Co. LLC C/O Charles Sorrells; Messer, Ethel; Wayne Holloway & Louann Holloway,("Residents").

WHEREAS, Residents are the owners of adjoining properties to the road as legally described on the attached Exhibit "A".

WHEREAS, Lands owned by United States Bureau of Land Management and County having right-of-way for roadway purposes (authorization No. CACA-11407) a private drive, as indicated on the attached Exhibit "B"

WHEREAS, the County and Residents desire to establish an agreement for the maintenance and repair of the Road.

NOW THEREFORE, the parties hereby agree as follows:

1. Private Road. The roadway will be private and the County will have no obligation to maintain the road in any manner.

2. Utilities. Utility easements are provided within the right-of-way and dedicated to the public for sewer, water, gas, electric, telephone and cable use; all utilities to be installed underground so that there is no structure visible within the right-of-way.

3. Maintenance Decisions. Decisions regarding road maintenance, including but not limited to, the determination of the scope of work is required, shall be determined by Residents.

4. Shoulders. In addition to maintenance or improvement of the road surface or roadbed itself, the Residents shall maintain the shoulders adjacent to the Private Road.

5. Use Restrictions. All Owners agree that the Private Road shall only be used for the purposes of ingress and egress and shall not be used to access any property other than that intended. It is the intent of the owners that the easement will be improved and maintained pursuant to this Agreement and it shall only be improved as is reasonably necessary and convenient for the normal year-round use by Residents and their respective guests, invitees and customers, and for emergencies.

6. New Owners. By purchase of a parcel subject to this agreement, the purchaser thereof consents and agrees to be bound by all of the terms and conditions set forth in this agreement. This agreement is intended to run with the land and to bind and benefit the Road Premises, the parcels, and the owners thereof, in perpetuity.

7. Termination. Upon consent of Inyo County and the termination of CACA-11407 by the Bureau of Land Management may this maintenance agreement be terminated.

IN WITNESS WHEREOF, the undersigned hereby execute this agreement on the date first above written.

NAME	APN	Signature
Ethel L. Messer	046-100-11	Ethel L. Messer
		Leslie Scott
Sorrells TR, CJ and A Keefer C/O Charles Sorrells	046-100-20	Charles Sorrells
Sorrells Trust, Charles 1/8 C/O Nelson & Sorrells	046-100-08	Charles Sorrells
Gilliam, James L 1/16 Int	046-100-08	

Leslie Scott
Notary Public State of Nevada
Expires May 3, 2016
12-7523-14

KENLYNN A. ERICKSON NOTARIAL SEAL STATE OF MONTANA
Kenlynn A Erickson
Notary Public
for the State of Montana
Residing at:
Belgrade, Montana
My Commission Expires:
November 04, 2015

2

IN WITNESS WHEREOF, the undersigned hereby execute this agreement on the date first above written.

NAME	APN	Signature
Ethel L. Messer	046-100-11	_____
Sorrells TR, CJ and A Keefer C/O Charles Sorrells	046-100-20	_____
Sorrells Trust, Charles 1/8 C/O Nelson & Sorrells	046-100-08	_____
Gilliam, James L 1/16 Int	046-100-08	James L. Gilliam

MICHAEL D. BAKER
COMM. #2082984
Notary Public - California
SAN BERNARDINO COUNTY
My Comm. Exp. Oct. 22, 2018

Michael D Baker
Notary Public 7-17-15

NAME	APN	Signature
Best, Jamee F 1/16 Int	046-100-08	

7.27.2015
Lisa Marie Mendez, Notary Public

Gilliam, Ralph J 1/16 Int	046-100-08	

SEE ATTACHED
NOTARIAL CERTIFICATE

Gilliam, Vance 1/16 Int	046-100-08	

7.27.2015
Lisa Marie Mendez, Notary Public

Keefer Trust, Alice 1/8 Int	046-100-08	

3.

NAME	APN	Signature
Best, Jamee F 1/16 Int	046-100-08	_____
Gilliam, Ralph J 1/16 Int	046-100-08	_____
Gilliam, Vance 1/16 Int	046-100-08	_____
Keefer Trust, Alice 1/8 Int	046-100-08	Alice Keefer

KENLYNN A. ERICKSON NOTARIAL SEAL STATE OF MONTANA

Kenlynn A Erickson
Notary Public
for the State of Montana
Residing at:
Belgrade, Montana
My Commission Expires:
November 04, 2015

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Fresno)

On July 31, 2015 before me, Kimberly Ling, Notary Public
(insert name and title of the officer)

personally appeared Ralph J. Gilliam
who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(i~~es~~), and that by his/~~her~~/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

KIMBERLY LING
NOTARY PUBLIC - CALIFORNIA
COMMISSION # 2095456
FRESNO COUNTY
My Comm. Exp. October 10, 2018

Signature Kimberly Ling (Seal)

NAME	APN	Signature
Brown, Charles F 1/4 Int	046-100-08	Deceased
Brown, George A 1/4 Int	046-100-08	Deceased
Gilliam, Celestia M Est Of DECEASED	046-100-08	EXECUTOR
Sorrells TR, CJ & A Keefer C/O Charles Sorrells	046-100-17	

MICHAEL D. BAKER
COMM. #2082984
Notary Public - California
SAN BERNARDINO COUNTY
My Comm. Exp. Oct. 22, 2018

Notary Public 7-17-15

NAME	APN	Signature
Brown, Charles F 1/4 Int	046-100-08	_____
Brown, George A 1/4 Int	046-100-08	_____
Gilliam, Celestia M Est Of	046-100-08	_____
Sorrells TR, CJ & A Keefer C/O Charles Sorrells	046-100-17	Charles Sorrells

KENLYNN A. ERICKSON NOTARIAL SEAL STATE OF MONTANA

Kenlynn A Erickson
Notary Public
for the State of Montana
Residing at:
Belgrade, Montana
My Commission Expires:
November 04, 2015

NAME	APN	Signature
James C and Nora Rook	046-100-14	James C Rook Nora M Rook

Leslie Scott
Notary Public State of Nevada
Expires May 9, 2016
12-7929-14

Leslie Scott

Carl R Rook Jr	046-100-13	Carl

*see attached certificate

Phillips Trust, John and Sandra	046-100-12	
Sorrells TR, CJ & A Keefer C/O Charles Sorrells	046-100-18	Charles Sorrells

KENLYNN A. ERICKSON NOTARIAL SEAL STATE OF MONTANA
Kenlynn A Erickson
Notary Public
for the State of Montana
Residing at:
Belgrade, Montana
My Commission Expires:
November 04, 2015

Sorrells TR, CJ & A Keefer C/O Charles Sorrells	046-100-01	Charles Sorrells

KENLYNN A. ERICKSON NOTARIAL SEAL STATE OF MONTANA
Kenlynn A Erickson
Notary Public
for the State of Montana
Residing at:
Belgrade, Montana
My Commission Expires:
November 04, 2015

NAME	APN	Signature
James C and Nora Rook	046-100-14	
Carl R Rook Jr	046-100-13	
Phillips Trust, John and Sandra **SEE ATTACHED ACKNOWLEDGMENT**	046-100-12	John Phillips Sandra Kay Phillips
Sorrells TR, CJ & A Keefer C/O Charles Sorrells	046-100-18	
Sorrells TR, CJ & A Keefer C/O Charles Sorrells	046-100-01	

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
}
County of KERN }

On 11-16-15 before me, MEGAN MCAFEE,

Notary Public, personally appeared John Walter Phillips & Sandra Kay Phillips
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

MEGAN MCAFEE
Commission # 2111423
Notary Public - California
Kern County
My Comm. Expires May 14, 2019

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Megan McAfee
Signature of Notary Public

---- *OPTIONAL* ----

Description of Attached Document

Title or Type of Document Road Maintenance Agreement & Restriction

Document Date: 11-16-15 Number of Pages: 11

Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s):

Signer's Name: John Phillips

[ ] Corporate Officer ---- Title(s): _____

[X] Individual

[ ] Partner --- [ ] Limited [ ] General

[ ] Attorney in Fact

[ ] Trustee

[ ] Guardian or Conservator

[ ] Other: _____

Signer is Representing Self

Right Thumbprint Of Signer

Signer's Name: Sandra Kay Phillips

[ ] Corporate Officer----- Title(s): _____

[X] Individual

[ ] Partner --- [ ] Limited [ ] General

[ ] Attorney in Fact

[ ] Trustee

[ ] Guardian or Conservator

[ ] Other: _____

Signer is Representing Self

Right Thumbprint Of Signer

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Santa Clara)

On Nov. 19, 2015 before me, Marisol M. Moreno, Notary Public,
Date *Here Insert Name and Title of the Officer*

personally appeared Carl R. Rook jr.
Name(s) of Signer(s)

_____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

MARISOL M. MORENO
Commission # 2108058
Notary Public - California
Santa Clara County
My Comm. Expires May 18, 2019

Signature _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

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6.

NAME	APN	Signature
Sorrells TR, CJ & A Keefer C/O Charles Sorrells	046-100-03	

KENLYNN A. ERICKSON NOTARIAL SEAL STATE OF MONTANA
Kenlynn A Erickson
Notary Public
for the State of Montana
Residing at:
Belgrade, Montana
My Commission Expires:
November 04, 2015

Old West Land Co. LLC C/O Charles Sorrells	046-100-02	

KENLYNN A. ERICKSON NOTARIAL SEAL STATE OF MONTANA
Kenlynn A Erickson
Notary Public
for the State of Montana
Residing at:
Belgrade, Montana
My Commission Expires:
November 04, 2015

Messer, Ethel ¾ Int	046-080-02	

THE GREAT SEAL OF THE STATE OF NEVADA
Leslie Scott
Notary Public State of Nevada
Expires May 3, 2016
12-7523-14

Wayne Holloway & Louann Holloway ¼ Int	046-080-02	_____

County:

Inyo County

By:

NAME	APN	Signature
Sorrells TR, CJ & A Keefer C/O Charles Sorrells	046-100-03	_____
Old West Land Co. LLC C/O Charles Sorrells	046-100-02	_____
Messer, Ethel ¾ Int	046-080-02	_____
~~Wayne Holloway~~ DECEASED & Louann Holloway ¼ Int (see attached Copy of Death Certificate)	046-080-02	_____

NOTARY PUBLIC
STATE OF ARIZONA
Maricopa County
MIGUEL RODRIGUEZ
My Commission Expires July 11, 2019

County:

Inyo County

_____

By:

RECORDING REQUESTED BY
L.A. Holloway

AND WHEN RECORDED MAIL TO:
L. A. Holloway
4565 E. FLorian Circle
Mesa Az. 85206-2650

Order No.: N/A
Escrow No.:N/A

INYO, County Recorder
KAMMI FOOTE Co Recorder Office
DOC- 2015-0003749-00
Check Number 2368
Thursday, DEC 03, 2015 13:12:27
MIC $1.00:S21 $1.00:REC $12.00
SYS $2.00:PCO $20.00:SST $1.00
Ttl Pd $37.00 Rcpt # 0000112885
KRF/R1/1-2

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

AFFIDAVIT - DEATH OF JOINT TENANT

STATE OF California }

COUNTY OF Inyo }

I, LouAnn Holloway, OF LEGAL AGE, BEING FIRST DULY SWORN, DEPOSES AND SAYS:

That **Donald Wayne Holloway**, the decedent mentioned in the attached certified copy of Certificate of Death, is the same person as **Wayne Holloway**, named as one of the parties in that certain **Grant Deed** dated **November 15, 1983** executed by **Stella L. Rook** to **Wayne Holloway & LouAnn Holloway, husband and wife as joint tenants as to an undivided one=quarter interest ,** recorded as Instrument No. **91 3445 onJuly 23, 1881** of Official Records of **Inyo** County, State of California, covering the following described property situated in said County, State of California:

The Southwest quarter of Section 12, Township 22 North, Range 7 East, S.B. & M., in the County of Inyo State of California, according to the official plat thereof.

PROPERTY ADDRESS. VACANT LAND
ASSESSORS NO 045-080-02
DATE: NOVEMBER 14. 2015

LOU ANN HOLLOWAY

STATE OF Arizona
COUNTY OF Maricopa }SS.
On 11-14-15 before me, Miguel Rodriguez (insert name) Notary Public,

personally appeared **LouAnn Holloway** known to me(or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/ are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

NOTARY PUBLIC
STATE OF ARIZONA
Maricopa County
MIGUEL RODRIGUEZ
My Commission Expires July 11, 2019

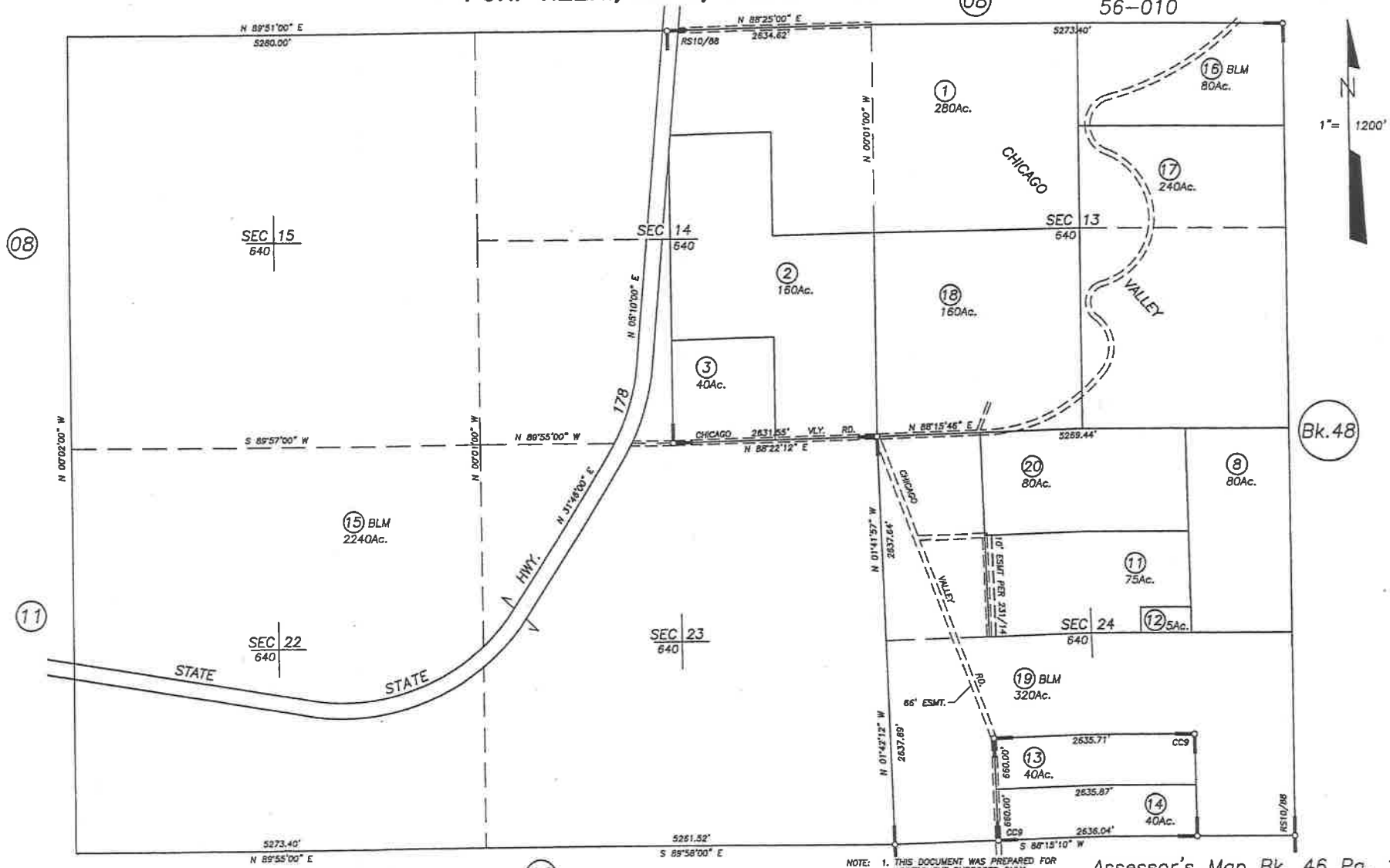
Signature

(This area for official notarial seal)

POR. T.22N., R.7E., S.B.B. & M.

46–10

TAX RATE AREA
56–010



R.S. Bk. 10 Pg. 88 – FOR 66' ESMTS.
C.C. 9 – 215/58

NOTE:
1. THIS DOCUMENT WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.
2. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN.
3. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

Assessor's Map Bk. 46 Pg. 10
County of Inyo, Calif.
1950

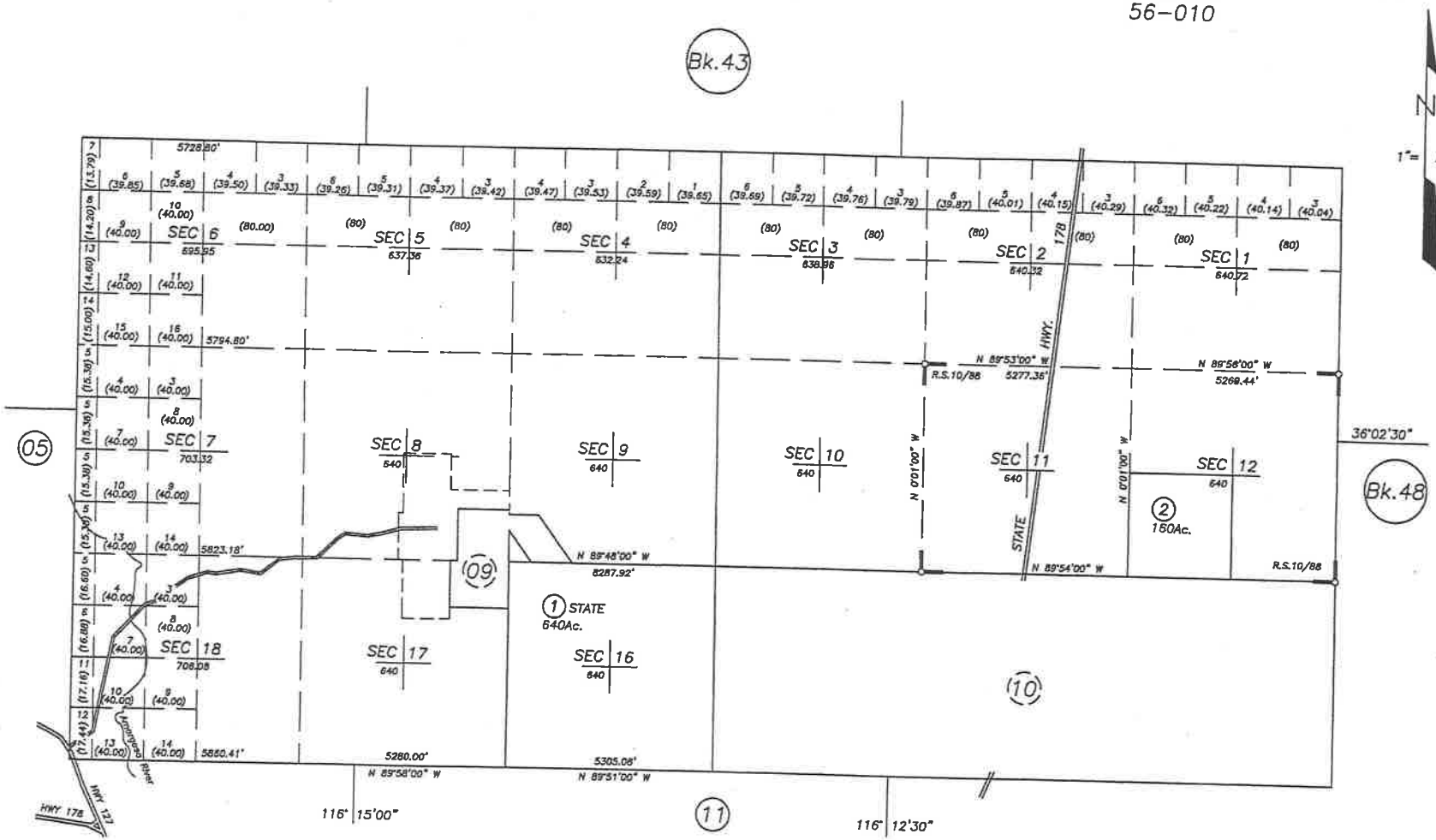
12-31-01
08-07-98

17

N1/2 T.22N., R.07E., S.B.B. & M.

TAX RATE AREA
56-010

46-08



R.S. Bk. 10 Pg. 88

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Assessor's Map Bk. 46 Pg. 08
County of Inyo, Calif.
1950

12-31-01
10-25-01

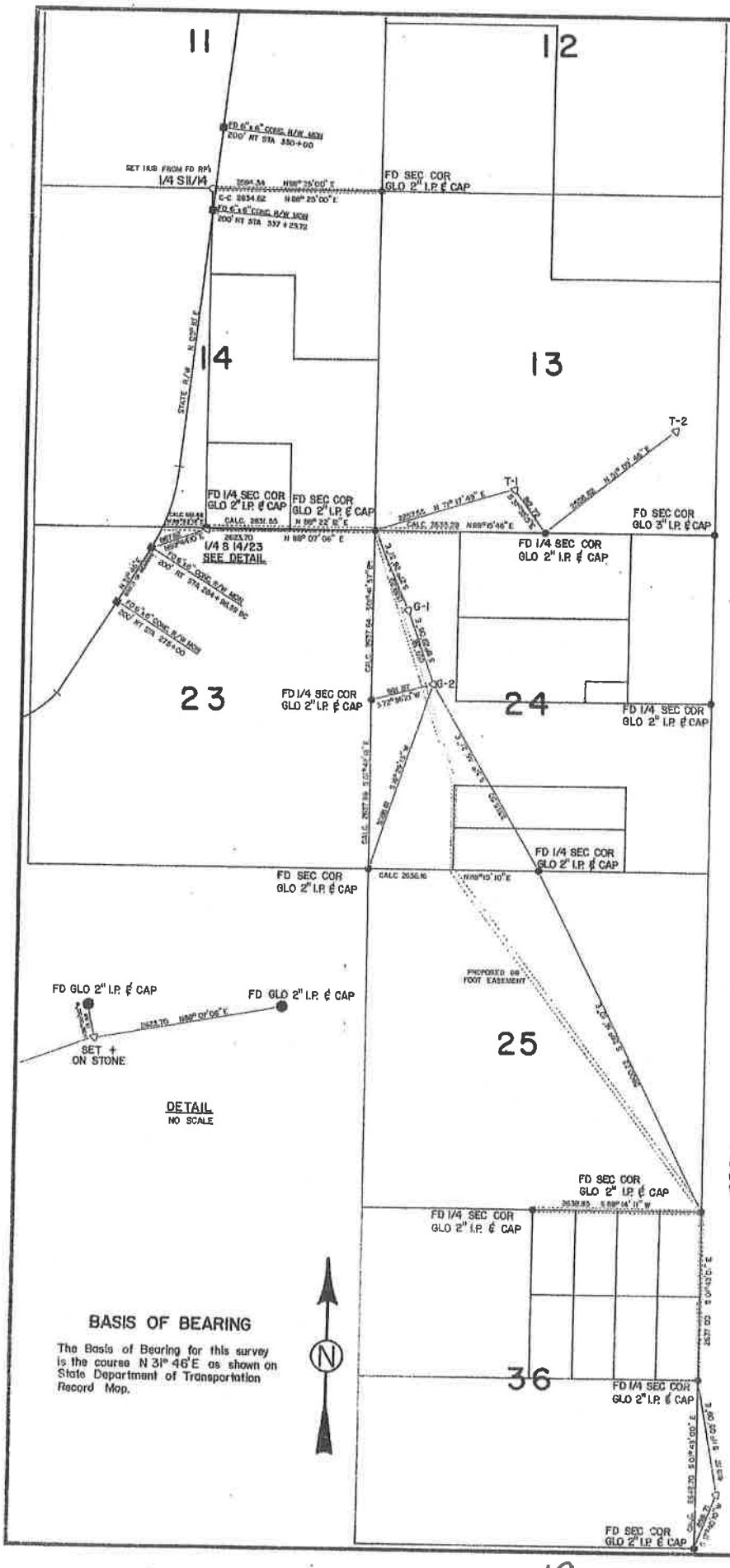
- 18 -

RECORD OF SURVEY

A SURVEY TO OBTAIN EASEMENTS IN PORTIONS OF SECTIONS 11,12,13,14,23,24, 25, & 36, T. 22N., R. 7 E., S.B.B.&M IN INYO COUNTY, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND IN THE DISTRICT LAND OFFICE.

SCALE: 1" = 1000' DATE: MAY 1980

Exhibit A
CACA-11407
County of Inyo- Chicago Valley
Page 1 of 3



RECORDER'S CERTIFICATE

Filed this 5th. day of FEBRUARY, 1981, at 9:25 Am. in Book RS10 of MAPS at page 88, at the request of County Surveyor

Jeanne L. Paxton, deputy
County Recorder

COUNTY SURVEYOR'S CERTIFICATE

This map has been examined for conformance with the Land Surveyor's Act this 30 day of January, 19 81.

James Hood
County Surveyor

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Land Surveyor's Act at the request of the property owners of Chicago Valley in May, 1980

L.S. No. 4114

RS10 PAGE 88

BLM 204

63101

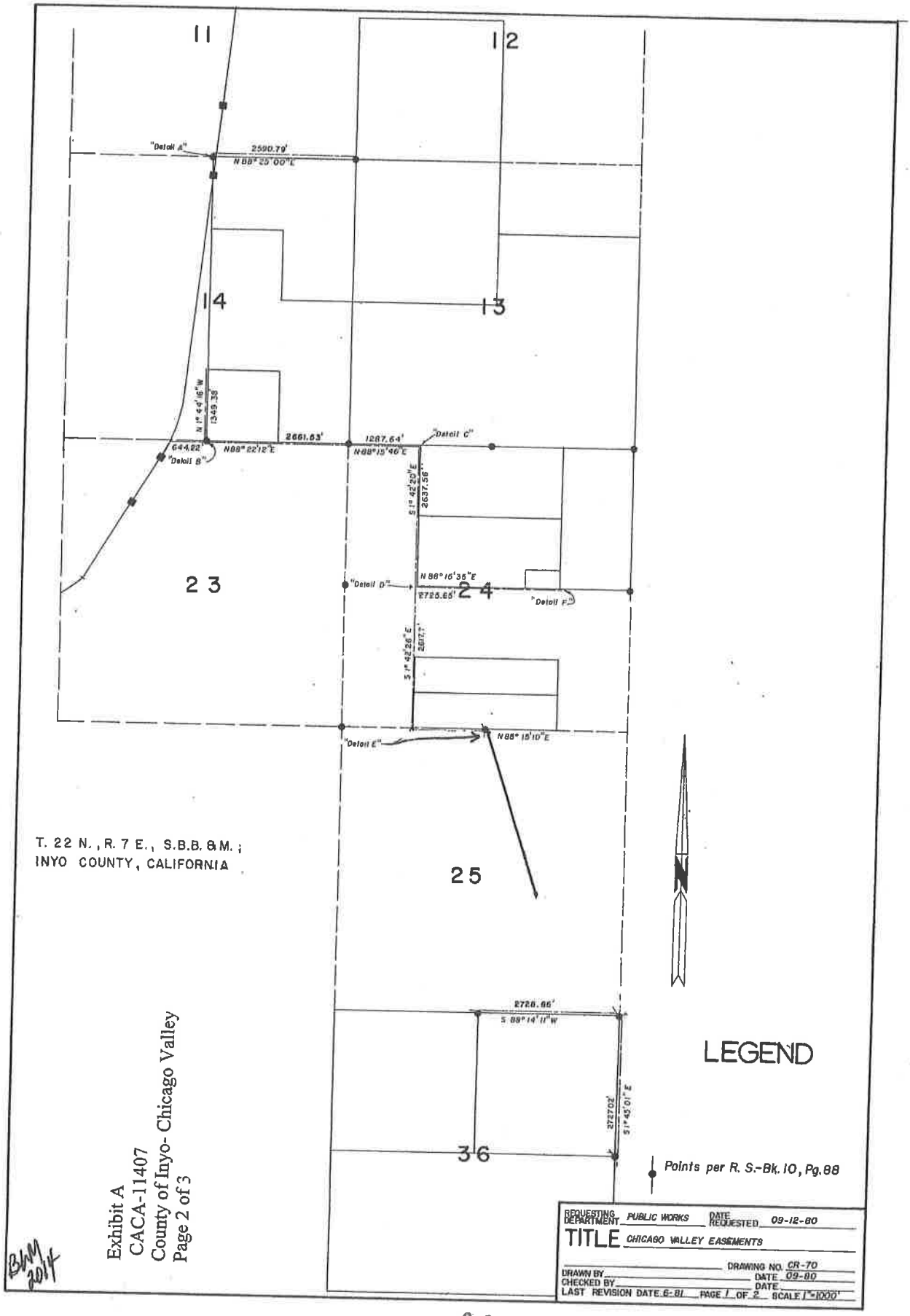
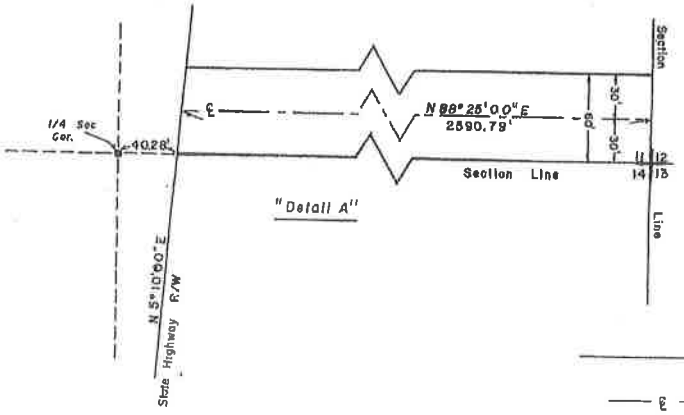


Exhibit A
CACA-11407
County of Inyo- Chicago Valley
Page 2 of 3

BLM 2014

63102



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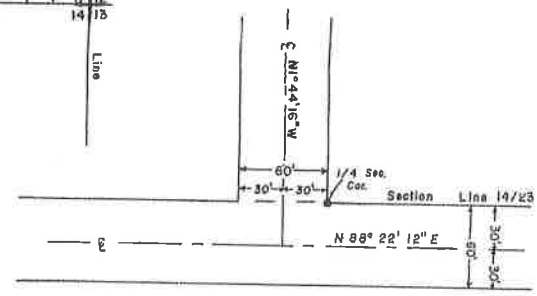
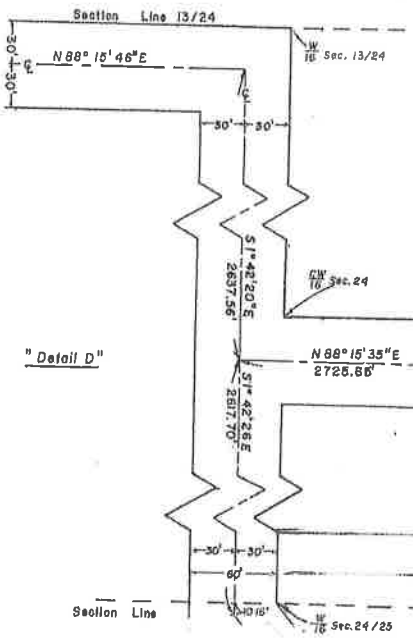


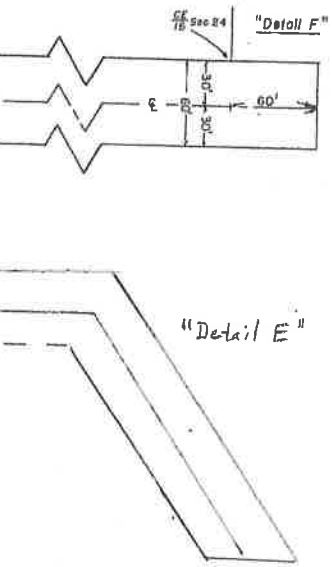
"Detail B"

Exhibit A
CACA-11407
County of Inyo- Chicago Valley
Page 3 of 3

"Detail C"



"Detail D"



"Detail F"

"Detail E"

EXHIBIT D
CACA-11407

This Memorandum of Agreement ("Agreement") is by and between INYO COUNTY ROAD DEPARTMENT (INYO) and the Bureau of Land Management (BLM).

INYO COUNTY is the holder of right-of-way, CACA-11407. As a condition of such of right-of-way acceptance, INYO is required to enter into a road use and maintenance agreement with each of the private property owners in Chicago Valley and their respective tenants, collectively the "users".

INYO COUNTY and the users of Chicago Valley recognize the need to provide safe, reliable ingress and egress to Chicago Valley, near State Highway 187, in Inyo County as further described in Exhibit "C" Road Maintenance Agreement and Restrictions attached hereto (the "Access Roads").

WE THEREFORE AGREE:

1. Access to Chicago Valley shall be controlled by the County of Inyo, with the concurrence of the Bureau of Land Management (BLM).

2. The users shall indemnify and hold harmless the BLM against all claims, losses, liabilities, demands, actions or causes of action, and costs (including reasonable attorney's fees) (collectively "Liability") arising out of loss of, or damage to, property or injury to, or death of, any person arising out of, or in any way connected with, such user's use or user's employees, agents, contractors, permitees, licensees, tenants or business invitees use of the Access Roads, provided however, that any Liability caused by the gross negligence or willful misconduct of the other user(s) will be apportioned to the responsible party.

3. The users shall be responsible for maintaining the Access Roads in a condition that will minimize damage from erosion and keep it open and safe.

4. The users recognize that the Access Roads are for private access and that the roads must maintained in a safe manner to prevent the roads from becoming unsafe.

5. The users shall repair promptly, and at their own sole risk and expense, any and all damages to the Access Roads, other than ordinary wear and tear, caused by residents, its employees, agents, contractors, permitees, licensees, tenants or business invitees.

6. The need for, and the extent of, routine maintenance and repair shall be reasonably determined by the users. For purpose of this Agreement, routine maintenance and repair is defined as maintaining drainage, correcting erosion and removing loose material that collects upon the riding surface of the Access Road and interferes with safe access.

EXHIBIT D
CACA-11407

We acknowledge that the foregoing correctly states our understanding of this agreement.

Inyo County	Bureau of Land Management
_____	_____
Signature of Authorized Officer	Barstow Field Manager
_____	_____
Title	Date
_____	
Date	

AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER
15

☐ Consent ☐ Departmental ☐ Correspondence Action ☐ Public Hearing
☐ Schedule Time For ☐ Closed Session ☐ Informational

FROM: Public Works

FOR THE BOARD MEETING OF: March 1, 2016

SUBJECT: Approval of a Contract with Michael Baker International to complete two triennial performance audits of 1) the Inyo County Local Transportation Commission (LTC), 2) the Eastern Sierra Area Agency on Aging (ESAAA), and 3) for the Eastern Sierra Transit Agency (ESTA) in an amount not to exceed $77,768 for a period ending August 31, 2020.

DEPARTMENTAL RECOMMENDATION:

Request Board approve:

1. Award the contract between the County of Inyo and Michael Baker International, for the provision of completing two Triennial Performance Audits of the LTC, ESAAA, and ESTA, in an amount not to exceed $77,768 for the period of 3/1/2016 to 08/31/2020, contingent upon appropriate signatures, and adoption of future budgets; and
2. Authorize Chairperson to sign the contract contingent upon the approval of future budgets.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

Every three years the Inyo County Local Transportation Commission (LTC) is responsible to fund a performance audit that evaluates the efficiency, effectiveness, and economy of itself and recipients of Transportation Development Act (TDA) funds. The LTC allocated TDA funds to the ESTA as the primary public transit provider in Inyo County and also to ESAAA as a provider of community transit services.

The ICLTC has allocated TDA revenues to ESAAA as a human services transit agency since ESAAA's creation in 2012. This will be the first and second three-year performance audit to be completed for ESAAA. ESAAA will have completed fiscal audits for the first three years of service as an entity before the first audit.

ESTA is the public transportation operator in Inyo and Mono Counties and receives Transportation Development Act (TDA) funding from both the ICLTC and the Mono County Local Transportation Commission (MCLTC). The audits will cover the entirety of the ESTA service area. The MCLTC has agreed to cover half of the cost of ESTA's audits (as it has for the last two performance audits).

The County has released A Request for Proposals was released on November 2 and ending on November 30, 2015. Two proposals were received. The Request for Proposals was mailed to interested companies who had worked in the Eastern Sierra or who had previously submitted proposals on similar projects. Staff was contacted by several of the consulting firms who indicated that they received a cover letter regarding this project and that they either had scheduling issues that prevented them from submitting or that they did not wish to take on this specific type of project. Additionally, the Request for Proposals was posted on the Inyo County Request for Proposals web page and a notice published in the Inyo Register.

A consultant selection committee consisting of staff from the LTC, ESAAA, ESTA, and the MCLTC determined that Michael Baker International was the highest ranked consultant after telephone interviews.

In the past, the County has entered into a contract for each separate Triennial Performance Audit. Especially with ESAAA now being ready for a performance audit and two performance audits being required to be completed in the next six months, it is a good opportunity to select a consultant to perform multiple audits. This will reduce staff time for the County in the completion of these audits, provide budgeting predictability to the LTC, and additionally provide a more defined calendar for the consultant.

The LTC and ESAAA audits will be completed in 2016 and 2019 while the ESTA audits will be completed in 2017 and 2020.

ALTERNATIVES:
The Board could elect to not approve the Contract or to continue consideration of this to another meeting. The LTC is required to complete the Triennial Performance Audits of itself and ESAAA by June 30, 2016.

OTHER AGENCY INVOLVEMENT:
- Inyo County Local Transportation Commission (funding and review)
- California Department of Transportation (review)
- Mono County LTC (funding of 50% of ESTA audits)

FINANCING:
Contract payment will be made from Transportation and Planning Budget No. 504605, Professional Services object code 5265 for the preparation of the Triennial Audit. Payment is contingent upon the approval of future budgets. There is currently adequate funding budgeted in this object code fund work in FY 2015-2016.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the board clerk.)* Approved: yes Date 2/9/16
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (*Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)* Approved: yes Date 2/10/16
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved:_____ Date_____

DEPARTMENT HEAD SIGNATURE: S Williams Date 2/10/16
(Not to be signed until all approvals are received)

OTHER AGENCY INVOLVEMENT:
County Counsel
Auditor

FINANCING:
The proceeds of the sale as a result of the auction will dictate the amount of the commission to be paid to General Auction Company as well as the amount of funds to be received by the Road Department.

APPROVALS		
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by County Counsel prior to submission to the board clerk.)	Approved: yes Date 2/17/16
AUDITOR/CONTROLLER	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.)	Approved: yes Date 2/18/2016
PERSONNEL DIRECTOR	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)	Approved: Date

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received) Date: 2/19/16

ATTACHMENT A

AGREEMENT BETWEEN COUNTY OF INYO
AND MICHAEL BAKER INTERNATIONAL, INC.
FOR THE PROVISION OF CONSULTING **SERVICES**

TERM:

FROM: MARCH 1, 2016 **TO:** AUGUST 31, 2020

SCOPE OF WORK:

As set out in pertinent portions of Consultant's proposal dated November 13, 2015, which are attached and incorporated herein.

Performance Audit of Inyo County Local Transportation Commission

Task 1: Kickoff Meeting and Data Collection

Objective: Conduct telephone kickoff meeting with the ICLTC to communicate work scope and schedule, understand project expectations, and answer questions. Develop list of specific documents to be provided by the ICLTC.

Approach: We will coordinate the kickoff meeting to:

- Introduce the Michael Baker team.
- Review overall performance audit objectives.
- Clarify any aspects of our work plan, schedule, or approach.
- Clarify the roles and responsibilities of the ICLTC and the consultant team.
- Discuss the study schedule and progress reporting.
- Initiate the data collection effort.

During the kickoff meeting, we intend to discuss the audit steps and schedule, as well as gain an understanding of some of the issues through discussion with the ICLTC as the regional transportation funding agency.

As part of our initial communication, we will create a list of data needs and documents that traditionally have been used to help create a background assessment of the agency's performance and compliance over the past three years. Additional items may be identified as a result of the kickoff discussion. We will coordinate with the ICLTC on the request for specific information and documents necessary to complete the audit requirements. We will follow up with telephone calls to answer questions and clarify data needs. At a minimum, the types of information required will include the following:

1. Annual budgets and financial and compliance audits
2. Local Transportation Fund (LTF) and State Transit Assistance (STA) claims
3. Organizational chart, goals, objectives, policies, and procedures
4. Transit unmet needs documentation
5. Transportation Improvement Program documentation
6. Overall work plan
7. Response to prior performance audit recommendations

Task 2: Evaluate Compliance with TDA Administrative Processes

Objective: Evaluate the way in which the ICLTC complies with requirements under the TDA.

Approach: The Caltrans Performance Audit Guidebook identifies a series of compliance requirements that must be met by regional transportation planning agencies, such as the ICLTC. These comprise 14 specific requirements found in the Public Utilities Code and in the California Code of Regulations. Conformance with these requirements will be ascertained during this initial task.

With this in mind, we will review the ICLTC's previous performance audit, relevant accounting records, internal documents such as Board of Directors meeting minutes and meeting minutes from relevant policy and technical advisory committees, and other pertinent information.

In addition, we will interview ICLTC staff to gain an understanding of the three-year trends in TDA funds. As part of this evaluation, we will conduct reviews to ensure that adequate documentation and instructions to claimants are available and that accurate records exist regarding apportionments and allocations to the claimants.

We will develop a matrix table of the 14 compliance requirements and document the ICLTC's effort to meet each requirement.

Task 3: Follow Up on Prior Performance Audit Recommendations

Objective: Review prior performance audit recommendations and actions taken by the ICLTC to implement the recommendations.

Approach: The prior ICLTC performance audit conducted by PMC (now Michael Baker International) included five recommendations. During this task, we will focus our activities in the following specific areas:

- **Obtain and Review Key Documents.** We will collect documents that contain prior recommendations and review the status of these recommendations. Possible key literature includes prior performance audits, recommendations submitted in management memorandums, and other performance evaluation documents.
- **Document Implementation of Recommendation**. We will follow up on the course of action taken by the ICLTC to implement the recommendations.

If the ICLTC has implemented a recommendation, we will seek data to confirm implementation, discuss the effectiveness of and benefits from the recommendation, and discuss difficulties and costs associated with the recommendation. Significant accomplishments in implementing prior recommendations will be recognized.

If the ICLTC is currently implementing a recommendation, we will address the current status of implementation, as well as any difficulties and costs of implementation.

If a recommendation has not been implemented, we will make a determination as to whether the recommendation is (a) no longer applicable due to changes in circumstances, with a clear statement of why, (b) infeasible, with a clear statement of why, or (c) still valid and should still be implemented. For each determination, we will draw conclusions on the implementation status of the recommendations. If the prior recommendation still deserves merit, we will include the recommendation in the current audit report.

We will document evidence of implementation. Evidence may be contained in operator reports, memorandums, and documents or obtained by direct observation.

- **Disclose Results of Follow-Up Review.** We will document the results of the review and report the status of prior recommendations. For those recommendations that have been implemented, significant accomplishments from these prior recommendations will be recognized as well as difficulties and costs of implementation. The evidence used to confirm implementation will meet the standards for performance audit fieldwork.

Task 4: Conduct Interviews and Detailed Review of ICLTC Functions

Objective: Determine operational and structural efficiencies and institutional relationships.

Approach: During this task, we will review the ICLTC's organizational effectiveness through an analysis of the following specific areas, as suggested in the Caltrans performance audit guidelines:

ICLTC Administration and Management. This will include examining the agency's general management, identifying achievements and challenges, policies and goals, governing board activities, roles and staff functions, and overall work programs. We will interview ICLTC staff to identify any administrative and management issues of concern to them. We will investigate potential issues and make findings and possibly recommendations as part of the audit. Topics to be covered include:

- General administration
- Internal planning and achievement
- Governing board activities
- Personnel

Planning and Regional Coordination. This will include evaluating the ICLTC's regional functions as an RTPA. It will include the practices and methods in which the ICLTC prepares transportation and related planning documents. We will also examine the process the ICLTC follows in managing transit plans and other transit projects in its area of jurisdiction. Topics to be covered include:

- RTP development and adoption
- RTP topics and implementation
- Transportation and transit planning and programming
- Information collection, generation, and distribution for use in the planning process.

Relationship with Related Agencies. We will interview ICLTC staff on its role in working with allied planning organizations such as neighboring RTPAs and Caltrans, as well as other local governmental agencies in the ICLTC's jurisdiction and in adjacent areas where travel and development may have an impact on the ICLTC's related responsibilities. We will contact these other agencies as necessary.

TDA Claims Processing and Transit Oversight. We will review the claims process and the ICLTC's role in administrating the funds. Sample completed claims packets and accompanying documentation to substantiate the claims for TDA and STA funds will be collected and reviewed. We will evaluate compliance checklists and/or other supporting documents that are typically attached to the claims forms. Topics to be covered include:

- Transit productivity monitoring and evaluation
- Technical and managerial assistance to transit operators
- Assistance with TDA compliance
- TDA claim processing

Marketing and Transportation Alternatives. We will review the marketing and communication efforts provided by the ICLTC of its regional transportation planning activities. We will review the ICLTC's efforts to help keep the public informed about transportation issues and external events that influence travel and transportation choices.

Grant Management. This will include gaining an understanding of the level of grant administration and assistance provided by the ICLTC for transportation revenue sources such as state and federal programs. We will review the ICLTC's ability to secure discretionary funding sources that enhance and increase the availability and quality of transportation in the county. Topics to be covered include:

- Grant application coordination
- Grant application assistance
- Grant management and compliance

Finally, we will interview ICLTC staff, including executive and senior staff, to identify any administrative and management issues of concern. We will investigate potential issues and make findings and potential recommendations as part of the audit. As necessary, we will also conduct interviews with select individuals from the ICLTC's standing committees to gauge their perspectives regarding the activities of the agency. This task may include interviews with public members and/or board members.

We will also interview external agencies on the local, regional, state, and/or federal level, if necessary, to clarify or validate the organizational effectiveness of the ICLTC's administrative duties.

Task 5: Prepare Draft and Final Audit Reports

Objective: Prepare an administrative draft for review, and then finalize the audit report.

Approach: The report will describe and summarize findings and recommendations regarding the review of compliance requirements, a follow-up review of prior performance audit recommendations, and a detailed review of ICLTC functions.

The report will be developed in a positive and easy-to-read manner to help management and staff improve operations and increase efficiency and cost effectiveness. We will organize the audit reports using the following areas as guidance:

- Table of Contents
  - Listing of chapter headings and major sections
  - Tables and figures
  - Associated page numbers
- Executive Summary
  - Synopsis of key findings and recommendations

- Introduction
  - Agency's recent history, administrative and policy structure, budget, staffing, and nature of services provided
  - Overview of regulatory requirements
  - Approach and methods used in conducting the audit
- Audit Findings
  - Compliance review results
  - Status of prior recommendations
  - Results of functional review separated by subfunction
- Conclusions and Recommendations
  - Findings and recommendations
  - Strategies and follow-up actions to address performance issues
  - In response to the RFP deliverables, the audit will contain the following at a minimum:

In response to the RFP deliverables, the audit will contain the following at a minimum:

- A full discussion of the audit findings and the auditor's conclusions.
- The cause of any problem areas noted in the audit.
- Recommendations for actions to correct the problem areas and to improve operations, when called for by the audit objectives.
- A statement that the audit was made in accordance with generally accepted government auditing standards and disclosure of when applicable standards were not followed.
- Significant internal controls that were assessed, the scope of the auditor's assessment work, and any significant weaknesses found during the audit.
- Notation of all significant instances of noncompliance and abuse, and all indications or instances of illegal acts that could result in criminal prosecution that were found during or in connection with the audit.
- Pertinent views of responsible officials of the organization, program, activity, or function audited concerning the auditor's findings, conclusions, and recommendations, and what corrective action is recommended.
- A description of any noteworthy accomplishments, particularly when management improvements in one area may be applicable elsewhere.
- A listing of any significant issues needing further study and consideration.

- A statement about any pertinent information that was omitted because it is deemed privileged or confidential. The nature of such information should be described, and the basis under which it is withheld should be stated.

Product: Delivery of the administrative draft and final audit reports. For the first of two cycles, we will provide the ICLTC project manager two (2) hard copies and one (1) electronic PDF version of the administrative draft audit report by late May/early June 2016, for distribution, review, and comment. After we have received comments, we will prepare and deliver thirteen (13) bound copies of the report plus one (1) electronic PDF version of the final report by June 30, 2016.

For the second of two cycles, we will provide the ICLTC project manager two (2) hard copies and one (1) electronic PDF version of the administrative draft audit report by late May/early June 2019, for distribution, review, and comment. After we have received comments, we will prepare and deliver thirteen (13) bound copies of the report plus one (1) electronic PDF version of the final report by June 30, 2019.

We will retain all work papers and records for a minimum period of three (3) years from the date the final audit report is accepted.

Performance Audits of ESAAA and ESTA

Although the transit system audits will be conducted in alternating audit cycles, the methodology and analysis for ESAAA and ESTA are similar in following the Caltrans performance audit guidelines. Each task described in the following is applicable to both sets of audits.

Task 1: Kickoff, Interviews, and Site Visit

Objective: Conduct kickoff meeting (via teleconference) to communicate audit efforts, understand project expectations and performance trends, and answer questions. Develop list of specific documents to be provided by the LTCs, ESAAA, and ESTA. Conduct on-site field visits and interviews with LTC and transit operator staff as part of the performance audit assessment.

Approach: We will work with the ICLTC project manager, ESAAA, and ESTA to coordinate and schedule a site visit and in-person meetings to meet with transit staff at their facility. This effort will complement the document review process in performing the detailed transit assessment per the TDA audit requirements. We will also create a list of data needs and documents that traditionally have been used to help create a background assessment of the transit operator's performance and compliance over the past three years.

The background data and preliminary analysis will serve as a basis for the audit process and site visits. An interview guide will be developed and utilized to help focus discussions with transit staff and maximize the effectiveness of time spent. Potential topics for discussion include:

- Data collection and reporting processes
- Performance trends and factors influencing trends
- Accomplishments and challenges

At a minimum, the types of information for the three-year period will include:

1. LTF and STA claims, as applicable to each transit system
2. State Controller's transit operator reports
3. Annual budgets and financial and compliance audits
4. CHP Safety Compliance Report/Terminal Record Update, Carrier Inspection, and Equipment Inspection Report
5. MOUs/service provider agreements with other operators and agencies
6. Performance productivity reports (e.g., monthly and end-of-year summary)
7. Vehicle operations data such as on-time performance, road calls, vehicle failures, and customer comments
8. Organizational charts, goals, objectives, policies, and procedures
9. Updated Short-Range Transit Plan

Task 2: Determine Compliance with Statutory and Regulatory Requirements and with Prior Audit Recommendations

Objective: Review and make a determination as to ESAAA's and ESTA's compliance with TDA and related sections of the California Code of Regulations and with prior audit recommendations.

Approach: During this task, we will focus our activities in the following areas.

- Discuss compliance requirements with the transit operator. This first step involves meeting with operator staff and discussing the compliance requirements to ensure that the operator is aware of the compliance requirements. Eleven operator compliance requirements are listed in the most recent version of the Caltrans Performance Audit Guidebook, which we will discuss with ESAAA and ESTA.

- Investigate evidence of compliance. Based on the interviews and discussions with transit staff, we will investigate evidence of compliance by collecting pertinent documents and records that show sufficient objective evidence to meet each of the compliance requirements. Evidence of compliance may also be produced from our direct observation of the compliance requirement.

- Disclose results of the compliance review. We will document the methodology and results of the compliance review. The review will ensure that the evidence collected is objective and representative of the activities of the transit operator for the past three years. If we find an indication of noncompliance with any of the requirements, we will make a finding in the audit report, draw conclusions, and make appropriate recommendations.

- In regard to prior audit recommendations for ESTA, we will collect documents that contain prior recommendations and review the status of these recommendations. We will work with staff to determine the validity of each recommendation in light of the evolving nature of transit operations. Possible key literature includes prior performance audits, recommendations submitted in management memorandums, and other performance evaluation documents. Evidence may be contained in operator reports, memorandums and documents, and performance evaluation documents or obtained through direct observation.

- We will follow up on the course of action taken by ESTA to implement the recommendations (there was no prior TDA performance audit of ESAAA).

  If the agency has implemented a recommendation, we will seek data to confirm implementation, discuss the effectiveness and benefits from the recommendation, and discuss difficulties and costs associated with the recommendation.

  If the agency is currently implementing a recommendation, we will address the current status of implementation, as well as any difficulties and costs of implementation.

  If a recommendation has not been implemented, we will make a determination as to whether the recommendation is (a) no longer applicable, with a clear statement of why; (b) infeasible, with a clear statement of why; or (c) still valid and should be implemented and the benefits that are likely to result. For each determination, we will draw conclusions on the implementation status of these recommendations. If the prior recommendation still deserves merit, we will include the recommendation in the current audit report.

  We will document evidence of implementation. Evidence may be contained in operator reports, memorandums and documents, or obtained by direct observation.

Task 3: Verify Performance Indicators

Objective: Quantify and review the efficiency and effectiveness of ESAAA's and ESTA's activities, TDA-required performance measures, and other potential performance indicators if warranted.

Approach: Subtask A: We will first review and validate ESAAA's and ESTA's collection methods of basic data needed to calculate these indicators. The basic data include operating cost, passenger counts, vehicle service hours, vehicle service miles, employee hours, and fare revenue. This task will be accomplished through tracing and evaluating the steps taken by the operator to report the data. We will review sample driver logs, driver manifests, daily and monthly operator reports, and other pertinent materials where actual performance data is recorded to determine their compliance with the TDA definitions (CPUC Section 99247).

Additional operations data such as on-time arrival, missed trips, and number of road calls and preventable accidents will be included in the review of operational performance. We will discuss this process with the transit operators and identify any issues discovered from our review of the data. If warranted, we will then suggest corrective actions to ensure compliance with the statute.

Subtask B: A triennial performance audit must include the verification of a minimum of five performance measures. CPUC Section 99246(d) requires the following performance indicators:

- Operator's operating cost per passenger
- Operating cost per vehicle service hour
- Passengers per vehicle service hour
- Passengers per vehicle service mile
- Vehicle service hours per employee as defined in CPUC Section 99247

Although the farebox recovery ratio is not a required performance indicator under Section 99246(d), Section 99268 et seq. requires that the farebox ratio be calculated so that an operator's eligibility for funding can be determined. We will be attentive to how ESAAA and ESTA calculate their respective farebox ratios, as reflected in documents such as the State Controller's report, TDA claims, and annual fiscal audits.

We will create user-friendly tables to depict the trends over the recent three-year period on a systemwide basis and by mode/type (i.e., fixed route, dial-a-ride). We will contrast these performance trends with other three-year trends that influence transit performance (e.g., Consumer Price Index). We will document the values used for the statistics and indicators, note the amount of change, and determine whether this change represents a positive or negative trend. We will document causal factors for all observed performance trends based on the numerical information and information from the site visits.

In addition to tables, we will provide visual graphic representation via bar/line charts and data labels. The performance trends will provide the symptoms of potential issues that will be reviewed in depth during the functional review audit, as well as changes in efficiencies and effectiveness.

Other performance indicators to be determined will be calculated if the analysis warrants further examination of a particular performance area of concern that is not covered by the any of the five indicators. Any additional performance measures that will be developed are intended to be useful and help determine trends in service. Additional functional area performance indicators, such as on-time performance, ratio of complaints to riders, and vehicle breakdowns that pertain directly to service efficiency and effectiveness during the audit period, will be developed as necessary.

Each piece of basic data can be influenced by a series of interrelated variables in transit operations. Therefore, the calculation and analysis of the above performance indicators may point out potential issues or concerns that may need further investigation during the next task, which will examine the operator functions. We will select and use the appropriate performance indicators to identify, quantify, and/or resolve performance problems and potential areas for improvement.

Task 4: Operator Functional Reviews

Objective: Review the various functions and investigate potential functional concerns, problems, and possible improvements while also highlighting recent accomplishments.

Approach: The review of operator functions can be divided into two parts—an initial review and a detailed review. The initial review will provide an understanding of ESAAA's and ESTA's characteristics and the functions performed. Operator characteristics include general data such as a description of the entity providing service, legal status (i.e., JPA or County), mode of service (bus, van, general public, specialized, etc.), type of service (fixed route and demand response), and size of operations. We will review pertinent documents such as transit plans and staff reports in addition to conducting discussions with appropriate transit staff to obtain a clear view of the general functions of each of the audited transit systems.

The detailed review can be divided into the various functions of a transit operator. The functions are consistent with the Caltrans Performance Audit Guidebook and include management and organization, operations, service planning, maintenance, financial planning and control, and marketing and public relations. Each function, in turn, can be broken into several sub-functional areas. For example, maintenance sub-functions include preventive maintenance, sufficiency of facility, vehicle conditions, and parts procurement. Likewise, operations can be separated into sub-functions such as dispatch, operations, on-time performance, and driver training. We will utilize various data means to perform the assessment, including interviews with transit staff and management, in-house data collection, annual productivity reports, surveys and public input, transit plans, and other materials presented to the ESTA Board of Directors, in the case of the ESTA audit.

We will describe the improvements and changes made over the past three years in each of the functions. We will also identify any functional concerns and evaluate them using such methods as calculating additional performance indicators that would be applicable to the functional concern. Our site visits and interviews, as well as other documents collected during the audit process, will help with describing the service changes or performance concerns.

From the functional review, we will endeavor to provide a set of clear and concise recommendations for improvement. Depending on the operator function, the recommendations will be prioritized and may range from managerial improvements to operational efficiencies to financial controls.

Task 5: Review Formation Documents (Applicable to ESTA Only)

Objective: Compare the operation of the Eastern Sierra Transit Authority with the goals set forth in the Transit Authority Joint Powers Agreement.

Approach: As has been done in prior ESTA TDA performance audits, as added value we will review ESTA's formation documents. The JPA includes language specifying the duties and responsibilities of ESTA that are granted by the member local jurisdictions. Article II specifies the powers and duties of the agency's management, including for the executive director. Article III specifies the agency's purpose, powers, and duties, while Article IV specifies its funding role including directly claiming TDA funds and applying for state and federal grants.

We will review the listing of duties and powers contained in the JPA, discuss these with transit staff, and compare against actual operating activities. The review will be conducted in the context of validating ESTA's provision of public transportation in an effective and efficient manner. The formation documents help to define the ESTA's role in service delivery, service planning, reporting, funding, and administration. A table will be developed in a user-friendly format that presents the comparison of operations against the JPA goals. Findings from the comparison will be highlighted and summarized with recommendations made as appropriate.

Task 6: Prepare Administrative Draft and Final Performance Audit Reports

Approach: The preparation of the administration draft report will follow industry auditing standards referenced in the RFP and report on the objectives, approach, and findings from the above tasks. The organization and format of the user-friendly audit reports will be similar to those described above for the ICLTC audit.

In response to the RFP deliverables, the audit will contain the following at a minimum:

- A full discussion of the audit findings and the auditor's conclusions.
- The cause of problem areas noted in the audit.
- Recommendations for actions to correct the problem areas and to improve operations, when called for by the audit objectives.
- A statement that the audit was made in accordance with generally accepted government auditing standards and disclosure of when applicable standards were not followed.

- Significant internal controls that were assessed, the scope of the auditor's assessment work, and any significant weaknesses found during the audit.
- Notation of all significant instances of noncompliance and abuse and all indications or instances of illegal acts that could result in criminal prosecution that were found during or in connection with the audit.
- Pertinent views of responsible officials of the organization, program, activity, or function audited concerning the auditor's findings, conclusions and recommendations, and what corrective action is recommended.
- A description of any significant noteworthy accomplishments, particularly when management improvements in one area may be applicable elsewhere.
- A listing of any significant issues needing further study and consideration.
- A statement about any pertinent information that was omitted because it is deemed privileged or confidential. The nature of such information should be described, and the basis under which it is withheld should be stated.

For the ESAAA audit, for the first of two cycles we will provide two (2) hard copies and one (1) electronic PDF version by late May/early June 2016 for review and comment. After we have received comments, we will prepare and deliver thirteen (13) bound copies of the report plus one (1) electronic PDF version of the final report by June 30, 2016.

For the second of two cycles for the ESAAA audit, we will provide the ICLTC project manager two (2) hard copies and one (1) electronic PDF version of the administrative draft audit report by late May/early June 2019, for distribution, review, and comment. After we have received comments, we will prepare and deliver thirteen (13) bound copies of the report plus one (1) electronic PDF version of the final report by June 30, 2019.

For the ESTA audit, for the first of two cycles we will provide six (6) hard copies and one (1) electronic PDF version by late May/early June 2017 for review and comment. After we have received comments, we will prepare and deliver thirty (30) bound copies of the report plus one (1) electronic PDF version of the final report by June 30, 2017.

For the second of two cycles for the ESTA audit, we will provide the ICLTC project manager two (2) hard copies and one (1) electronic PDF version of the administrative draft audit report by late May/early June 2020, for distribution, review, and comment. After we have received comments, we will prepare and deliver thirty (30) bound copies of the report plus one (1) electronic PDF version of the final report by June 30, 2020.

We will be available to make a presentation of the final report to the governing board of ESTA by the end of July 2017 and the end of July 2020.

We will retain all work papers and records for a minimum period of three (3) years from the date the final audit report is accepted.

SCHEDULE OF TASKS

The project schedules below show the general duration of each task for each triennial performance audit. The schedule for each audited entity is shown for multiple audit cycles. As described in the RFP, it is assumed that the project will kick off by December 31, 2015, and be completed by July 31, 2020.

ICLTC TDA Performance Audit Schedule, 2016 and 2019

Audit Tasks	Jan		Feb		Mar		Apr		May		June
Task 1 Kickoff Meeting & Data Collection											
Task 2 Evaluate TDA Administrative Processes											
Task 3 Follow Up on Prior Performance Audit Recommendations											
Task 4 Conduct Detailed Review of ICLTC Functions											
Task 5 Prepare Audit Report										Draft May 31	Final June 30
Meetings and Interviews	★				★						

Schedule, ESAAA Triennial Performance Audit, 2016 and 2019

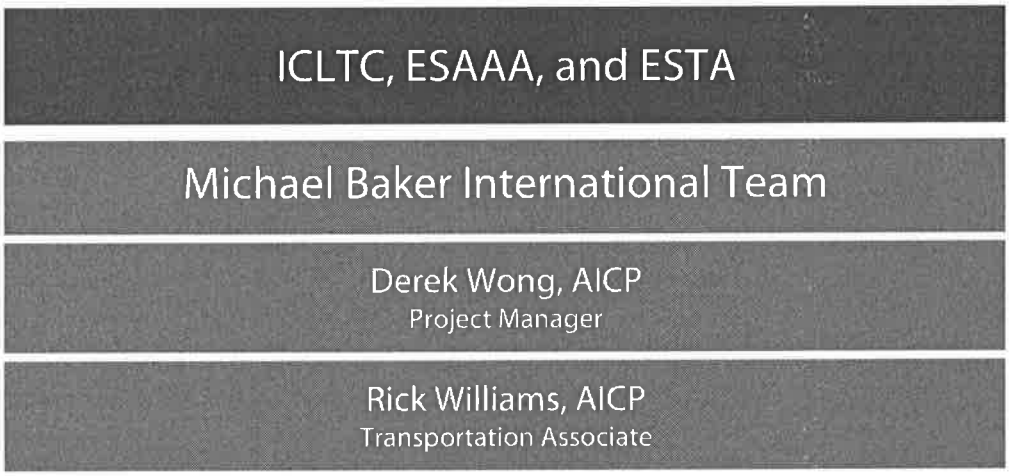
Task Description	Jan	Feb	Mar	Apr	May	Jun
Task 1 Kickoff, Interviews, and Site Visit						
Task 2 Determine Compliance with Statutory and Regulatory Requirements						
Task 3 Verify Performance Indicators						
Task 4 Operator Functional Reviews						
Task 5 Review Formation documents (ESTA only)						
Task 6 Prepare Admin Draft and Final Audit Reports					Draft May 31	Final June 30
Meetings and Interviews	★		★			

Schedule, ESTA Triennial Performance Audit, 2017 and 2020

Task Description	Jan	Feb	Mar	Apr	May	Jun	Jul
Task 1 Kickoff, Interviews, and Site Visit							
Task 2 Determine Compliance with Statutory and Regulatory Requirements							
Task 3 Verify Performance Indicators							
Task 4 Operator Functional Reviews							
Task 5 Review Formation documents (ESTA only)							
Task 6 Prepare Admin Draft and Final Audit Reports					Draft May 31	Final June 30	ESTA Board Presentation
Meetings and Interviews	★		★				★

Organization Chart

An organization chart is shown below indicating the role of the project team and its relation with the ICLTC and the transit providers. Derek Wong will serve as the consultant project manager responsible for the activities of Michael Baker and communication with the client, including leading all site visits and interviews. Rick Williams will provide technical assistance by contributing to the data collection and analysis, as well as attend site visits.



Anticipated Time Commitment by Consultant

Following the hours proposed in the budget, the anticipated time commitment is as follows. For each audited entity, the hours contained in each respective table represent the total hours for one audit cycle. For example, the ICLTC audit hours total 90 for 2016. In 2019, the audit hours will also total 90 (180 hours over two cycles). This example also applies to the transit operator audit hours.

Workload Effort, ICLTC Triennial Performance Audit, 2016 and 2019

Task		Michael Baker Team Staff Hours Per Cycle			Total Hours
		Derek Wong, Project Manager	Rick Williams Associate	Admin	
		Hours	Hours	Hours	
Task 1	Kickoff Meeting & Data Collection	2	2	0	4
Task 2	Evaluate TDA Administrative Processes	8	2	0	10
Task 3	Follow Up on Prior Performance Audit Recommendations	1	1	0	2
Task 4	Conduct Detailed Review of ICLTC Functions	23	5	0	28
Task 5	Prepare Audit Report	27	16	3	46
Total ICLTC Audit Hours		**61**	**26**	**3**	**90**

Workload Effort, ESAAA Triennial Performance Audit, 2016 and 2019

Task		Michael Baker Team Staff Hours Per Cycle			Total Hours
		Derek Wong, Project Manager	Rick Williams, Associate	Admin	
		Hours	Hours	Hours	
Task 1	Kickoff, Interviews, and Site Visit	10	4	0	14
Task 2	Determine Compliance with Statutory and Regulatory Requirements	2	3	0	5
Task 3	Verify Performance Indicators	2	6	0	8
Task 4	Operator Functional Reviews	14	12	0	26
Task 5	Review Formation Documents	3	1	0	4
Task 6	Prepare Admin Draft and Final Audit Reports	22	10	3	35
Total ESAAA Audit Hours		**53**	**36**	**3**	**92**

Workload Effort, ESTA Triennial Performance Audit, 2017 and 2020

Task	Michael Baker Team Staff Hours Per Cycle			Total Hours
	Derek Wong, Project Manager	Rick Williams, Associate	Admin	
	Hours	Hours	Hours	
Task 1 Kickoff, Interviews, and Site Visit	10	4	0	14
Task 2 Determine Compliance with Statutory and Regulatory Requirements	2	3	0	5
Task 3 Verify Performance Indicators	3	4	0	7
Task 4 Operator Functional Reviews	10	12	0	22
Task 5 Review Formation Documents	4	1	0	5
Task 6 Prepare Admin Draft and Final Audit Reports	28	14	3	45
Total ESTA Audit Hours	**57**	**38**	**3**	**98**

ATTACHMENT B

AGREEMENT BETWEEN COUNTY OF INYO
AND MICHAEL BAKER INTERNATIONAL, INC.
FOR THE PROVISION OF CONSULTING **SERVICES**

TERM:

FROM: MARCH 1, 2016 **TO:** AUGUST 31, 2020

SCHEDULE OF FEES:

As set out in pertinent portions of Consultant's proposal dated November 13, 2015, which are attached and incorporated herein.

PRICE PROPOSAL

Michael Baker International proposes the following not-to-exceed costs to conduct the performance audits. The costs are summarized below by agency by year. A detailed cost proposal by task and by staff is also shown for each of the six performance audits. This includes a rate schedule showing fully burdened hourly rates by staff for extra work per the RFP requirements.

Summary of Performance Audit Cost
Michael Baker International

Agency	Audit Cycle	Cost
ICLTC	2016	$12,032
ESAAA	2016	$11,912
Total		**$23,944**
ESTA	2017	$13,033
ICLTC	2019	$13,216
ESAAA	2019	$13,166
Total		**$26,382**
ESTA	2020	$14,409
Grand Total		**$77,768**

Price Proposal for ICLTC Triennial Performance Audit 2016

Audit Tasks	Derek Wong Project Manager		Rick Williams Associate		Administrative		Total	
	Hours	$140	Hours	$100	Hours	$70	Hours	Budget
Task 1 Kickoff Meeting & Data Collection	2	$280	2	$200		$0	4	$480
Task 2 Evaluate TDA Administrative Processes	8	$1,120	2	$200		$0	10	$1,320
Task 3 Follow Up on Prior Performance Audit Recommendations	1	$140	1	$100		$0	2	$240
Task 4 Conduct Detailed Review of ICLTC Functions	23	$3,220	5	$500		$0	28	$3,720
Task 5 Prepare Audit Report	27	$3,780	16	$1,600	3	$210	46	$5,590
Subtotal Labor	**61**	**$8,540**	**26**	**$2,600**	**3**	**$210**	**90**	**$11,350**
Direct Expenses								
Travel								$500
Printing								$80
Fed Ex								$40
Subtotal Expenses								**$620**
10% Expense Markup								$62
Total Other Direct Costs								**$682**
Total ICLTC Audit								**$12,032**

Overhead rate is 170% of base rate. Hourly rate shown in the budget table reflects fully loaded rate.

Price Proposal for ESAAA Triennial Performance Audit 2016

Task	Derek Wong, Project Manager		Rick Williams, Associate		Administrative		Total Hours	Total Budget
	Hours	$140	Hours	$100	Hours	$70		
Task 1 Kickoff, Interviews, and Site Visit	10	$1,400	4	$400	0	$0	14	$1,800
Task 2 Determine Compliance with Statutory and Regulatory Requirements	2	$280	3	$300	0	$0	5	$580
Task 3 Verify Performance Indicators	2	$280	6	$600	0	$0	8	$880
Task 4 Operator Functional Reviews	14	$1,960	12	$1,200	0	$0	26	$3,160
Task 5 Review Formation Documents	3	$420	1	$100	0	$0	4	$520
Task 6 Prepare Draft/Final Audit Reports	22	$3,080	10	$1,000	3	$210	35	$4,290
Subtotal Labor Hours and Cost	**53**	**$7,420**	**36**	**$3,600**	**3**	**$210**	**92**	**$11,230**
Direct Expenses								
Travel								$500
Production								$80
Fed Ex								$40
Subtotal Expenses								**$620**
10% Expense Markup								$62
Total Other Direct Costs								**$682**
Total ESAAA Audit								**$11,912**

Overhead rate is 170% of base rate. Hourly rate shown in the budget table reflects fully loaded rate.

Price Proposal for ESTA Triennial Performance Audit 2017

Task	Derek Wong, Project Manager		Rick Williams, Associate		Administrative		Total Hours	Total Budget
	Hours	$140	Hours	$100	Hours	$70		
Task 1 Kickoff, Interviews, and Site Visit	10	$1,400	4	$400	0	$0	14	$1,800
Task 2 Determine Compliance with Statutory and Regulatory Requirements	2	$280	3	$300	0	$0	5	$580
Task 3 Verify Performance Indicators	3	$420	4	$400	0	$0	7	$820
Task 4 Operator Functional Reviews	10	$1,400	12	$1,200	0	$0	22	$2,600
Task 5 Review Formation Documents	4	$560	1	$100	0	$0	5	$660
Task 6 Prepare Draft/Final Audit Reports	28	$3,920	14	$1,400	3	$210	45	$5,530
Subtotal Labor Hours and Cost	**57**	**$7,980**	**38**	**$3,800**	**3**	**$210**	**98**	**$11,990**
Direct Expenses								
Travel								$800
Production								$100
Fed Ex								$48
Subtotal Expenses								**$948**
10% Expense Markup								$95
Total Other Direct Costs								**$1,043**
Total ESTA Audit								**$13,033**

Overhead rate is 170% of base rate. Hourly rate shown in the budget table reflects fully loaded rate.

Price Proposal for ICLTC Triennial Performance Audit 2019

Audit Tasks	Derek Wong Project Manager		Rick Williams Associate		Administrative		Total	
	Hours	$150	Hours	$115	Hours	$80	Hours	Budget
Task 1 Kickoff Meeting & Data Collection	2	$300	2	$230		$0	4	$530
Task 2 Evaluate TDA Administrative Processes	8	$1,200	2	$230		$0	10	$1,430
Task 3 Follow Up on Prior Performance Audit Recommendations	1	$150	1	$115		$0	2	$265
Task 4 Conduct Detailed Review of ICLTC Functions	23	$3,450	5	$575		$0	28	$4,025
Task 5 Prepare Audit Report	27	$4,050	16	$1,840	3	$240	46	$6,130
Subtotal Labor	**61**	**$9,150**	**26**	**$2,990**	**3**	**$240**	**90**	**$12,380**
Direct Expenses								
Travel								$600
Printing								$100
Fed Ex								$60
Subtotal Expenses								**$760**
10% Expense Markup								$76
Total Other Direct Costs								**$836**
Total ICLTC Audit								**$13,216**

Overhead rate is 170% of base rate. Hourly rate shown in the budget table reflects fully loaded rate.

Price Proposal for ESAAA Triennial Performance Audit 2019

Task	Derek Wong, Project Manager		Rick Williams Associate		Administrative		Total Hours	Total Budget
	Hours	$150	Hours	$115	Hours	$80		
Task 1 Kickoff, Interviews, and Site Visit	10	$1,500	4	$460	0	$0	14	$1,960
Task 2 Determine Compliance with Statutory and Regulatory Requirements	2	$300	3	$345	0	$0	5	$645
Task 3 Verify Performance Indicators	2	$300	6	$690	0	$0	8	$990
Task 4 Operator Functional Reviews	14	$2,100	12	$1,380	0	$0	26	$3,480
Task 5 Review Formation Documents	3	$450	1	$115	0	$0	4	$565
Task 6 Prepare Draft/Final Audit Reports	22	$3,300	10	$1,150	3	$240	35	$4,690
Subtotal Labor Hours and Cost	**53**	**$7,950**	**36**	**$4,140**	**3**	**$240**	**92**	**$12,330**
Direct Expenses								
Travel								$600
Production								$100
Fed Ex								$60
Subtotal Expenses								**$760**
10% Expense Markup								$76
Total Other Direct Costs								**$836**
Total ESAAA Audit								**$13,166**

Overhead rate is 170% of base rate. Hourly rate shown in the budget table reflects fully loaded rate.

Price Proposal for ESTA Triennial Performance Audit 2020

Task	Derek Wong, Project Manager		Rick Williams, Associate		Administrative		Total Hours	Total Budget
	Hours	$150	Hours	$115	Hours	$80		
Task 1 Kickoff, Interviews, and Site Visit	10	$1,500	4	$460	0	$0	14	$1,960
Task 2 Determine Compliance with Statutory and Regulatory Requirements	2	$300	3	$345	0	$0	5	$645
Task 3 Verify Performance Indicators	3	$450	4	$460	0	$0	7	$910
Task 4 Operator Functional Reviews	10	$1,500	12	$1,380	0	$0	22	$2,880
Task 5 Review Formation Documents	4	$600	1	$115	0	$0	5	$715
Task 6 Prepare Draft/Final Audit Report and Presentation	28	$4,200	14	$1,610	3	$240	45	$6,050
Subtotal Labor Hours and Cost	**57**	**$8,550**	**38**	**$4,370**	**3**	**$240**	**98**	**$13,160**
Direct Expenses								
Travel								$950
Production								$125
Fed Ex								$60
Subtotal Expenses								**$1,135**
10% Expense Markup								$114
Total Other Direct Costs								**$1,249**
Total ESTA Audit								**$14,409**

Overhead rate is 170% of base rate. Hourly rate shown in the budget table reflects fully loaded rate.

For Clerk's Use Only:
AGENDA NUMBER

16

AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

☒ Consent ☐ Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: Public Works

FOR THE BOARD MEETING OF: MAR - 1 2016

SUBJECT: Tecopa Community Center HVAC Replacement Project-Bid Rejection

DEPARTMENTAL RECOMMENDATION:

1. Recommend Your Board reject the one (1) bid for the Tecopa Community Center HVAC Replacement Project
2. Recommend Your Board allow Public Works to put the project back out to bid.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

On December 15, 2015, your Board approved plans and specifications for the Tecopa Community Center HVAC Replacement Project and authorized the Public Works Department to advertise and receive bids for the project.

On January 8, 2016 one (1) bid was received and opened by the Assistant Board Clerk. This bid has been reviewed by The Office of County Counsel and deemed responsive to the bid documents. A bid tabulation sheet is attached for your review.

Bishop Heating and Air Conditioning of Bishop, CA, provided the only base bid of $40, 663.10 which is over double the engineer's estimate of $19,000.

Per CA Public Contract Code Section 10126(c)(1), the lowest responsive base bid amount shall be used to determine the low bidder. Therefore, the Public Works Department is recommending that the bid be rejected and the project be rebid, as it is nearly double the original estimate, and we feel it is not in the best interest of the County to accept this bid, as there are other bidders who are interested and will bid.

ALTERNATIVES:

Your Board could choose to not reject the bid, and award the bid to Bishop Heating and Air Conditioning of Bishop, Ca. This is not recommended, as a lower bid price could be received for the project that is more competitive.

OTHER AGENCY INVOLVEMENT:

The Auditor's Office to make payments to the contractor after the contract is awarded.
The Office of County counsel to review and approve the bid procedures, bid documents and contract.

The project is funded through the Deferred Maintenance Budget Unit 011501, Object Code 5265.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the board clerk.)* Approved: Yes Date 2/3/16
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (*Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)* Approved: yes Date 2/8/2016
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved:_____ Date_____

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received) Date 2/9/16

COUNTY OF INYO BID TABULATION

Project Title & Bid No. Tecopa Community Center HVAC Replacement Project

Bid Opening Date: 1-8-16 *Location:* County Admin Center

	BIDDER NAME	Bid Amount A	Bid Amount B	Bid Amount C	Bond
1.	Bishop Heating & Air Condit.	$40,663.10			
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

Opened By: Gabriela Gunsally

Present: Travis Dean

AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

☒ Consent ☐ Departmental ☐ Correspondence Action ☐ Public Hearing
☐ Schedule time for ☐ Closed Session ☐ Informational

For Clerk's Use Only:
AGENDA NUMBER
17

FROM: Inyo County Road Department

FOR THE BOARD MEETING OF: March 1, 2016

SUBJECT: Sale of Surplus Road Department Equipment and Vehicles

DEPARTMENTAL RECOMMENDATIONS:
Request that your Board, 1) declare the equipment and vehicles recommended by staff, and identified as Exhibit A, as surplus, 2) authorize the Road Department to offer the equipment and vehicles for sale using a public auction, 3) authorize the Road Department to utilize General Auction Company located in Buena Park, California, for the removal and sale of the surplus, 4) authorize the Public Works Director to execute the consignment agreement for the sale through the auction process.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:
The Road Department has accumulated an abudance of equipment and vehicles it has identified as surplus. Attached is exhibit A identifiing each item. Many of the items are non-operational and the Road Department has stored them awaiting disposal. Some have outlived their usefullness and would cost more to repair than they are worth. Due to recent purchases others have been replaced by more modern, less costly to maintain vehicles. Having to buy parts from obsolete inventories makes others too expensive to repair.

In looking for an auction company, the Road Department requested the items to be sold be hauled off site to an auction yard. Due to our remote location and the types of equipment we are surplusing, holding the auction locally would not bring the cost recovery available at a larger, more centralized, widely advertised location. Some of the items can not be sold to buyers in/from California due to the new CARB standards. Currently the equipment and vehicles are scattered out among the various road yards. The logistics of gathering the items to one location falls to the auction company. All the items are to be sold "As is" with no guarantee or warrenty. Once the items have been hauled off site the County has no further involvemnt in the auction process other then receiving consigner checks.

The Road Department sought quotes from three (3) auction companies and General Auction Company located in Buena Park, Ca. submitted the most favorable quote. General Auction Company will retain 5% of the sale of vehicles with titles and 8% of the sale of non titled items and equipment. They will charge a transportation fee of seven hundred dollars ($700.00) per load, plus any fees associated with special permits for wide or excess length or height loads. The Genaral Auction Company will issue the County consigner checks twenty one (21) working days after the sale.

ALTERNATIVES:
Your Board could decide not to approve the request for the sale of surplus equipment.

OTHER AGENCY INVOLVEMENT:
County Counsel
Auditor

FINANCING:
The proceeds of the sale as a result of the auction will dictate the amount of the commission to be paid to General Auction Company as well as the amount of funds to be received by the Road Department.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by County Counsel prior to submission to the board clerk.) Approved: yes Date 2/17/16
AUDITOR/CONTROLLER	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.) Approved: yes Date 2/18/2016
PERSONNEL DIRECTOR	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received) _____ Date: 2/19/16

Surplus Sale Items 2016 Exhibit A

Asset #	Description	Location
360	Curb extruder, '64	Bishop Yard [BY]
417	Ford pickup, '65, ¾ ton	BY
444	Mobile street sweeper, '71 Non-op [No]	Mazurka Shop [MS]
452	Weber Tilt Trailer, '48 No	Lone Pine Airport [LPA}
3020	Ford striper truck, '62 No	MS
3739	LKING Belly Dump, '64 No	MS
3754	LKING Belly Dump, '64 No	MS
3960	UTILITY Belly Dump, '64 No	MS
3961	UTILITY Belly Dump, '64 No	MS
4446	Kenworth Tractor '76	MS
4500	Cat Grader, '70 No	MS
5054	Ford pickup, '85, F250 No?	MS
5057	Ford pickup, '85, F350	MS
5058	Ford pickup, '85, F250 No?	MS
5060	Freuhauf, Slurry Machine, '51 No	LPA
5062	TRLMO, 6,000 gallon Semi Trailer, '52 No	MS
6010	FRUEF, semi flatbed, '56 No	MS
6030	COMM, semi tanker, 4000 gallon, '70	BY
6143	Dodge pickup, '80, 1 ton no bed	Bishop Shop (BS)
6154	JONSN, Smaller water tank on trailer	MS
6265	Dodge pickup, '90 D350 No	MS

6266	Ford pickup, dually, '80 F350	No	MS
6451	Gradeall, '73 [with extra bucket @ MS]	No	BS
6752	Chevy pickup, '84 ½ ton		BY
6932	Reliance pup trailer, 69,	No	MS
6973	Ford pickup carcass, '94,	No	BS
7101	Mobile street sweeper, '82	No	MS
7380	Sweepster, tow broom frame	No	MS
7381	Norland snow blower, '69	No	MS
7425	Barber Green, paver,	No	MS
7470	Superior pup Trailer, '78,	No	MS
8011	Dodge pickup, '00,	No	MS

Non-Asset number items,

4+/- snowplows with frames			MS
Small steel liquid storage tank			MS
Pickup truck bed off 2015 F350 , almost new			MS
Small generator, gas fueled		No	MS
Sideveyour	Tailgate mounted		MS
Streetsweeper	Johnston, V3000sp	No	BS
Coats Tire Machine,40-40SA			BS

Inyo County Consignments

Vehicles

- 5% -- Consignor Fee
- $ 45 – Document Fee
- $ 58 – Smog (If last smog check is 90-days or more old)
- Vehicle/Trailer/ Boat Title Required For Sale.

Optional Services (Charged only if requested)

- $ 35 - Decal Removal
- $ 35 – Auto Pressure Wash
- $ 75 - Auto Detail (No waxing)
- $ 45 – HD Truck Pressure Wash
- $150 - HD Truck Detail

Miscellaneous Equipment (Non-titled Vehicles & Equipment)

- 8% Consignor Fee

Transportation

$700 Per load (plus any special permits for wide or excess length or height loads)

Consignor Checks are issued 21 working days AFTER the sale

For Clerk's Use Only:
AGENDA NUMBER

18

AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent ☒ Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: Supervisor Jeff Griffiths

FOR THE BOARD MEETING OF: March 1, 2016

SUBJECT: Letter supporting nominations to State Fish and Game Commission appointments.

DEPARTMENTAL RECOMMENDATION: - Request Board approve a letter to Governor Brown supporting the appointments of Dan Yparraguirre and Michael Flores to the California Fish and Game Commission; and authorize the Chairperson to sign.

SUMMARY DISCUSSION: - During the last meeting of the City Council of the City Bishop, Councilmember Pecsi requested the County send a letter of support to Governor Brown for the appointments of Dan Yparraquirre and Michael Flores to the California Fish and Game Commission similar to what the Council had voted to do. He asked me to forward the request and a draft letter is attached for our Board's consideration.

ALTERNATIVES: - Our Board could choose to not send a letter concerning these appointments and staff awaits our Board's direction on this item.

OTHER AGENCY INVOLVEMENT: n/a

FINANCING: - There is no fiscal impact associated with this request.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the Assistant Clerk of the Board.)* Approved: _____ Date_____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS *(Must be reviewed and approved by the auditor-controller prior to submission to the Assistant Clerk of the Board.)* Approved:_____ Date_____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS *(Must be reviewed and approved by the director of personnel services prior to submission to the Assistant Clerk of the Board.)* Approved:_____ Date_____

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)_____ Date:_____
(The Original plus 20 copies of this document are required)

BOARD OF SUPERVISORS
COUNTY OF INYO

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

March 1, 2016

The Honorable Jerry Brown
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

Re: Appointments to the California Fish and Game

Dear Governor Brown:

Inyo County would like to recommend you appoint Dan Yparraquirre and Michael Flores to the California Fish and Game Commission. These two gentlemen are highly qualified and experienced in the issues surrounding California's fish and wildlife resources. Inyo County is a tourist destination for millions of visitors every year, who come to our area to recreate. Inyo County's economy is dependent upon tourist dollars and the protection of our fish and wildlife resources is important to the recreational well-being of our County. The California Fish and Game Commission is an important factor in those protections and it is essential that the members of the Commission have the appropriate qualifications to manage our State's fishing and wildlife resources.

Dan Yparraguirre is a candidate that epitomizes what Inyo County believes is an ideal Commissioner. As the former Deputy Director for the Department of Fish and Wildlife, Mr. Yparraguirre amassed a career's worth of experience in the development, implementation, administration, and enforcement of fishing and wildlife policy in California. He has an extremely high level of scientific expertise which he garnered in his previous capacity leading the Waterfowl Program and representing California on the Pacific Flyway Council. We believe that Mr. Yparraguirre has demonstrated an exceptional ability to interact with the public, policy stakeholders and advocates, conservation organizations, and the Commission in an effective and collaborative manner, which would be an asset to the State Commission.

Michael Flores is another individual whose knowledge and proficiency would be an invaluable asset to the Commission. Mr. Flores has a vast array of career experience spanning many facets of governance and policy-making. As Chief of Staff and later Secretary of Foreign Affairs for Gray Davis, Mr. Flores demonstrated an exemplary ability to work with people from varied backgrounds, ideologies, cultures, and political perspectives. As a member of the State Lands Commission, Wildlife Conservation Board, and Fish and Game Commissioner, Mr. Flores has proven himself a major contributor and leading voice on State fish and wildlife resources. In his position as the President of the Commission, Mr. Flores demonstrated a calm and measured approach to the issues being addressed by the Commission, no matter how complex or controversial. As a lifelong hunter, Mr. Flores understands and appreciates the experiences and perspectives of the people who hunt and fish in our State and is an ardent advocate for the role of hunters and anglers in the conservation of our State's fish and wildlife resources.

As you can see from their vast and expansive experience both Mr. Yparraguirre and Mr. Flores are well qualified individuals that would bring a wealth of experience, understanding and expertise to the Commission. Inyo County is pleased to recommend that you appoint these gentlemen to the California Fish and Game Commission.

Sincerely,

Supervisor Jeff Griffiths, Chairperson
Inyo County Board of Supervisors

MEMBERS OF THE BOARD • DAN TOTHEROH • JEFF GRIFFITHS • RICK PUCCI • MARK TILLEMANS • MATT KINGSLEY
KEVIN D. CARUNCHIO • *Clerk of the Board* • PATRICIA GUNSOLLEY •*Assistant Clerk of the Board*

CITY OF BISHOP

377 West Line Street – Bishop, CA 93514
P.O. Box 1236 – Bishop, CA 93515
City Hall (760) 873-5863 – Fax (760) 873-4873

February 22, 2016

The Honorable Jerry Brown
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

Re: Appointments to the California Fish and Game Commission

Dear Governor Brown:

The Eastern Sierra Nevada region of California stretches approximately 250 miles along the Highway 395 corridor. Wedged between the crest of the Sierra Nevada Mountains and the California-Nevada border, the area includes the highest peak (Mount Whitney) and the lowest elevation (Death Valley) in the contiguous United States. A large portion of the land is publicly owned and managed by governmental entities including National Park Service (NPS), United States Forest Service (USFS), Bureau of Land Management (BLM), Department of Defense (DOD), and the Los Angeles Department of Water and Power (DWP) providing for almost unlimited access.

The economic lifeblood of the region is linked to tourism and recreation. The City of Bishop is the economic hub for the northern portion of Inyo County. The city proper is called home by approximately 3,800 residents; however, an additional 7,000 people live within the Bishop area. The entire area is heavily dependent upon its millions of visitors realizing a quality outdoor experience.

The Bishop City Council would like to take this opportunity to share our thoughts regarding two noteworthy candidates for the California Fish and Game Commission ("Commission") vacancies. As you know, the Commission is tasked with a very important role in conserving California's natural resources and safeguarding the ability of all Californians to recreate in Nature according to the dictates of their conscience, and the appointment of new members of the Commission carries with it the opportunity to shape policy that potentially impacts many communities of Californians, our state's flora and fauna, agricultural enterprises, and recreational opportunities.

Dan Yparraguirre is a candidate that uniquely embodies all of the qualities of an ideal Commissioner. As the former Deputy Director for the Department of Fish and Wildlife, Mr. Yparraguirre amassed a career's worth of experience in the development, implementation, administration, and enforcement of wildlife and fisheries policy in California and brought to bear an unrivaled level of scientific expertise in his previous capacity leading the Waterfowl program and representing our state on the Pacific Flyway Council. In these roles, Mr. Yparraguirre demonstrated an exceptional ability to interact with the public, policy stakeholders and advocates, conservation organizations, and the Commission in an effective and collaborative manner that inspired confidence in his role.

Michael Flores is another such individual whose experience would be an invaluable asset to the Commission. Mr. Flores brings to bear a vast array of career experience spanning many facets of governance and policy-making. As Chief of Staff and later Secretary of Foreign Affairs for Gray Davis, Mr. Flores demonstrated an exemplary ability to work with people from varied backgrounds, ideologies, cultures, and political perspectives. Later, Mr. Flores proved himself to be an exceptional contributor and leading voice as a member of the State Lands Commission, Wildlife Conservation Board, Fish and Game Commissioner, and later as President of the Commission. In this latter role, Mr. Flores demonstrated a calm and measured approach to every topic no matter how complex or controversial it was. As a lifelong hunter, Mr. Flores understands and appreciates the experiences and perspectives of our state's outdoors community and is an ardent advocate for the role of hunters and anglers in the conservation of our state's natural resources.

When you consider the average tenure of the current commissioners, the appointment of Mr. Yparraguirre, Mr. Flores, or both of these qualified individuals would bring much-needed experience and background to the complex and expansive scope and authority of the Commission. We therefore respectfully urge you to give each your serious consideration for appointment to the Commission and look forward to the opportunity to discuss their unique qualifications further.

Sincerely,

Laura Smith
Mayor

For Clerk's Use Only:
AGENDA NUMBER

19

AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent X Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: County Administrator

FOR THE BOARD MEETING OF: March 1, 2015

SUBJECT: Update on Area Resource Center Community Stakeholder Meeting and Designation of Board Attendees

DEPARTMENTAL RECOMMENDATION:

Request your Board (1) receive a brief oral update on tomorrow's all-day community stakeholder meeting for developing an Area Resource Center that will be facilitated by staff from the UC Davis Extension Training Center; and, (2) consider designating two (2) members of your Board to attend the meeting.

SUMMARY DISCUSSION:

The Chief Probation Officer and Health and Human Services Director will provide an update of the meeting planned with community partners and stakeholders for developing an Area Resource Center for in-custody and at-risk youth and adults. The meeting is scheduled for tomorrow, March, 2nd, and will be facilitated by staff from the UC Davis Extension Training Center, and is expected to last all day.

At the conclusion of the presentation, your Board may wish to discuss designating to members to attend the meeting.

ALTERNATIVES:

Your Board could choose not to have members participate in the meeting and await a desbriefing from staff at a future Board of Supervisors meeting.

OTHER AGENCY INVOLVEMENT:

The meeting will be facilitated by staff from the UC Davis Extension Training Center. The County's juvenile service programs are operated by, and funded through the Probation department and Health & Human Services department budgets, and interface with a variety of institutional and community partners, including, but not limited to Inyo County Schools, the Superior Court, the City of Bishop, the Juvenile Justice Commission, and Mono County.

FINANCING:

N/A

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the board clerk.)* Approved: _____Date_____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (*Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)* Approved:_____Date_____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved:_____Date_____

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)_____Date:_____
(The Original plus 20 copies of this document are required)

AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent ☒ Departmental ☐ Correspondence Action ☐ Public Hearing
☐ Schedule time for _____ ☐ Closed Session ☐ Informational

For Clerk's Use Only:
AGENDA NUMBER
20

FROM: Public Works Department

FOR THE BOARD MEETING OF: March 1, 2016

SUBJECT: Request authority to submit grant application to the California State Parks Off-highway Motor Vehicle Division.

DEPARTMENTAL RECOMMENDATIONS:

Request Board approve a resolution entitled "A Resolution of the Board of Supervisors of the County of Inyo, State of California, Authorizing the Submittal of the State of California, Department of Parks and Recreation, Off-Highway Vehicle Grant Application."

CAO RECOMMENDATION:

SUMMARY DISCUSSION:

Staff is proposing submitting a grant application where the monies would be used to fund the completion of a National Environmental Policy Act (NEPA) document evaluating potential environmental impacts resulting from jurisdictional agreement(s) between Inyo County and the Inyo National Forest for those County roads part of the Inyo County Maintained Mileage System that cross Inyo National Forest land and are proposed for combined use.

The California Department of Parks and Recreation is offering the Off-Highway Vehicle (OHV) grant program, to provide for well-managed OHV recreation by providing financial assistance to eligible agencies that develop, maintain, operate, expand, support, or contribute to well-managed, high quality, OHV recreation areas, roads, and trails; and to responsibly maintain the wildlife, soils, and habitat of Project Areas in a manner that will sustain long-term OHV recreation.

This is a competitive grant, therefore the award amount is unknown until the Intent to Award is posted on the State Park's OHV Division website June 6, 2016. The OHV grant requires a minimum of a twenty-five percent (25%) in-kind match and an additional match provides extra points. The match for the grant will be provided by the Inyo County Road Department and the Inyo County Local Transportation Commission. The deadline for submitting a preliminary grant application is March 7, 2016. The public then has an opportunity to comment on the County application at the California Department of Parks and Recreation website at http://ohv.parks.ca.gov. The final application is due by May 2, 2016.

Background

AB 628, creating Vehicle Code section 38026.1, was passed by the State Legislature and signed into law in 2011. The bill authorizes Inyo County to establish a pilot project and designate specified combined-use highways to link existing off-highway motor vehicle trails and trailheads on federal Bureau of Land

Perpetual Easements
For each project the County has pursued on Forest Service land in the last five years or so (Sabrina Bridge, Whitney Portal, Rock Creek Road), it revisited the jurisdictional issue with the Forest Service. Initially the Forest Service had some reluctance to reach an agreement that would grant the County a perpetual easement to operate these roadways. However, the Forest Service appears to be open to an agreement at this time. So as to make future projects more agreeable to each party, staff proposes that the County pursue an agreement with the Forest Service to provide the County with a perpetual easement to operate roads the County maintains on Forest Service land. This will make it such that the County is better prepared to undertake projects on these roads and to respond to emergency events that effect roadway operation.

Evaluation of the Entire System
Staff proposes that the easement negotiation apply to all County roads that cross Inyo National Forest land. This is a significant and costly task. The State Park's grant that pays for a portion of this cost would be helpful.

Risk Assessment
The completion of this grant application is dependent on the California Legislature extending the ability of Inyo County to designate combined use routes of up to 10.0 miles in length. If this law sunsets, the grant application would need to be withdrawn.

The jurisdictional and right of way issues are a concern to the Road Department not just for the designation of combine use routes but for the long term operation and maintenance of these facilities. It is possible that the controversial nature of the combined use route designation process could make the environmental document more challenging to approve.

General Plan Consistency and Neighboring Agency Plan Consistency
The proposed project is consistent with the Inyo County General Plan Policy which states that the County supports and encourages varied use of public recreation opportunities, including: "Off road vehicle use is a significant recreational activity in the County. Existing off-road vehicles use areas should be continued and additional off-road vehicle areas should be developed." The completion of this project will give the County the ability to approve additional combined-use routes that cross USFS land.

ALTERNATIVES:

1) The Board could choose to limit the scope of the application and provide direction to staff.
2) The Board could choose for the County to not seek a grant application through this round of State Parks and Recreation funding.

OTHER AGENCY INVOLVEMENT:

California Department of Parks and Recreation Off-highway Motor Vehicle Recreation Division (grant approval)
Inyo County Road Department (matching funds plus remainder of project)
Inyo County Local Transportation Commission (matching funds plus remainder of project)
Inyo National Forest (approval of NEPA document)

The estimated cost for the matching funds of the State Parks grant is $148,872. The matching funds would be taken from the Road Department and the Transportation and Planning Trust budgets in Fiscal Years 2016-2017, 2017-2018, and 2018-2019. There will be an additional cost to the County of approximately $604,353 to complete the environmental review of the remaining County roads not proposed for combined use and also to cover the USFS cost for environmental review not part of the grant application.

APPROVALS		
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS (Must be reviewed and approved by County Counsel prior to submission to the board clerk.)	Approved: Yes Date 2/23/16
AUDITOR/CONTROLLER	ACCOUNTING/FINANCE AND RELATED ITEMS (Must be reviewed and approved by the auditor/controller prior to submission to the board clerk.)	Approved: yes Date 2/24/2016
PERSONNEL DIRECTOR	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)	Approved: Date

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received) Date: 2/24/16

Attachments: Draft Resolution
Draft Application
Inyo County Roads that cross Inyo National Forest land
Status Report of proposed combined-use routes

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF INYO, STATE OF CALIFORNIA, AUTHORIZING THE SUBMITTAL OF THE STATE OF CALIFORNIA, DEPARTMENT OF PARKS AND RECREATION, OFF-HIGHWAY VEHICLE GRANT APPLICATION

WHEREAS, The people of the State of California have enacted the Off-Highway Motor Vehicle Recreation Act of 2003, which provides funds to the State of California and its political subdivisions for Operation and Maintenance, Restoration, Law Enforcement, and Education and Safety for off-highway vehicle recreation; and

WHEREAS, the Off-Highway Motor Vehicle Recreation Division with the California Department of Parks and Recreation has been delegated the responsibility to administer the program; and

WHEREAS, procedures established by the California Department of Parks and Recreation require the Applicant's Governing Body to certify by resolution the approval of the Application to apply for Off-Highway Motor Vehicle Grant funds; and

WHEREAS, this Project appears on, or is in conformance with the Inyo County General Plan and is compatible with the land use plans of those jurisdictions immediately surrounding the Project;

NOW, THEREFORE, BE IT RESOLVED that the Inyo County Board of Supervisors hereby:

(a) Approves the filing of an Application for an Off-Highway Vehicle Grant; and
(b) Certifies that this agency understands its legal obligations to the State upon approval of the Grant; and
(c) Certifies that this agency understands the California Public Resources Code requirement that Acquisition and Development of Projects be maintained to specific conservation standards; and
(d) Certifies that the Project will be well-maintained during its useful life; and
(e) Certifies that this agency will implement the Project with diligence once funds are available; and
(f) The Applicant has reviewed, understands, and agrees with the Project Agreement; and
(g) Certifies that this agency will provide the required matching funds; and
(h) Certifies that the public and adjacent property owners have been notified of this Project (as applicable); and
(i) Appoints the Inyo County Public Works Department Director as agent to conduct all negotiations, execute and submit all documents including, but not limited to the Application, agreements, amendments, payment requests, which may be necessary for completion of the Project.

PASSED AND ADOPTED by the Board of Supervisors of the County of Inyo, State of California, this 1st day of March 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Chairperson
Inyo County Board of Supervisors

ATTEST: Kevin D. Carunchio
Clerk of the Board

By: _____
Patricia Gunsolley, Assistant

Timeline		
Milestone	**Start Date**	**Completion Date**
Hire Consultant (RFP to Contract Approval)	30-Sep-16	31-Dec-16
Process Initiation	1-Jan-17	31-Jan-17
Notice of Intent	1-Feb-17	28-Feb-17
Environmental Surveys	1-Mar-17	31-Jul-17
Administrative Draft EA / MND	1-Aug-17	31-Aug-18
Public Draft EA / MND	1-Sep-18	31-Oct-18
Final EA / MND	1-Nov-18	31-May-19
Project Closeout	1-Jun-19	30-Jun-19

County Staff Time Related to Adventure Trails NEPA Review					
	County Counsel	Planning Director	Senior Planner	Associate Planner	Project Coord.
Rate	$98	$80	$60	$50	$45
NOI	2	4	4	4	8
Environmental Studies	10	20	40	40	80
Project Description	8	12	20	20	40
Environmental Setting	2	4	8	8	16
Impacts	8	4	12	12	24
Mitigation	12	6	24	24	48
Alternatives	10	12	24	24	48
Insignificant Effects	1	2	6	6	12
Cumulative	2	10	10	20	20
Other	40	8	10	10	24
FONSI	12	20	20	20	40
Hrgs./Mtgs/Staff Reports	40	60	60	60	80
Total (Hours)	147	162	238	248	440
Total (Cost)	$14,406	$12,960	$14,280	$12,400	$19,800
Grand Total	$73,846				

Estimated costs for Inyo National Forest to review Inyo County EA for 150 miles of road jurisdiction change

This includes providing data to contractor, atttending any meetings with contractor, NEPA review, and discussions with contractor specialists. This does not include the permitting/lands side of the project, only the NEPA portion.

Job Title	GS level	Cost to government/ day	Days Estimated	Total
Planner - NEPA review and development	11	$ 380.00	20	$ 7,600.00
Lands Specialist - NEPA review	11	$ 348.00	15	$ 5,220.00
Wildlife Biologist - NEPA review and providing data to contractor	11	$ 411.00	15	$ 6,165.00
Aquatic biologist - NEPA review and providing data to contractor	11	$ 367.00	15	$ 5,505.00
Botanist - NEPA review and providing data to contractor	11	$ 353.00	15	$ 5,295.00
Hydrologist - NEPA review and providing data to contractor	12	$ 431.00	15	$ 6,465.00
Recreation Specialist - - NEPA review and providing data to contractor	13	$ 498.00	15	$ 7,470.00
Geologist - NEPA review and providing data to contractor	11	$ 278.00	5	$ 1,390.00
Engineer- NEPA review and providing data to contractor	12	$ 403.00	15	$ 6,045.00
Archaeologist- NEPA review and providing data to contractor	12	$ 389.00	15	$ 5,835.00
Trails/roads coordinator - providing data and document review	11	$ 386.00	15	$ 5,790.00
GIS - providing data to contractor	9	$ 307.00	15	$ 4,605.00
Total				**$ 67,385.00**

FOR OFFICE USE ONLY: Version # _____ APP # _____

A. Statement of Planning Objectives

Inyo County currently operates three combined-use routes.Each of the combined-use routes allow certain Green Sticker vehicles to operate their vehicles on roads or highways (both dirt and paved) that are part of the Inyo County Maintained Mileage System. Each of these combined-use routes provides a link to existing OHV recreation on Federal land. Inyo County completed an environmental review of 38 proposed combined-use routes. Half of the proposed combined-use routes cross U.S. Forest Service land. Inyo National Forest and County staff are unable to locate a right of way or easement for all of those roads part of the combined-use system. The Forest Service requires review under the National Environmental Policy Act to reach this agreement. An Environmental Impact Report has been approved under the California Environmental Quality Act for the designation of the combined-use routes. Once the environmental review for the jurisdictional transfer has been approved by the Forest Service, the Inyo County Board of Supervisors will consider approval of those combined-use routes that cross Forest Service land. The result of the environmental analysis will be the County being able to designate the combined-use routes under the previously approved environmental document.

The linking of the combined-use routes will enable Inyo County to provide links to OHV recreation on federal land as envisioned by Assembly 628. Assembly Bill 628 revised the Vehicle Code to allow the County to designate combined-use routes up to 10 miles in length in order to provide a more unified system of OHV recreation and to link OHV riding areas with necessary goods and services in an around communities in the Owens Valley.

The project scope includes:

- Archaeological & Biological Surveys by a consultant of approximately 48.6 miles of County roads
- Completion of an Environmental Assessment by a consultant
- Reimbursement to Planning Department and County Counsel for their time reviewing working on the environmental document
- Reimbursement to Inyo National Forest staff for their time reviewing the environmental document.

B. Relation of Proposed Project to OHV Recreation

Inyo County currently operates three combined-use routes. Each of the combined-use routes allow certain Green Sticker vehicles to operate their vehicles on roads or highways (both dirt and paved) that are part of the Inyo County Maintained Mileage System. Each of these combined-use routes provides a link to existing OHV recreation on Federal land. Inyo County completed an enivronmental review of 38 proposed combined-use routes. Half of the proposed combined-use routes cross U.S. Forest Service land. Inyo National Forest and County staff are unable to locate a right of way or easement for all of those roads part of the combined-use system. The Forest Service requires review under the National Environmental Policy Act to reach this agreement. Once the consutlant has completed the environmental review for these projects on behalf of the County and the Inyo National Forest, the Inyo County Board of Supervisors will consider approval of these combined-use routes. The result of the environmental analysis and jursidictional agreement will be the County being able to designate the combined-use routes under the previously approved CEQA document.

C. Statement of Activities

The project scope includes:

- Archaeological & Biological Surveys by a consultant of approximately 48.6 miles of County roads
- Completion of an Environmental Assessment by a consultant
- Reimbursement to Planning Department and County Counsel for their time reviewing working on the environmental document
- Reimbursement to Inyo National Forest staff for their time reviewing the environmental document

The County was limited in its ability to designate combined use routes by the position of the Inyo National Forest. The Inyo National Forest is concerned that no right of way agreements or easements have been identified which grant the County authority to maintain the roads on Forest Service lands proposed to be designated as combined use routes. The Forest Service has indicated that in order for the County to proceed with the portion of the Pilot Project located on USFS land, an

agreement between the Forest Service and the County must be in place that clearly describes an easement or right of way for the road that is being used for combined use. Before the Forest Service can consider entering into such an agreement or granting an easement for the roads, there would have to be compliance with the National Environmental Policy Act (NEPA).

No clear jurisdictional agreements have been located for the subject roads. If appropriate road right of way agreements can't be located, then the County could either 1) reach an agreement with the Forest Service or 2) demonstrate that the County has rights to use the roadway based on Revised Statute (RS 2477). To establish rights under RS 2477, the County would need to prove to a federal court that the road has been maintained since before the initial forest reserve (which later became the Inyo National Forest) was created in 1905. It should be noted that records for many individual roads go back earlier than the early 1900s; although, such records are difficult and time consuming to locate.

As part of its approval of combined-use routes, the County did not approve any routes that have a start or an end point on a road part of the USFS system.

The NEPA review of County roads will require environmental surveys along the entire portion of the road that crosses Inyo National Forest land. Once the field information has been completed, it is estimated that it would take 12-24 months to complete NEPA. County staff proposes to hire a consultant to complete the NEPA process. The County has three years to complete this type of OHV grant.

Inyo Forest and County staff intend to enter into an MOU between the County and the Forest Service clearly stating what the roles of each agency. The NEPA document will require approval by the Inyo National Forest Superintendent.

D. List of Reports

The County and the Inyo National Forest plan to enter into an MOU stating the roles of each agency in the evaluation of the environmental document. The County will hire a consultant to complete the environmental review in consultation and with concurrence from the Inyo National Forest. The project will include archaeological and biological surveys along the entire length of the roads in questions in accordance with federal and state requirements. The reports completed will be:

Administrative Draft NEPA document (Environmental Assessment)
Administrative Draft CEQA document (Mitigated Negative Declaration evaluating Perpetual Easement)
Draft Environmental Assessment
Draft Mitigated Negative Declaration
Final Environmental Assessment
Final Mitigated Negative Declaration
Finding of No Signficant Impact
Notice of Determination

The Inyo National Forest Superintendant will be the approving agency for the NEPA document. The Inyo County Board of Supervisors will be the approving entity for the CEQA document. Inyo County and Inyo National Forest will develop and approve the actual Perpetual Easements separate from the proposed grant.

E. District and County Information

A. California State Senate Districts

Select one or more of the California State Senate Districts where the proposed project activities will occur. Copy and Paste the URL (http://www.legislature.ca.gov/legislators_and_districts/districts/districts.html) in your browser to determine the State Senate district(s).

☐ State Senate 01 ☐ State Senate 02 ☐ State Senate 03 ☐ State Senate 04 ☐ State Senate 05
☐ State Senate 06 ☐ State Senate 07 ☑ State Senate 08 ☐ State Senate 09 ☐ State Senate 10

☐ State Senate 11	☐ State Senate 12	☐ State Senate 13	☐ State Senate 14	☐ State Senate 15
☐ State Senate 16	☐ State Senate 17	☐ State Senate 18	☐ State Senate 19	☐ State Senate 20
☐ State Senate 21	☐ State Senate 22	☐ State Senate 23	☐ State Senate 24	☐ State Senate 25
☐ State Senate 26	☐ State Senate 27	☐ State Senate 28	☐ State Senate 29	☐ State Senate 30
☐ State Senate 31	☐ State Senate 32	☐ State Senate 33	☐ State Senate 34	☐ State Senate 35
☐ State Senate 36	☐ State Senate 37	☐ State Senate 38	☐ State Senate 39	☐ State Senate 40

B. California State Assembly Districts

Select one or more of the California State Assembly Districts where the proposed project activities will occur. Copy and Paste the URL (http://www.legislature.ca.gov/legislators_and_districts/districts/districts.html) in your browser to determine the State Assembly district(s).

☐ State Assembly 01	☐ State Assembly 02	☐ State Assembly 03	☐ State Assembly 04	☐ State Assembly 05
☐ State Assembly 06	☐ State Assembly 07	☐ State Assembly 08	☐ State Assembly 09	☐ State Assembly 10
☐ State Assembly 11	☐ State Assembly 12	☐ State Assembly 13	☐ State Assembly 14	☐ State Assembly 15
☐ State Assembly 16	☐ State Assembly 17	☐ State Assembly 18	☐ State Assembly 19	☐ State Assembly 20
☐ State Assembly 21	☐ State Assembly 22	☐ State Assembly 23	☐ State Assembly 24	☐ State Assembly 25
☑ State Assembly 26	☐ State Assembly 27	☐ State Assembly 28	☐ State Assembly 29	☐ State Assembly 20
☐ State Assembly 31	☐ State Assembly 32	☐ State Assembly 33	☐ State Assembly 34	☐ State Assembly 35
☐ State Assembly 36	☐ State Assembly 37	☐ State Assembly 38	☐ State Assembly 39	☐ State Assembly 40
☐ State Assembly 41	☐ State Assembly 42	☐ State Assembly 43	☐ State Assembly 44	☐ State Assembly 45
☐ State Assembly 46	☐ State Assembly 47	☐ State Assembly 48	☐ State Assembly 49	☐ State Assembly 50
☐ State Assembly 51	☐ State Assembly 52	☐ State Assembly 53	☐ State Assembly 54	☐ State Assembly 55
☐ State Assembly 56	☐ State Assembly 57	☐ State Assembly 58	☐ State Assembly 59	☐ State Assembly 60
☐ State Assembly 61	☐ State Assembly 62	☐ State Assembly 63	☐ State Assembly 64	☐ State Assembly 65
☐ State Assembly 66	☐ State Assembly 67	☐ State Assembly 68	☐ State Assembly 69	☐ State Assembly 70
☐ State Assembly 71	☐ State Assembly 72	☐ State Assembly 73	☐ State Assembly 74	☐ State Assembly 75
☐ State Assembly 76	☐ State Assembly 77	☐ State Assembly 78	☐ State Assembly 79	☐ State Assembly 80

C. California Congressional Districts

Select one or more of the California Congressional Districts where the proposed project activities will occur. Copy and Paste the URL (https://www.govtrack.us/congress/members/CA) in your browser to determine the Congressional district(s).

☐ Congressional District 1	☐ Congressional District 2	☐ Congressional District 3	☐ Congressional District 4
☐ Congressional District 5	☐ Congressional District 6	☐ Congressional District 7	☑ Congressional District 8
☐ Congressional District 9	☐ Congressional District 10	☐ Congressional District 11	☐ Congressional District 12
☐ Congressional District 13	☐ Congressional District 14	☐ Congressional District 15	☐ Congressional District 16
☐ Congressional District 17	☐ Congressional District 18	☐ Congressional District 19	☐ Congressional District 20
☐ Congressional District 21	☐ Congressional District 22	☐ Congressional District 23	☐ Congressional District 24
☐ Congressional District 25	☐ Congressional District 26	☐ Congressional District 27	☐ Congressional District 28
☐ Congressional District 29	☐ Congressional District 30	☐ Congressional District 31	☐ Congressional District 32
☐ Congressional District 33	☐ Congressional District 34	☐ Congressional District 35	☐ Congressional District 36
☐ Congressional District 37	☐ Congressional District 38	☐ Congressional District 39	☐ Congressional District 40

- [ ] Congressional District 41
- [ ] Congressional District 42
- [ ] Congressional District 43
- [ ] Congressional District 44
- [ ] Congressional District 45
- [ ] Congressional District 46
- [ ] Congressional District 47
- [ ] Congressional District 48
- [ ] Congressional District 49
- [ ] Congressional District 50
- [ ] Congressional District 51
- [ ] Congressional District 52
- [ ] Congressional District 53

D. County

Select one or more of the California Counties where the proposed project activities will occur.

- [ ] Alameda
- [ ] Alpine
- [ ] Amador
- [ ] Butte
- [ ] Calaveras
- [ ] Colusa
- [ ] Contra Costa
- [ ] Del Norte
- [ ] El Dorado
- [ ] Fresno
- [ ] Glenn
- [ ] Humboldt
- [ ] Imperial
- [x] Inyo
- [ ] Kern
- [ ] Kings
- [ ] Lake
- [ ] Lassen
- [ ] Los Angeles
- [ ] Madera
- [ ] Marin
- [ ] Mariposa
- [ ] Mendocino
- [ ] Merced
- [ ] Modoc
- [ ] Mono
- [ ] Monterey
- [ ] Napa
- [ ] Nevada
- [ ] Orange
- [ ] Placer
- [ ] Plumas
- [ ] Riverside
- [ ] Sacramento
- [ ] San Benito
- [ ] San Bernardino
- [ ] San Diego
- [ ] San Francisco
- [ ] San Joaquin
- [ ] San Luis Obispo
- [ ] San Mateo
- [ ] Santa Barbara
- [ ] Santa Clara
- [ ] Santa Cruz
- [ ] Shasta
- [ ] Sierra
- [ ] Siskiyou
- [ ] Solano
- [ ] Sonoma
- [ ] Stanislaus
- [ ] Sutter
- [ ] Tehama
- [ ] Trinity
- [ ] Tulare
- [ ] Tuolumne
- [ ] Ventura
- [ ] Yolo
- [ ] Yuba

Project Cost Estimate for Grants and Cooperative Agreements Program - 2015/2016
Agency: Inyo County Public Works Department
Application: Planning

2/23/2016

	FOR OFFICE USE ONLY: Version # _____ APP # _____		
APPLICANT NAME :	Inyo County Public Works Department		
PROJECT TITLE :	Planning	PROJECT NUMBER (Division use only) :	G15-03-74-P03
PROJECT TYPE :	☐ Law Enforcement ☐ Restoration ☐ Education & Safety ☐ Acquisition ☐ Development ☐ Ground Operations ☑ Planning		
PROJECT DESCRIPTION :	Inyo County currently operates three combined-use routes.Each of the combined-use routes allow certain Green Sticker vehicles to operate their vehicles on roads or highways (both dirt and paved) that are part of the Inyo County Maintained Mileage System. Each of these combined-use routes provides a link to existing OHV recreation on Federal land. Inyo County completed an environmental review of 38 proposed combined-use routes. Half of the proposed combined-use routes cross U.S. Forest Service land. Inyo National Forest and County staff are unable to locate a right of way or easement for all of those roads part of the combined-use system. The Forest Service requires review under the National Environmental Policy Act to reach this agreement. An Environmental Impact Report has been approved under the California Environmental Quality Act for the designation of the combined-use routes. Once the environmental review for the jurisdictional transfer has been approved by the Forest Service, the Inyo County Board of Supervisors will consider approval of those combined-use routes that cross Forest Service land. The result of the environmental analysis will be the County being able to designate the combined-use routes under the previously approved environmental document. The linking of the combined-use routes will enable Inyo County to provide links to OHV recreation on federal land as envisioned by Assembly 628. Assembly Bill 628 revised the Vehicle Code to allow the County to designate combined-use routes up to 10 miles in length in order to provide a more unified system of OHV recreation and to link OHV riding areas with necessary goods and services in an around communities in the Owens Valley. The project scope includes: • Archaeological & Biological Surveys by a consultant of approximately 48.6 miles of County roads • Completion of an Environmental Assessment by a consultant • Reimbursement to Planning Department and County Counsel for their time reviewing working on the environmental document • Reimbursement to Inyo National Forest staff for their time reviewing the environmental document.		

	Line Item	Qty	Rate	UOM	Grant Req.	Match	Total
DIRECT EXPENSES							
Program Expenses							
1	Staff						
	1. Field Office Staff	147.0000	98.000	HRS	3,601.50	10,804.50	14,406.00

Line Item	Qty	Rate	UOM	Grant Req.	Match	Total
Notes : County Counsel						
2. Field Office Staff Notes : Planning Director	162.0000	80.000	HRS	3,240.00	9,720.00	12,960.00
3. Field Office Staff Notes : Senior Planner	238.0000	60.000	HRS	3,570.00	10,710.00	14,280.00
4. Field Office Staff Notes : Associate Planner	248.0000	50.000	HRS	3,100.00	9,300.00	12,400.00
5. Field Office Staff Notes : Project Coordinator	440.0000	45.000	HRS	4,950.00	14,850.00	19,800.00
6. Resources Staff Notes : USFS - Planner	10.0000	380.000	DAY	2,850.00	950.00	3,800.00
7. Resources Staff Notes : USFS - Lands Specialist	7.5000	348.000	DAY	1,957.50	652.50	2,610.00
8. Resources Staff Notes : USFS - Wildlife Biologist	7.5000	411.000	DAY	2,312.25	770.75	3,083.00
9. Resources Staff Notes : Aquatic Biologist	7.5000	367.000	DAY	2,064.75	688.25	2,753.00
10. Resources Staff Notes : USFS - Botanist	7.5000	353.000	DAY	1,986.00	662.00	2,648.00
11. Resources Staff Notes : USFS - Hydrologist	7.5000	431.000	DAY	2,424.75	808.25	3,233.00
12. Resources Staff Notes : USFS - Recreation Specialist	7.5000	498.000	DAY	2,801.25	933.75	3,735.00
13. Resources Staff Notes : USFS - Geologist	2.5000	278.000	DAY	521.25	173.75	695.00
14. Resources Staff	7.5000	403.000	DAY	2,267.25	755.75	3,023.00

	Line Item	Qty	Rate	UOM	Grant Req.	Match	Total
	Notes : USFS - Engineer						
	15. Resources Staff Notes : USFS - Archaeologist	7.5000	389.000	DAY	2,188.50	729.50	2,918.00
	16. Resources Staff Notes : USFS - Trails/roads coordinator	7.5000	386.000	DAY	2,171.25	723.75	2,895.00
	17. Resources Staff	7.5000	307.000	DAY	1,727.25	575.75	2,303.00
Total for Staff					43,733.50	63,808.50	107,542.00
2	Contracts						
	1. Other Notes : Cost to hire environmental consultant to complete NEPA and CEQA review	1.0000	187500.000	EA	140,625.00	46,875.00	187,500.00
	2. Other Notes : Archaeological and Biological Survey of 48.6 miles of proposed combined use routes. This task will be completed by a consultant. The estimate is based on surveys completed for the entire length of Whitney Portal Road.	48.6000	6182.000	MI	225,333.75	75,111.25	300,445.00
Total for Contracts					365,958.75	121,986.25	487,945.00
3	Materials / Supplies						
4	Equipment Use Expenses						
5	Equipment Purchases						
6	Others						
Total Program Expenses					409,692.25	185,794.75	595,487.00
TOTAL DIRECT EXPENSES					409,692.25	185,794.75	595,487.00
INDIRECT EXPENSES							

Project Cost Estimate for Grants and Cooperative Agreements Program - 2015/2016
Agency: Inyo County Public Works Department
Application: Planning

2/23/2016

	Line Item	Qty	Rate	UOM	Grant Req.	Match	Total
Indirect Costs							
1	Indirect Costs						
Total Indirect Costs					0.00	0.00	0.00
TOTAL INDIRECT EXPENSES					0.00	0.00	0.00
TOTAL EXPENDITURES					409,692.25	185,794.75	595,487.00

Project Cost Summary for Grants and Cooperative Agreements Program - 2015/2016
Agency: Inyo County Public Works Department
Application: Planning

2/23/2016

	Category	Grant Req.	Match	Total	Narrative
DIRECT EXPENSES					
Program Expenses					
1	Staff	43,733.50	63,808.50	107,542.00	The project will consist of the creation of a NEPA document in addition to review of the document at each developmental stage by the County and the Inyo National Forest.
2	Contracts	365,958.75	121,986.25	487,945.00	An environmental consultant will be hired to complete an environmental document pursuant to NEPA and CEQA. The NEPA document will review the creation of perpetual easements on Inyo National Forest land and the potential designation of combined use roads. The CEQA document will review only the creation of the perpetual easements as there already is a CEQA document in place for the combined use routes.
3	Materials / Supplies	0.00	0.00	0.00	
4	Equipment Use Expenses	0.00	0.00	0.00	
5	Equipment Purchases	0.00	0.00	0.00	
6	Others	0.00	0.00	0.00	
Total Program Expenses		409,692.25	185,794.75	595,487.00	
TOTAL DIRECT EXPENSES		409,692.25	185,794.75	595,487.00	
INDIRECT EXPENSES					
Indirect Costs					
1	Indirect Costs	0.00	0.00	0.00	
Total Indirect Costs		0.00	0.00	0.00	
TOTAL INDIRECT EXPENSES		0.00	0.00	0.00	
TOTAL EXPENDITURES		**409,692.25**	**185,794.75**	**595,487.00**	

Additional Documentation for Grants and Cooperative Agreements Program - 2015/2016 2/19/2016
Agency: Inyo County Public Works Department
Application: Planning

FOR OFFICE USE ONLY:	Version # _____	APP # _____

1. **Timeline for Completion**
   Attachments: Proposed Timeline for grant completion

2. **Optional Project-Specific Application Documents**
   Attachments: List of Proposed Combined-use routes highlighting those on INF land
   All County roads proposed for combined-use on INF land

3. **Optional Project-specific Maps**
   Attachments: Map of County roads on INF land with those proposed for combined use underlined

Environmental Review Data Sheet (ERDS) for Grants and Cooperative Agreements Program - 2015/2016
Agency: Inyo County Public Works Department
Application: Planning

FOR OFFICE USE ONLY: Version # _____ APP # _____

ITEM 1 and ITEM 2

ITEM 1

a. ITEM 1 - Has a CEQA Notice of Determination (NOD) been filed for the Project? ◉ Yes ○ No

ITEM 2

b. Does the proposed Project include a request for funding for CEQA and/or NEPA document preparation prior to implementing the remaining Project Deliverables (i.e., is it a two-phased Project pursuant to Section 4970.06.1(b)) ◉ Yes ○ No

ITEM 3 - Project under CEQA Guidelines Section 15378

c. ITEM 3 - Are the proposed activities a "Project" under CEQA Guidelines Section 15378? ◉ Yes ○ No

d. The Application is requesting funds solely for personnel and support to enforce OHV laws and ensure public safety. These activities would not cause any physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and are thus not a "Project" under CEQA. ○ Yes ◉ No

e. Other. Explain why proposed activities would not cause any physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and are thus not a "Project" under CEQA. DO NOT complete ITEMS 4 – 10.

ITEM 4 - Impact of this Project on Wetlands

The project is for the environmental review under NEPA of a jurisdictional agreement that would provide Inyo County a perpetual easement to maintain roads part of the Inyo County Maintained Mileage System on Inyo National Forest land. The County will then consider the designation of the existing roads as combined-use routes. The project scope only includes existing roads. Therefore there is no potential for impacts to wetlands.

ITEM 5 - Cumulative Impacts of this Project

The NEPA evaluation will be for the jurisdictional transfer of existing roads between the Inyo National Forest and Inyo County. The County is proposing to designate roads on Forest Service land as combined-use routes. This will create potential impacts to: Air Quality, Biological Resources, Geology & Soils, Cultural Resources, Hazards & Hazardous Materials, Hydrology & Water Quality, Transportation & Traffic, and Noise. The designation of the combined-use routes has already been reviewed under CEQA. This potential designation and the transfer of the road via easements from the Forest Service to the County will be reviewed under NEPA.

ITEM 6 - Soil Impacts

The NEPA evaluation will be for the jurisdictional transfer of existing roads between the Inyo National Forest and Inyo County. The County is proposing to designate roads on Forest Service land as combined-use routes. This will create potential impacts to Geology & Soils. A CEQA document has found that the designation of combined-use routes would have a less than signfiant impact on soils via a mitigation measure. The designation of the combined-use routes has already been reviewed under CEQA. This potential designation and the transfer of the road via easements from the Forest Service to the County will be reviewed under NEPA.

ITEM 7 - Damage to Scenic Resources

A CEQA document has determined that the project will not damage any scenic resources within the viewshed of a highway officially designated as a state scenic highway.

ITEM 8 - Hazardous Materials

Is the proposed Project Area located on a site included on any list compiled pursuant to Section 65962.5 of the California Government Code (hazardous materials)? ○ Yes ● No

If YES, describe the location of the hazard relative to the Project site, the level of hazard and the measures to be taken to minimize or avoid the hazards:

ITEM 9 - Potential for Adverse Impacts to Historical or Cultural Resources

Would the proposed Project have potential for any substantial adverse impacts to historical or cultural resources? ○ Yes ○ No

Discuss the potential for the proposed Project to have any substantial adverse impacts to historical or cultural resources:

The NEPA evaluation will be for the jurisdictional transfer of existing roads between the Inyo National Forest and Inyo County. The County is proposing to designate roads on Forest Service land as combined-use routes. This will create a potential impact to Cultural Resources. This impact can be reviewed to a less than significant level through mitigation. The designation of the combined-use routes has already been reviewed under CEQA. This potential designation and the transfer of the road via easements from the Forest Service to the County will be reviewed under NEPA.

ITEM 10 - Indirect Significant Impacts

The NEPA evaluation will be for the jurisdictional transfer of existing roads between the Inyo National Forest and Inyo County. The County is proposing to designate roads on Forest Service land as combined-use routes. The project is not anticipated to have signficant indirect impacts. A CEQA document has found that the designation of combined-use routes would have a less than signfiant indirect impact. It was found that the designation of combined-use routes would not result in a significant increase in vehicles on any of the existing roadways. The designation of the combined-use routes has already been reviewed under CEQA. This potential designation and the transfer of the road via easements from the Forest Service to the County will be reviewed under NEPA.

CEQA/NEPA Attachment

Attachments: CEQA Notice of Determination for combined use routes

FOR OFFICE USE ONLY: Version # _____ APP # _____

1. Project Cost Estimate - Q 1. (Auto populates from Cost Estimate)

1. As calculated on the Project Cost Estimate, the percentage of the Project costs covered by the Applicant is:

(Note: This field will auto-populate once the Cost Estimate and Evaluation Criteria are Validated.)

- ○ 76% or more (10 points)
- ○ 51% - 75% (5 points)
- ○ 26% - 50% (3 points)
- ○ 25% (Match minimum) (No points)

2. Planning Project - Q 2.

A Planning Project (Page 1) - Q 2.

2. The Planning Project would address the following:

(Check all that apply)

- ☑ Potential effects of OHV Recreation on special-status species habitats
- ☑ Potential effects of OHV Recreation on cultural resources
- ☑ Potential effects of OHV Recreation on soil conditions
- ☑ Potential effects of OHV Recreation on water quality
- ☑ Potentail effects of OHV Recreation on other recreation uses
- ☑ Potential effects of OHV Recreation on adjacent lands
- ☑ Potential impact to relationships between OHV Recreation and local residents
- ☑ Toxic or hazardous materials within a Project Area or adjacent property that may impact OHV Recreation
- ☑ Potential offsite impacts relative to the Project Area (e.g., sound, fugitive dust, runoff)
- ☑ Trail issues such as traffic patterns, trails closures, appropriate uses, etc.

B. Planning Project (Page 2) - Q 2.

Provide a detailed explanation for each statement that was checked:

The project will consist of NEPA review of 1) a jurisdictional agreement between the County and USFS for the County to maintain existing roads and 2) the potential designation of combined-use routes on these roads. The Inyo National Forest is the approving entity for the NEPA document. The NEPA review will ensure compliance with each of the items checked.

(Check the one most appropriate)

- ○ 6 or more items checked (4 points)
- ○ 4 to 5 items checked (3 points)
- ○ 2 to 3 items checked (2 points)
- ○ 1 or no items checked (No points)

3. Motorized Access - Q 3.

3. The Project is intended to lead to improved facilities that provide motorized access to the following nonmotorized recreation opportunities:

(Check all that apply) - Scoring: 2 points each, up to a maximum of 6 points

- ☑ Camping
- ☑ Hiking
- ☑ Birding
- ☑ Equestrian trails

- [x] Fishing
- [x] Hunting
- [x] Rock Climbing
- [x] Other (specify)

4. Public Input - Q 4.

4. The Project was developed with public input prior to the preliminary Application filing deadline. Identify date(s) of meetings and participants. Do not include internal agency meetings or meetings that occurred more than 12 months prior to filing the preliminary Application. Public input employed the following:

(Check all that apply)

- [x] The Applicant initiated and conducted publicly noticed meeting(s) with the general public to discuss Project (1 point)
- [x] The Applicant had meeting(s) with mulitiple distinct stakeholders (1 point)

Provide a detailed explanation for each statement that was checked:

The County staffed a table and provided input to the public at a meeting organized by the USFS and BLM on February 11, 2016. The County held a pubic hearing on March 1, 2016 to consider the submittal of the grant application. Additionally, the County has met with Inyo National Forest staff at the Inyo National Forest office on 351 Pacu Lane on multiple occasions to discuss the submittal of this grant (February 3, 2016 at 3:00 p.m.; November 18, 2015 at 1:00 p.m.; and February 11, 2015). County staff gave a presentation and a tour of a designated combined use segment to the OHMVRD Commission on August 18, 2015 and discussed issues related to the NEPA review of proposed routes that cross Inyo National Forest land. County staff has met with the Eastern Sierra ATV Adventure Trails non-profit group on several occasions. Finally, Inyo County staff attends Eastern Sierra OHV Leadership group meetings organized by Ed Waldheim.

5. Stakeholder Input - Q 5.

5. If the Project were approved, the planning process would incorporate substantial stakeholder input:

(Check the one most appropriate)

- ( ) No (No points)
- (•) Yes (5 points)

If 'Yes', provide a detailed explanation for how it would be 'substantial'. Identify stakeholders:

Inyo County and the Inyo National Forest intend to enter into an MOU to establish roles related to the review of the NEPA document. This will include meetings open to the public that will be led by the consultant and agency staff.

6. Utilization of Partnerships - Q 6.

6. The Project will utilize partnerships to successfully accomplish the Project. Identify the number of groups or organizations that will actively participate in the Project. Partners cannot include any unit of the OHMVR Division, subcontractors, or any participants being paid by this OHV Grant or Cooperative Agreement.

(Check the one most appropriate)

- ( ) 4 or more (4 points)
- (•) 2 to 3 (2 points)
- ( ) 1 (1 point)
- ( ) None (No points)

List each partner organization(s) separately and provide a detailed explanation for how each partner(s) will participate in the Project:

Inyo County and Inyo National Forest intend to enter into an MOU to establish roles and responsibilities in the development of the NEPA document.

7. Sustain OHV Opportunity - Q 7.

7. The Planning Project sustains OHV Opportunity in the following manner:

(Check all that apply)

- ☐ Project will develop management plans for existing OHV Opportunity (6 points)
- ☑ Project will complete environmental review for an OHV Development Project (5 points)
- ☐ Project supports development of OHV Opportunities within 60 miles of population centers (5 points)
- ☐ Project supports development of OHV Opportunities in areas that lack legal OHV Opportunity (4 points)
- ☐ Project will develop a system of designated OHV routes for an existing OHV Opportunity (3 points)

Provide a detailed explanation for each statement that was checked:

The NEPA document will include the review of the potential designation of County roads on USFS land as combined use routes. The goal of this OHV project is to provide new OHV opportunities that will better link existing OHV trails in an around Owens Valley communities.

8. Creation of a new OHV Opportunity - Q 8.

8. If successful, would the Project lead to the creation of a new OHV Opportunity within the jurisdiction of a Land Manager that does not currently provide OHV Opportunity?

(Check the one most appropriate)

- ○ No (No points)
- ◉ Yes (15 points)

Provide a detailed explanation for the 'Yes' response:

The project will provide the Inyo County Board of Supervisors the ability to designate up to 48.6 miles of combined use roads on USFS land through the designation of 21 combined-use routes. Only a portion of these roadways is on USFS land. In addition to the 48.6 miles, this would potentially allow for the designation of another 85.8 miles of combined use roads.

Inyo County Roads that cross Inyo National Forest land

Road Name	Total Distance	Road Surface	Paved Distance	Crosses USFS land	Distance on USFS	Part of Adventure Trails	Distance on both USFS & Adventure Trails	Notes	Road Accesses
Ash Creek Road	1.61	unpaved	0.00	N/A	0.0	No			Fishing, dispersed recreation
Bir Road	2.16	Paved	2.16	Yes	0.4	No			Residential development
Bishop Creek Road, East	1.88	Paved	1.88	Yes	0.1	No			Plant Five
Black Canyon Road	5.35	unpaved	0.00	Yes	1.4	Yes	1.4		Recreational area, OHVs, mining
Budke Road	0.17	Paved	0.17	Yes	0.2	No			Cabins at Whitney Portal
Buttermilk Road	7.64	unpaved	0.00	Yes	6.2	No			Recreational area, OHVs, climbers, hunting, trailheads
Camp Ground Road	0.13	Paved	0.13	Yes	0.1	No			Campground at Whitney Portal
Cardinal Road	0.41	Paved	0.41	Yes	0.3	No			Access to commercial recreation
Cataract Road	0.73	Paved	0.73	Yes	0.4	No			Access to residential area
Cottonwood Road	4.37	unpaved	0.00	Yes	2.0	No			Fishing, hiking, camping
County Road	1.00	Paved	1.00	Yes	0.1	Yes	0.1	Old alignment of US 395, relinquished from Caltrans	Road crosses USFS corner
Coyote Valley Road	4.09	unpaved	0.00	Yes	0.5	Yes	0.5		Recreational area, OHVs, trailheads
Death Valley Road	20.28	Paved	20.28	Yes	13.1	Yes	11.7		Dispersed recreational area, OHV trails
Division Creek Road	3.63	Paved	3.63	Yes	2.6	Yes	2.6		Trailhead, OHV, LADWP facility
Foothill Road	2.80	unpaved	0.00	Yes	2.8	Yes	2.8		Fishing, Shepherd Pass trailhead
Glacier Lodge Road	7.71	Paved	7.71	Yes	7.4	No			Trailheads, fishing, camping
Glacier Lodge Road	1.63	Paved	1.63	N/A		No		This segment of Glacier Lodge has been closed since 1983 debris flow.	See notes
Haiwee Canyon Road	2.62	unpaved	0.00	Yes	0.7	No			Trailhead
Horseshoe Meadows Road	18.71	Paved	18.71	Yes - 11.4		No		ROW agreement in place	Trailheads, fishing, camping
Indian Cemetery Road	0.50	unpaved	0.00	Yes	0.4	No			Road crosses USFS parcel, possibly old ranger station
Mazourka Canyon Road	10.25	unpaved	0.00	Yes	3.5	Yes	3.5		Recreation, trailheads, OHVs, hunting, mining
McMurray Meadows Road	7.54	unpaved	0.00	Yes	1.9	Yes	1.9		Recreation, trailheads, OHVs
North Lake Road	2.08	unpaved	0.00	Yes	2.1	No			Trailheads, fishing, camping
Oak Creek Road, North	1.00	Paved	1.00	Yes	0.9	No			Trailheads
Oak Creek Road, North	3.05	unpaved	0.00	Yes	3.4	No		Distance in table is too short	Trailheads
Oak Creek Road, South	1.42	Paved	1.42	Yes	1.4	No			Private ranch
Onion Valley Road	14.40	Paved	14.40	Yes	9.5	Yes	0.8		Trailheads, fishing, camping
Pine Creek Road	9.40	Paved	9.40	Yes	4.4	No			Trailheads, fishing, camping, mining
Putnam Road	0.87	Paved	0.87	Yes	0.9	No			Cabins at Whitney Portal
Ranger Station Road		unpaved	1.30	Yes	0.3	No			Dispersed recreation, hunting
Redding Canyon Road		unpaved	1.82	Yes	0.2	No			OHVs, dispersed recreation mining
Reservoir Road	0.56	Paved	0.56	Yes	0.6	No			Fishing
Sabrina Road	0.68	Paved	0.68	Yes	0.7	No			Trailheads, fishing, camping, reservoir
Sage Flats Drive	5.45	Paved	5.45	Yes	1.5	No			Cattle drive, trailhead,
Seven Pines Road	0.32	Paved	0.32	Yes	0.3	No			Leased USFS cabins
Silver Canyon Road	13.86	unpaved	0.00	Yes	10.9	Yes	10.9		Dispersed recreation, OHVs
South Lake Road	7.37	Paved	7.37	Yes		No			Trailheads, fishing, camping, residential areas, reservoir
Starlite Drive	1.15	Paved	1.15	Yes	1.2	No			Residential area
Sugar Loaf Road	1.00	Paved	1.00	Yes	0.1	No			School facility
Sugar Loaf Road	0.96	unpaved	0.00	Yes	1.0	No			Dispersed recreation, OHVs
Taboose Creek Road	4.29	unpaved	0.00	Yes	2.2	Yes	0.4		Trailhead, fishing, camping
Tuttle Creek Road		Paved	5.10	Yes	0.4	Yes	0.4		Trailhead, subdivision
Upper Division Creek Road	1.13	Paved	1.13	Yes	0.1	No			Alternate access to Division Creek
Upper Rock Creek Road	2.83	Paved	2.83	Yes - 2.8		No		ROW agreement through Mono County Forest Highways grant	Trailheads, fishing, camping
Walker Creek Road	5.00	unpaved	0.00	Yes	1.4	No			Dispersed recreation
Waucoba Saline Road	27.20	unpaved	0.00	Yes	14.5	No			National Park dispersed recreation, camping
White Mountain Road	6.62	Paved	6.62	Yes	6.6	No			Trailheads, camping, mining, OHVs
White Mountain Road	8.36	Paved	8.36	Yes	8.4	No			Trailheads, camping, mining, OHVs
Whitney Portal Road	13.35	Paved	13.35	Yes - 4.9		No		ROW agreement through FLAP project	Trailheads, fishing, camping, cabins
Wyman Creek Road	17.70	unpaved	0.00	Yes	13.7	Yes	11.6		Dispersed recreation, fishing, OHVs
	Maint.	Surface	Paved						
	255.26		142.57		130.8		48.6		

Project Status Report - Routes Linking to USFS Land

Route Name	Start Point	End Point	Roads Included in Route	Links to Inyo NF	Through Residential Areas	Links to LADWP	OHV trail segments	OHV Recreational Use Area & Necessary Service Facilities	Lodging Facilities & OHV Recreational Facility	Comments
Bishop #1	Golden State Cycles	Poleta OHV Recreation Area	Short St, Sneden St, E Line St, Poleta Rd, Redding Canyon Rd		Yes			X		City has joint authority with this route, 5.3 miles paved and 0.6 miles dirt
Bishop #2	Tri County Fairgrounds	Poleta OHV Recreation Area	Coats Street, Yaney St, Spruce St, Wye Rd, Haul Rd, Airport Rd, Poleta Rd, Redding Canyon Rd		Yes	Lease			X	City has joint authority, CHP denies Hanby alternatives; routes 2-4 require placement of fencing to prevent OHV access into Airport operating area; project proponents have agreed to install required fencing; route crosses US 395 at Yaney Street traffic signal; 5.9 miles paved and 1.8 miles dirt
Bishop #3	Bishop Chamber of Commerce	Poleta OHV Recreation Area	Park St, Bruce St, Spruce St, Wye Rd, Haul Rd, Airport Rd, Poleta Rd, Redding Canyon Rd		Yes	Lease		X		City has joint authority, CHP denied Hanby alternatives; 5.6 miles paved and 1.8 miles dirt
Bishop #4	Pizza Factory	Poleta OHV Recreation Area	MacIver St, Spruce St, Wye Rd, Haul Rd, Airport Rd, Poleta Rd, Redding Canyon Rd		Yes	Lease		X		City has joint authority, CHP denied Hanby alternatives; 5.5 miles paved and 1.8 miles dirt
Bishop #5	Brown's Town	Poleta OHV Recreation Area	Schober Ln, Sunland Dr, Warm Springs Rd, Eastside Rd, Redding Canyon Rd		No	Lease		X		Includes crossing of US 395 at Warm Springs Road; 9.0 miles paved and 0.6 miles dirt
Bishop #6	Pleasant Valley Campground	Horton Creek Campground	Pleasant Valley Dam Rd, Sawmill Rd, Round Valley Rd, Horton Creek Rd		No	Lease			X	Route crosses US 395 at Pleasant Valley Dam Road to Sawmill Road; 6.2 miles paved.
Bishop #7	Pleasant Valley Campground	Tungsten City	Pleasant Valley Dam Rd, Sawmill Rd, Ed Powers Rd, Tungsten City Rd		No	Lease			X	Route crosses US 395 at Pleasant Valley Dam Road to Sawmill Road; 3.7 miles paved and 2.7 miles dirt.
Bishop #8	Pleasant Valley Campground	Casa Diablo Rd turn	Pleasant Valley Dam Rd, Chalk Bluffs Rd, Casa Diablo Rd		No	Lease			X	BLM does not consider road being linked to as OHV Recreational Facility. 0.8 miles pavedand 7.3 miles dirt
Bishop #9	Brown's Town	Bir Road turn	Schober Ln, Barlow Ln, Bir Rd		No	Lease		X		3.7 miles paved
Bishop #10	Coyote Valley Road turn	Coyote Valley Rd	Coyote Valley Rd	Yes	No		X			2.1 miles dirt
Bishop #11	Silver Canyon Rd midway	Silver Cyn Rd top	Silver Cyn Rd	Yes	No		X			7.1 miles dirt
Bishop #12	Silver Canyon Rd top	Wyman Canyon Rd midway	Silver Cyn Rd, Wyman Canyon Rd	Yes	No		X			1.9 miles paved and 7.4 miles dirt
Bishop #14	Britt's Diesel	Casa Diablo Rd turn	Joe Smith Rd, Jean Blanc Rd, Five Bridges Rd, Casa Diablo Rd		No			X		BLM does not consider road being linde to as an "OHV Recreational Facility." 1.1 paved + 5.0 dirt.
Bishop #15	Britt's Diesel	Poleta OHV Recreation Area	Joe Smit Rd, Silver Cyn Rd, Laws Poleta Rd, Poleta Rd, Redding Cyn Rd		No			X		Route currently Open. 5.4 miles paved and 0.6 miles dirt
Bishop #16	Britt's Diesel	Silver Canyon Rd midway	Joe Smith Rd, Silver Cyn Rd	Yes	No			X		0.7 miles paved and 5.9 miles dirt
Bishop #17 - Revised 6/21/13	Wyman Canyon Rd	Wyman Canyon Rd	Wyman Cyn	Yes	No		X			3.2 miles dirt
Bishop #18	Redding Canyon Rd	Black Canyon Rd	Redding Cyn Rd, Eastside Rd, Black Cyn Rd	Yes	No		X			County Road ends at section line on USFS land. The road continues for a short distance on USFS land and then enters a private parcel before re-entering USFS land. 1.7 miles paved and 6.2 miles dirt
Independence #1	Independence Inn	Betty Jumbo Mine Rd turn	Park St, Clay St, Mazourka Cyn Rd		Yes				X	6.7 miles paved and 1.8 miles dirt
Independence #2	Betty Jumbo Mine Rd turn	Santa Rita Flat Rd turn	Mazourka Cyn Rd	Yes	Yes		X			USFS would like to see combined-use route continued further along Mazouka Cyn Rd to Badger Flat; 4.0 miles dirt
Independence #3 - **Revised 5/28/13**	Independence Inn	Foothill Rd end	Park St, Jackson St, Kearsarge St, Washington St, Marke St/Onion Valley Rd, Foothill Rd	Yes	Yes				X	Includes crossing of US 395 at Kearsarge Street; 4.9 miles paved and 2.8 miles dirt
Independence #4	Ray's Den Motel	Foothill Rd end	N/A	Yes	N/A		N/A	N/A	N/A	CHP Safety Determination denies route
Independence #6	Still Life Café	Foothill Rd end	Kearsarge St, Washington St, Market St/Onion Valley Rd, Foothill Rd	Yes	Yes			X		Staff tentatively recommends denial because there is no onsite parking at this business, parking effectively in front of other businesses on Kearsarge Street; 4.6 miles paved and 2.8 miles dirt
Aberdeen #1	Aberdeen Store	Division Ck rd end	Tinemaha Rd, Division Creek Rd	Yes	No	Lease			X	LADWP concerned about OHV trespass, existing cluster of OHV routes in this area; 3.7 miles paved and 2.1 miles dirt
Aberdeen #2	Aberdeen Store	Taboose Ck rd end	Tinemaha Rd, Taboose Creek Rd	Yes	No	Lease			X	OHV trail segment travels behind Little Taboose Volcanic Field; 1.6 miles paved and 2.6 miles dirt
Aberdeen #3 - **Revised 1/19/2015**	Aberdeen Store	Tinemaha Campground	Tinemaha Rd		No	Lease			X	Tinemaha Campground not considered OHV Recreational Facility; 2.8 miles paved and approximately 4.4 miles dirt; proponents may revise application

Project Status Report - Routes Linking to USFS Land

Route Name	Start Point	End Point	Roads Included in Route	Links to Inyo NF	Through Residential Areas	Links to LADWP	OHV trail segments	OHV Recreational Use Area & Necessary Service Facilities	Lodging Facilities & OHV Recreational Facility	Comments
Big Pine #1	Hi Country Market / Bristlecone Motel	Keough's Hot Springs	Crocker St, School St, County Rd, Keough's Hot Springs Rd	Crosses INF land	Yes	Lease			X	Route doesn't link to Federal land - Keough's Hot Springs Resort required to be considered as "OHV recreational facility"; 8.0 miles paved and 1.0 miles dirt
Big Pine #2	Big Pine Shell Station	McMurray Meadows Rd turn		Yes			N/A	N/A	N/A	Combined Use Route Application Status Report
Big Pine #3 - **Revised 6/21/13**	Big Pine Chevron Station	McMurray Meadows Rd turn	Pine St, Poplar St, Baker Creek Rd, School St, Crocker St / Glacier Lodge Rd, McMurray Meadows Rd	Yes	Yes			X		Big Pine Chevron closed though may re-open; route contingent upon business being open; includes crossing of US 395 at Poplar Street and Baker Creek Road; 2.9 miles paved and 5.9 miles dirt
Northern Inyo Range #1	Harkless Flat turnoff	Papoose Flat turn	Death Valley Rd	Yes	No		X			DVNP concerned about original name of these routes in DEIR. Name changed from DV Rd area to Northern Inyo Range Area; 2.1 miles paved
Northern Inyo Range #2	Harkless Flat turnoff	Turn to Inyo NF No. 09S103	Death Valley Rd	Yes	No		X			5.8 miles paved
Northern Inyo Range #3	Papoose Flat turnoff	Little Cowhorn Valley turn	Death Valley Rd	Yes	No		X			DVNP concerned about illegal use by OHVs inside of National Park, special signage placed as mitigation on Waucoba Saline Rd and on continuation of Death Valley Road to the east; 3.8 miles paved
Lone Pine #1 - Revised 6/21/13	Boulder Creek RV Park	N. Fork Lubken Canyon BLM Rd	Lubkin Cyn Rd, Horseshoe Meadows Rd,		Rural Residential				X	Relatively short OHV opportunity, includes crossing of US 395 from Boulder Creek RV Park to Foothill Rd; 4.3 miles paved
Lone Pine #2	McDonalds'	Movie Rd	Gene Autry Ln, Washington St, Whitney Portal Rd, Tuttle Ck Rd, Sunset Dr, Horseshoe Meadows Rd, Whitney Portal Rd, Movie Rd	Crosses INF land	Yes			X		7.7 miles paved
Lone Pine #3	Lone Pine Propane	Dolomite Road junction to BLM Rd	Lone Pine Narrow Gauge Rd, Owenyo - Lone Pine Rd, Dolomite Loop Rd		No	Lease		X		Staff tentatively recommends denial because ATVs could only access business through a service entrance - regular entrance requires turning on US 395. End point of route at closed road on BLM property leading to aggregate pit. BLM concerned about limited nature of road being line to off Owenyo Rd, Lone Pine Propane primary access requires turn onto US 395. Route appears to not meet AB 628 criteria. 3.3 miles paved and 5.3 miles dirt
Lone Pine #4	Carl's Jr	Movie Rd	Statham Way, Washington St, Whitney Portal Rd	Crosses INF land	Yes			X		7.7 miles paved
Lone Pine #5	Dave's Auto Parts	Movie Rd	E Begole St, Jackson St, Whitney Portal	Crosses INF land	Yes			X		Route crosses US 395 at Whitney Portal Road traffic signal; 7.8 miles paved
Lone Pine #6 - Revised 6/21/13	Dow Villa Motel	N. Fork Lubken Canyon BLM Rd	Lone Pine Ave, Whitney Portal Rd	Crosses INF land	Yes				X	Route crosses US 395 at Whitney Portal Road traffic signal; 7.2 miles paved
Lone Pine #7	Movie Road	Hogback Canyon Rd at INF Road #15S01	Movie Rd, Hogback Rd	Yes	No		X			Links to relatively short OHV route, multiple legal OHV trails along route; 9.2 miles dirt

Key:

= Routes currently open for combined-use

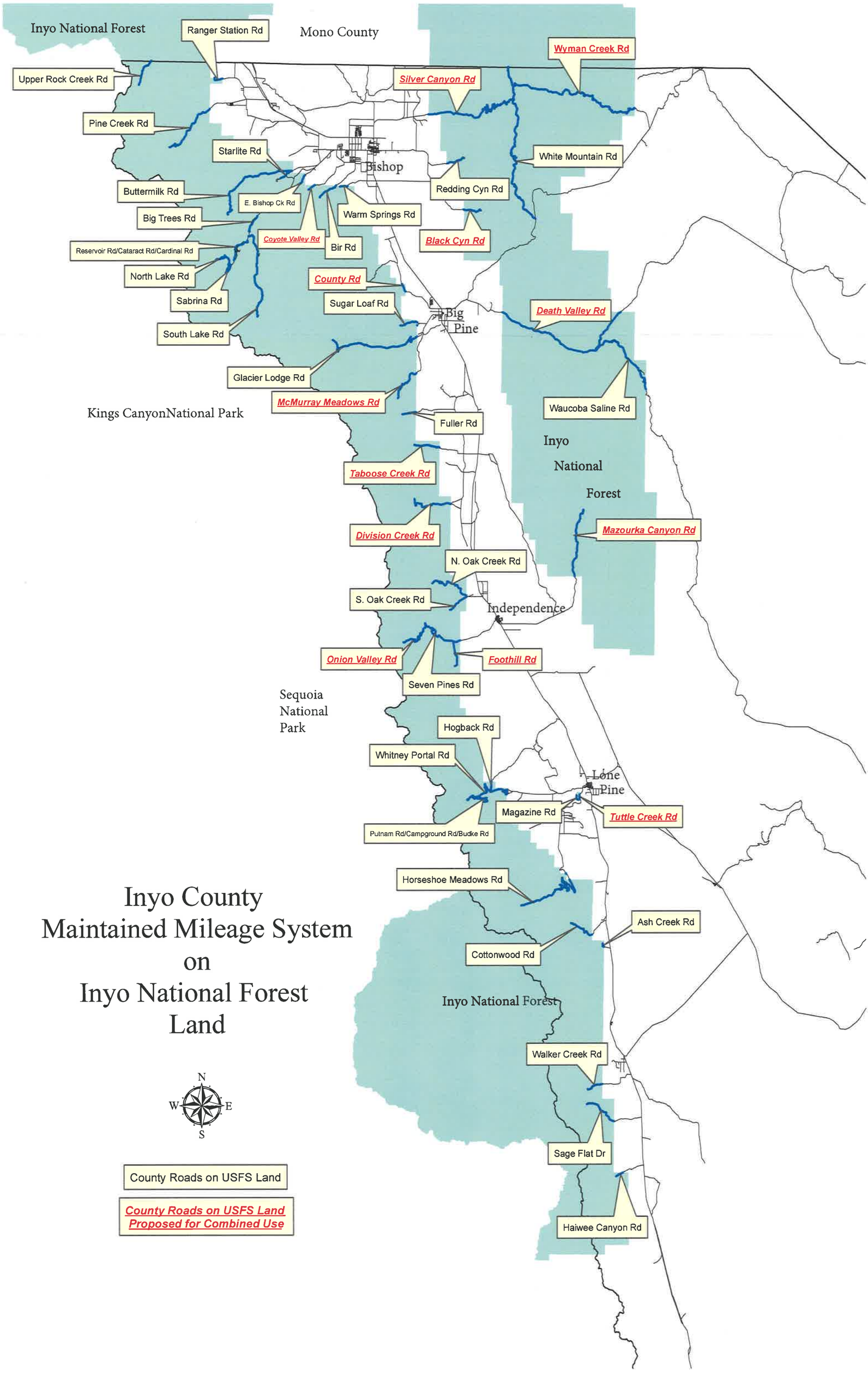
= Proposed routes that cross USFS land or have a start/end point on USFS land

= Routes that have been denied by the California Highway Patrol

= Routes that have been approved by the County but are awaiting subsequent approval by LADWP

= Routes that if approved will require subsequent approval from LADWP

Crossings of US 395 at: 1) Boulder Creek RV Park to Foothill Rd, 2) Whitney Portal Road, 3) Kearsarge Street, 4) Poplar Street to Baker Creek Road, 5) Warm Springs Road, 6) Yaney Street, and 7) Pleasant Valley Dam Road to Sawmill Road. Crossing of US 6 at Jean Blanc Road.


Inyo National Forest
Ranger Station Rd
Mono County
Wyman Creek Rd
Upper Rock Creek Rd
Silver Canyon Rd
Pine Creek Rd
Starlite Rd
Bishop
White Mountain Rd
Buttermilk Rd
E. Bishop Ck Rd
Redding Cyn Rd
Big Trees Rd
Warm Springs Rd
Coyote Valley Rd
Bir Rd
Black Cyn Rd
Reservoir Rd/Cataract Rd/Cardinal Rd
North Lake Rd
County Rd
Sabrina Rd
Sugar Loaf Rd
Big Pine
Death Valley Rd
South Lake Rd
Glacier Lodge Rd
McMurray Meadows Rd
Waucoba Saline Rd
Kings CanyonNational Park
Fuller Rd
Inyo
National
Forest
Taboose Creek Rd
Division Creek Rd
Mazourka Canyon Rd
N. Oak Creek Rd
S. Oak Creek Rd
Independence
Onion Valley Rd
Foothill Rd
Seven Pines Rd
Sequoia
National
Park
Hogback Rd
Whitney Portal Rd
Lone
Pine
Magazine Rd
Tuttle Creek Rd
Putnam Rd/Campground Rd/Budke Rd
Horseshoe Meadows Rd
Ash Creek Rd
Cottonwood Rd
Inyo National Forest
Walker Creek Rd
Sage Flat Dr
Haiwee Canyon Rd
Inyo County
Maintained Mileage System
on
Inyo National Forest
Land
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County Roads on USFS Land
County Roads on USFS Land
Proposed for Combined Use

For Clerk's Use Only:
AGENDA NUMBER

21

AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent ☐ Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: Kevin D. Carunchio, County Administrator

FOR THE BOARD MEETING March 1, 2016

SUBJECT: Continuation of declaration of local emergency

DEPARTMENTAL RECOMMENDATION: - Request Board discuss and consider staff's recommendation regarding continuation of the local emergency, The Gully Washer Emergency, that resulted in flooding in the central, south and southeastern portion of Inyo County during the month of July, 2013.

SUMMARY DISCUSSION: - During your August 6, 2013 Board of Supervisors meeting your Board took action to declare a local emergency, which has been named The Gully Washer Emergency, which was a result of flooding in the central, southern and southeastern portion of Inyo County during the month of July. Since the circumstances and conditions relating to this emergency persist, your Board directed that the continuation of the declaration be considered on a by-weekly basis. The recommendation is that the emergency be continued until the further evaluation of the damage is completed and staff makes the recommendation to end the emergency.

ALTERNATIVES: N/A

OTHER AGENCY INVOLVEMENT: N/ A

FINANCING: N/A

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the board clerk.)* Approved: _____ Date_____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (M*ust be reviewed and approved by the auditor-controller prior to submission to the board clerk.)* Approved:_____ Date_____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved:_____ Date_____

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)_____ Date:_____
(The Original plus 20 copies of this document are required)

For Clerk's Use Only:
AGENDA NUMBER

22

AGENDA REQUEST FORM

BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent ☐ Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: Kevin D. Carunchio, County Administrator

FOR THE BOARD MEETING OF March 1, 2016

SUBJECT: Continuation of proclamation of local emergency

DEPARTMENTAL RECOMMENDATION: - Request Board discuss and consider staff's recommendation regarding continuation of the local emergency, known as the "Land of EVEN Less Water Emergency" that was proclaimed as a result of extreme drought conditions that exist in the County.

SUMMARY DISCUSSION: - During your January 28, 2014 Board of Supervisors meeting your Board took action to proclaim a local emergency, which has been named the Land of EVEN Less Water Emergency, that is a result of severe and extreme drought conditions that exist in the County. Since the circumstances and conditions relating to this emergency persist, your Board directed that the continuation of the resolution be considered on a by-weekly basis.

ALTERNATIVES: N/A

OTHER AGENCY INVOLVEMENT: N/ A

FINANCING: N/A

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the board clerk.)* Approved: _____ Date_____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (*Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)* Approved:_____ Date_____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved:_____ Date_____

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)_____ Date:_____
(The Original plus 20 copies of this document are required)

For Clerk's Use Only:
AGENDA NUMBER

23

AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent ☐ Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: Kevin D. Carunchio, County Administrator

FOR THE BOARD MEETING OF March 1, 2016

SUBJECT: Continuation of proclamation of local emergency

DEPARTMENTAL RECOMMENDATION: - Request Board discuss and consider staff's recommendation regarding continuation of the local emergency, known as the "Death Valley Down But Not Out Emergency" that was proclaimed as a result flooding in the central, south and southeastern portion of Inyo County during the month of October, 2015.

SUMMARY DISCUSSION: - During your October 27, 2015 Board of Supervisors meeting your Board took action to proclaim a local emergency, which has been named the Death Valley Down But Not Out Emergency that is a result of flooding in the central, south and southeastern portion of Inyo County. Since the circumstances and conditions relating to this emergency persist, the recommendation is that the emergency be continued on a bi-weekly basis, until the further evaluation of the damage is completed and staff makes the recommendation to end the emergency.

ALTERNATIVES: N/A

OTHER AGENCY INVOLVEMENT: N/ A

FINANCING: N/A

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the board clerk.)* Approved: _____ Date_____
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (*Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)* Approved:_____ Date_____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.) Approved:_____ Date_____

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)_____ Date:_____
(The Original plus 20 copies of this document are required)

For Clerk's Use Only:
AGENDA NUMBER

24

AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent ☒ Departmental ☐ Correspondence Action ☐ Public Hearing
☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: HEALTH & HUMAN SERVICES – Public Health and Prevention

FOR THE BOARD MEETING OF: March 1, 2016

SUBJECT: Update on Tobacco Control Program Activities

DEPARTMENTAL RECOMMENDATION:
Recommend the Board receive an update from the Health and Human Services Public Health and Prevention staff on Tobacco Control activities and accomplishments in 2015.

CAO RECOMMENDATION:

SUMMARY DISCUSSION:
The Inyo County Health and Human Services Department receives funding from the California Department of Public Health to implement local tobacco control objectives. The primary mission of the Tobacco Control Program is to inform and educate the general public on the dangers of tobacco use and abuse, to promote healthy lifestyles for individuals and families, and to decrease exposure to the hazards of secondhand smoke. In addition, the Tobacco Control Program attempts to create movement towards social norms change with organizations, businesses, and local governments. The program also has a goal of updating the general public on the topic of tobacco as a gateway drug and conducts prevention education to the community regarding alcohol, marijuana, and other drugs.

The tobacco control plan for Inyo County is developed and executed by prevention staff in the Health and Human Services Department. The current plan covers a three year period from 2014-2017. We are in the second year of this three year plan and would like to share accomplishments including youth coalition activities, community education and outreach activities, and adult tobacco coalition activities.

ALTERNATIVES:
Your Board could chose to receive an update on the tobacco control program at later date or in a different format.

OTHER AGENCY INVOLVEMENT:
Inyo County Superior Court, Inyo County Superintendent of Schools, Inyo County Wellness Center, Toiyabe Indian Health Project, Owens Valley Career Development Center, Bishop Union High School, and Lone Pine High School.

FINANCING:
State and Federal funding for the local Tobacco Control Education Program is $150,000.00. Funds are brought into the Tobacco Prevention budget (640315) in State Grants (4498) as reported on the reimbursement requests submitted to the State. No County General Funds.

APPROVALS	
COUNTY COUNSEL:	**AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS** *(Must be reviewed and approved by County Counsel prior to submission to the Board Clerk.)* Approved: _____ Date: _____
AUDITOR/CONTROLLER:	**ACCOUNTING/FINANCE AND RELATED ITEMS** *(Must be reviewed and approved by the Auditor/Controller prior to submission to the Board Clerk.)* Approved: _____ Date: _____
PERSONNEL DIRECTOR:	**PERSONNEL AND RELATED ITEMS** *(Must be reviewed and approved by the Director of Personnel Services prior to submission to the Board Clerk.)* Approved: _____ Date: _____
BUDGET OFFICER:	**BUDGET AND RELATED ITEMS** *(Must be reviewed and approved by the Budget Officer prior to submission to the Board Clerk.)* Approved: _____ Date: _____

DEPARTMENT HEAD SIGNATURE: Jean Turner Date: 2-24-16
(Not to be signed until all approvals are received)

ANNUAL TOBACCO PREVENTION UPDATE

Inyo County Health & Human Services, Public Health & Prevention

SUMMARY OF CALIFORNIA TOBACCO CONTROL PROGRAM REQUIREMENTS

- Required to educate community members and foster community support for policy objectives
- Required during this contract period (2014-17) to choose a retail related objective
- Required to coordinate an adult coalition
- Required to complete activities and choose goals that are policy related
- Required to pick three objectives
- Required to conduct store surveys, key informant interviews, public opinion polls, and media event
- If activities are not completed, funding is taken away based on what is not accomplished

FUNDING RESTRICTIONS CA TOBACCO CONTROL PROGRAM

- *Cannot* use funding to provide cessation services
- *Can* use funding to promote the statewide cessation helpline and support local cessation efforts with quit tobacco kits
- *Cannot* use funding for enforcement
- *Can* use funding for signage to support self-enforcement of a smoke-free policy

SUMMARY OF ACTIVITIES ACCOMPLISHED IN CALENDAR YEAR 2015

- Coordinated 16 meetings of 2 youth coalitions, one in Bishop and one in Lone Pine, over the last year
- Supported multiple youth-led projects, including presentations to middle school students and projects addressing drinking and driving and other prevention topics
- Elevated the youth voice by assisting 2 youth leaders to speak at Board of Supervisors and Bishop City Council meetings
- Gave 11 presentations on effects of e-cigarettes and tobacco products to groups of middle and high school students

ACTIVITIES CONTINUED

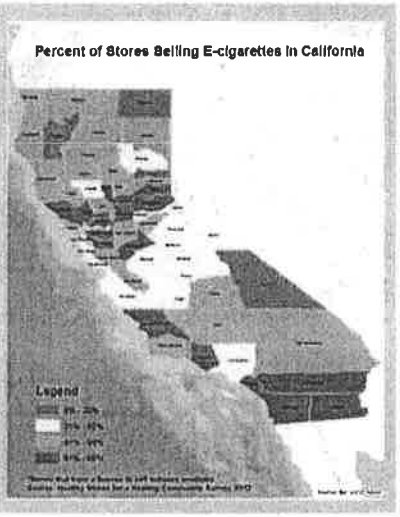
- Coordinated 6 meetings of adult tobacco prevention coalition to work on educating the community about e-cigarettes
- Coordinated 3 meetings of advisory committee to work on protecting people from secondhand smoke
- Provided 13 presentations to educate youth, parents, and general community on the health effects of e-cigarettes and tobacco products
- Created and shared local fact sheet on e-cigarettes and youth
- Presented information on the subject of secondhand smoke at 2 community events
- Conducted a survey about opinions on smoke-free places with 104 community members
- Will survey 33 stores in partnership with nutrition education programs to highlight the healthy items that are available

FOCUS ON RETAIL AND FLAVORED TOBACCO PRODUCTS

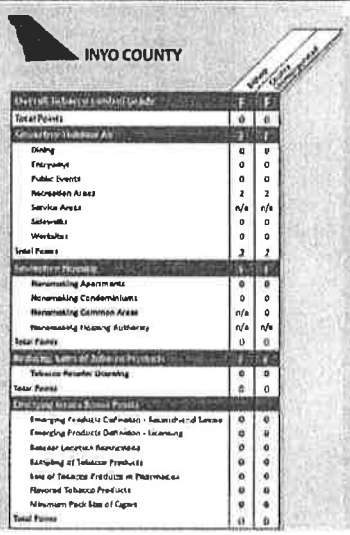
According to a Journal of Adolescent Health article, 42.4% of high school students in the U.S. use some kind of flavored tobacco product. [1]

Flavored tobacco includes e-cigarettes, hookah tobacco, cigar, pipe tobacco or smokeless tobacco products, and menthol cigarettes.

7 out of 10 middle and high school students in the U.S. who currently use tobacco have used a flavored product. [2]



STATE OF TOBACCO CONTROL GRADES [3]



- Small counties with few jurisdictions are at a disadvantage
- Grades are based on 3 areas of tobacco control only – outdoor air, housing, and retail
- Grades are based on county and city policies only, not voluntary
- Examples of Inyo County voluntary smoke-free policies
  - Northern Inyo Hospital tobacco-free campus
  - IMACA smoke-free housing
  - Tri-County Fair Smoke-free Day and areas
  - Some hotels
  - Some outdoor dining

OTHER COUNTY POLICY EXAMPLES [4]

- **5 counties** meet Gold Standard, meaning all county buildings policy campus wide and including e-cigarettes
  - Including Napa, Solano, Sonoma
- **8 counties** have Health & Human Services or Health Department only campus wide policy including e-cigarettes
  - Including Colusa, Lake, Sutter
- **21 counties** included e-cigarettes in some manner

OTHER SMALL JURISDICTION POLICY EXAMPLES [5]

- **Alpine County** – prohibited vaping everywhere smoking is
- **Lake County** – HHS 100% smoke-free including e-cigs
- **Shasta County** – banned electronic smoking in businesses, county buildings
- **City of Arcata** – included e-cigs in existing policy, everywhere State law regulates and additional non-workplace areas. Smoke includes "tobacco smoke, electronic vapors, and marijuana smoke."
- **City of Eureka** – included "operating electronic cigarette" in definition of smoking
- **Town of Mammoth Lakes** – included e-cig in smoke-free ordinance, which includes town parks
- **City of Turlock** – prohibited tobacco, including vapor related products, in all public parks, facilities, and parking lots
- **City of Patterson** – added e-cigs to recreational area policy
- **City of Hughson** – amended smoking pollution chapter to include e-cigs and hookah pipes and added recreational areas

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3. State of Tobacco Control Report, 2016, American Lung Association in California.
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For Clerk's Use Only:
AGENDA NUMBER

25

AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

☐ Consent ☒ Departmental ☐ Correspondence Action ☐ Public Hearing

☐ Scheduled Time for ☐ Closed Session ☐ Informational

FROM: Inyo County Planning Commission, Planning Department

FOR THE BOARD MEETING OF: March 1, 2016

SUBJECT: Owens Valley Solar Energy Study (OVSES)

DEPARTMENTAL RECOMMENDATION:
Receive a presentation from staff and provide input and recommendations for the OVSES final report.

SUMMARY DISCUSSION:
The California Energy Commission (CEC) awarded the County a grant in June 2014 to prepare a study of the Owens Valley and Owens Lake with regard to potential solar energy development. This study was to include collecting geospatial data by coordinating with tribal governments, land management agencies, local residents, and City of Los Angeles Department of Water and Power (DWP). During the Renewable Energy General Plan Amendment (REGPA) process, with the exception of Laws, no Solar Energy Development Area (SEDA) was identified within the Owens Valley. Instead, the REGPA indicates that the Owens Valley Study Area will be subject to a set of criteria identified through further planning efforts for identifying and mapping areas appropriate for solar energy development, and pursuant to Inyo County Code Title 21. Finding no interest from the public in identifying areas within the Owens Valley for solar energy development, staff focused on developing a comprehensive set of data for the Owens Valley that can be used in the event a solar energy development proposal is brought to the County.

Staff has been working with the consultant teams of Helix Environmental Planning and Susan Carpenter & Associates to prepare the Owens Valley Solar Energy Study (OVSES). This effort included geo-spatial data and information gathering for topics including: biological resources, visual resource, land use, and historic and cultural resources. Development of the OVSES also included a strong public outreach component with a particular emphasis on outreach to the County's five federally-recognized Tribal governments and DWP.

A substantial data and information collection effort was conducted for the OVSES, which is summarized in the attached Exhibit. The data were compiled using ESRI™ ArcGIS mapping software and formatted to be compatible with Geographic Information System (GIS) shapefiles and maps. It is available to the public to review and use on the Data Basin mapping portal,[1] which is compatible with the DRECP's Data Basin Gateway. The data sets include:

- Biological Resources (see Appendix A in the Exhibit):
  - OVSES – Land Cover and Habitat Types
  - Normalized Difference Vegetation Index using Color Infrared of the Owens Valley
  - California Land Cover Based on the California Natural Diversity Database
  - DRECP – Land Cover and Vegetation Communities
  - Modeled Species Distribution
  - Yellow-billed Cuckoo – Species Distribution Model

[1] Refer to http://databasin.org/.

- Swainson's hawk – Species Distribution Model
- Owens Valley Checkerbloom – Species Distribution Model
- Important Bird Areas
- Essential Connectivity Areas
- General Natural Landscape Blocks
- Missing Linkages in California's Landscape
- Bird Species of Special Concern
- Bird Species ranges
- Areas of Conservation Emphasis
- Soils of the Owens Valley
- U.S. Geological Survey National Hydrography Dataset

- Historic and Cultural Resources (see Appendix B in the Exhibit):
  - Pre-Contact Tribal Territories
  - Ethnography of the Owens Valley Paiute (1933)
  - Paiute Subdivisions and Boundaries (1933)
  - Big Pine Areas of Cultural Significance
  - Lone Pine Areas of Cultural Significance
  - Fort Independence Areas of Cultural Significance
  - U.S. Geological Survey Topographic Maps
  - Ritch Maps

- Visual Resources (see Appendix C in the Exhibit):
  - Key View Photo Point Locations
  - Scenic Highways

- Land Use (see Appendix D in the Exhibit):
  - Managed Lands in the OVSES
  - Special-Status Management Areas
  - General Plan Land Use Designations

ANALYSIS

Data and Mapping

Much of OVSES work focused on geospatial data collection. It is largely a secondary data gathering effort, meaning it is data generated by other sources that has been compiled, in some instances ground-truthed, and reformatted to work within the OVSES parameters.

Biological/Vegetation data

Using 2014 National Agricultural Imagery Program aerial imagery, aerial signatures were mapped using a heads-up data digitization method with ESRI™ ArcGIS mapping software. The Land Cover and Habitat Types were identified using the National Vegetation Classification Standard and Manual of California Vegetation classification systems. Once the data collection and initial analysis was performed, representative ground-truthing of the results was conducted to check the accurateness of the data. This was done by consultant staff conducting site visits to compare, check and correct what was on the maps to what is actually on the ground. This data collection effort produced a snap-shot in time to what is there now.

Other biological data on sensitive species, conservation areas, and protected habitats came from State, Federal and regional agencies, private land managers, and other public resources including the DRECP.

Consultant staff customized and formatted the data – only to fit it to the OVSES boundary. The mapping effort initially focused on those areas of the Owens Valley not covered by the DRECP data, but was expanded throughout the OVSES and Owens Lake in response to public input.

Visual Resources
Visual resources are extremely important to the people who live and visit the Owens Valley. It was the primary subject of concern of the people who commented on the REGPA and is an important factor in the analysis of any development proposal in the Owens Valley. Data were collected for visual resources by consultant staff who visited and photographed areas throughout the Owens Valley to explore viewshed quality. They also used information collected during the REGPA process and worked with local people to help identify visually important areas. This included, but is not limited to: the views into the Owens Valley from places in the Inyo and Sierra Mountains, views from areas of interest throughout the valley and along the Owens Lake, as well as, the Manzanar National Historic Site. A photo point location map was created with numbered labels corresponding to photographs of the viewshed. One can open this map in Data Basin, click on the number labels and photographs of the viewshed can be viewed.

Historic and Cultural Resources
Although cultural resources can include both the Native American and post Euro-American settlement, they are separate in the OVSES. Cultural resources in the context of the OVSES focus on Native Americans. County and consultant staff held six workshops with local Tribal members from the federally-recognized tribes in the County: Bishop Paiute; Big Pine Paiute of the Owens Valley; Fort Independence Indian Community of Paiute; Lone Pine Paiute Shoshone; and, the Timbisha Shoshone Tribes. Many in depth conversations were had discussing the Tribe's perspective of the landscape and how it differs from post European settlement. The Tribal representatives were reluctant to map specific culturally sensitive areas for fear of people using the maps to search for artifacts. All of the Tribal members consistently stated that they believe that all of the Owens Valley is culturally important to them and feel it would be difficult, if not impossible, to find places within it that are not. All of the Tribes did eventually provide maps or descriptions that illustrate their traditional areas in the Owens Valley as culturally sensitive. The Tribes also provided narratives describing how and why the areas are culturally and spiritually important to them.

Historical Resources
The Owens Valley has a long and rich history from a thriving Native American population to post Euro-American exploration and settlement that included: homesteading; trapping; mining; ranching; farming; and the City of Los Angeles' building of the aqueduct and subsequent water export activities. The historic information that was collected for the OVSES provides a generalized survey and resources to assist with higher-level planning decisions. The information was collected by staff or provided and referenced by residents who were involved in the project. A table of some known resources and areas that are historically sensitive is included in the OVSES. This list is not exhaustive but provides an excellent starting point for conducting initial research on post-settlement conditions. The OVSES also includes links to Historic Topographic maps via Data Basin with an OVSES boundary overlay and a direct link to the Inyo County Water Department's online collection of 1931 Ritch maps showing classifications and City of Los Angeles ownership of lands in Owens Valley.

Public Outreach
A public outreach plan was included as a major component of the OVSES. Staff worked with local residents, landowners, land managers, environmental groups, and local Tribes to help define and refine important factors for the geospatial dataset. This input was critical to the OVSES development and the final

product benefited tremendously from the public outreach effort. The effort is described in Appendix E of the Exhibit.

Public Meetings
During the development of the OVSES, the County conducted a total of eight public workshops in the City of Bishop and the town of Lone Pine. These meetings were noticed through advertising, press releases, and email to ensure the widest possible range of public participation.

The workshops were designed for the public to receive detailed information about the study and participate in the planning process. Attendees were encouraged to sign-in and were furnished with comment cards and agendas. Each workshop consisted of a presentation describing the purpose of the study and the current status of the data gathering component. Supplemental information including maps, photographs, and Data Basin tutorials were also made available during each workshop. Presentations were followed by a question and answer session that allowed participants to provide their opinions and knowledge that greatly contributed to the development of the study. Oral comments were recorded during each session and integrated into the study to the maximum extent practicable. The OVSES benefited from an informed an engaged group of public participants and is a better product because of them.

Land Managers
Since approximately 98% of the land in Inyo County is managed/owned by a State or Federal agency, City of Los Angeles, and/or local Tribes, much of the area in the Owens Valley, is managed by an entity other than Inyo County. Publically held land area in the OVSES accounts for about 97% of the land, leaving approximately 3% of the land area as privately owned or unidentified. This management/ownership arrangement in Inyo County has the greatest influence on its land use patterns and makes cooperation with the other agencies on land use decisions critical. County staff invited representatives from: California State Lands Commission; Bureau of Land Management (BLM); Manzanar National Historic Site (MNHS); Death Valley National Park (DVNP); DWP; and the local Tribes to participate in the OVSES development. Each of these entities manages or owns land in or adjacent to the Owens Valley/Owens Lake. County staff was especially concerned with getting input from the DWP as it owns almost half of the land in the OVSES area.

LADWP
The City of Los Angeles owns the largest amount of land in the OVSES boundary, approximately 48%. Land use decisions for the DWP owned land are primarily influenced by DWP policies. Staff tried to involve DWP in the OVSES as much as possible and extended several invitations to multiple DWP representatives throughout the process. This included staff from the energy and water divisions.

Staff from the DWPs energy division, specifically renewable energy, informed county and consultant staff that in summer 2015 the DWP had enough renewable energy projects either already on-line or in the development phases to produce enough power to meet the State's Renewable Energy Portfolio Standard (RPS) goals (33%). With respect to the OVSES, this means that the Southern Owens Valley Solar Ranch (a 200-megawatt project proposed to be located east of the MNHS) is no longer needed to meet the then-needed RPS goals. DWP staff did acknowledge, however, that the State might raise the RPS to 50%, which in fact did occur in September 2015, and the Southern Owens Valley Solar Ranch might be considered again in the future.

DWP has also been working on a solar demonstration project on the Owens Lake. This project has the dual purpose of renewable energy production and as a dust mitigation measure. DWP staff gave county staff a

tour of the project in November 2015. It has recently been completed and currently is performing well with regard to energy production. The project is in its early phases, however, and whether it will continue or be expanded will not be known for several years.

Land owned and managed by the DWP in the Owens Valley has several land management plans associated with it. These include the Inyo County City of Los Angeles Long Term Water Agreement that includes vegetation management areas; the DWP Owens Valley Land Management Plan; the Lower Owens River Project; and, the Owens Lakebed Master Project. Mapable GIS data were available for the vegetation classification system in the Long Term Water Agreement and the Lower Owens River Project from the Inyo County Water Department. They are included on the Special Management Areas Map and the DWP Vegetation Management Areas Maps and are also available on the Data Basin OVSES portal. Staff was unable to obtain GIS data from the DWP regarding the Owens Valley Land Management Plan, Owens Lakebed Master Project, Southern Owens Valley Solar Ranch or other data/information regarding DWP owned property in the Owens Valley. The DWP's current land management plans are, however, available online for the public or potential applicants to review and are referenced in the OVSES.

Bureau of Land Management, Manzanar National Historic Site, Death Valley National Park
Staff from the BLM, MNHS and DVNP attended public meetings and provided comments. They were critical in defining the correct boundaries for their various agencies. MNHS staff also commented that the visual resources for the historic site were very important to visitors to provide a realistic feeling of the isolated experience of the internees. The Photo Point Map and accompanying photographs include views out from the MNHS.

Tribes
Staff worked closely with the five federally-recognized Tribes to develop a better understanding of what a cultural landscape means to the Tribes and where important cultural places are located so they could be added to the geospatial dataset, to the extent possible, without violating confidentially issues (please see above under cultural resources discussion). The lands owned and managed by the Tribes are also depicted on the Special Management Areas Map.

Product
The OVSES is a comprehensive set of data available publically through the Data Basin portal developed with the help of the public, local land management agencies and Tribes. It is a powerful tool that can be used by the County, other land management agencies, Tribes, developers and the general public for all types of land study projects. If resources are available in the future, the data within it can be kept up to date and added to as appropriate.

ENVIRONMENTAL REVIEW
Since the OVSES is a data collection and mapping display and not a plan or development proposal environmental review is not necessary.

ALTERNATIVES:
- Do NOT receive a presentation from staff or provide input.

OTHER AGENCY INVOLVEMENT:
Bishop Paiute; Big Pine Paiute of the Owens Valley; Fort Independence Indian Community of Paiute; Lone Pine Paiute Shoshone; and, the Timbisha Shoshone Tribe; Bureau of Land Management, Manzanar

National Historic Site, Death Valley National Park; California Energy Commission; and Los Angeles Department of Water and Power.

FINANCING:
The OVSES was prepared with funds from a grant awarded by the California Energy Commission.

APPROVALS	
COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS *(Must be reviewed and approved by county counsel prior to submission to the board clerk.)*
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS (M*ust be reviewed and approved by the auditor-controller prior to submission to the board clerk.)*
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS (Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)

Date: 2/23/16

- Exhibit: Draft Final OVSES

Owens Valley Solar Energy Study

DRAFT FINAL REPORT

February 2016

Prepared for:

Inyo County Planning Department

168 N. Edwards Street

Independence, CA 93526

Prepared by:

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OWENS VALLEY SOLAR ENERGY STUDY

DRAFT FINAL REPORT

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ACRONYMS AND ABBREVIATIONS

A	Agriculture (Land Use)
AB	Assembly Bill
ACE-II	Areas of Conservation Emphasis
ACEC	Areas of Critical Environmental Concern
amsl	Above Mean Seal Level
ARPA	Archaeological Resources Protection Act
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BP	Before Present
Caltrans	California Department of Transportation
CBD	Central Business District (Land Use)
CBI	Conservation Biology Institute
CDFA	California Department of Food and Agriculture
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CFGC	California Fish and Game Commission
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
County	Inyo County
CRHR	California Register for Historic Resources
CRPR	California Rare Plant Rank
CWA	Clean Water Act
CWHR	California Wildlife Habitat Relationship

DOD	Department of Defense
DRECP	Desert Renewable Energy Conservation Plan
FAA	Federal Aviation Administration
FESA	Federal Endangered Species Act
FLPMA	Federal Land Policy and Management Act
FP	Fully Protected
GAP	California Gap Analysis Project
GI	General Industry (Land Use)
GIS	Geographic Information System
GPS	Global Positioning System
HC	Heavy Commercial (Land Use)
HCP	Habitat Conservation Plan
IBA	Important Bird Area
LADWP	Los Angeles Department of Water and Power
LI	Light Industry (Land Use)
LORP	Lower Owens River Project
LTWA	Long Term Water Agreement
MBTA	Migratory Bird Treaty Act
MCV	Manual of California Vegetation
MOU	Memorandum of Understanding
NAGPRA	Native America Graves Protection and Repatriation Act
NAHC	Native American Heritage Commission
NAIP	National Agriculture Imagery Program
NCCP	Natural Community Conservation Plan
NDVI	Normalized Difference Vegetation Index

NEPA	National Environmental Policy Act
NHD	National Hydrology Dataset
NHS	National Historic Site
NPS	National Park Service
NR	Natural Resources (Land Use)
NRHP	National Register of Historic Places
NRCS	Natural Resources Conservation Service
OHP	California Office of Historic Preservation
OHWM	Ordinary High Water Mark
OLDMP	Owens Lake Dust Mitigation Plan
OLHMP	Owens Lake Habitat Management Plan
OSR	Open Space and Recreation
OVLMP	Owens Valley Land Management Plan
OVSA	Owens Valley Study Area
OVSES	Owens Valley Solar Energy Study
PEIR	Programmatic Environmental Impact Report
PF	Public Service Facilities (Land Use)
PRC	Public Resources Code
PV	Photovoltaic (cells)
RC	Retail Commercial (Land Use)
RE	Residential Estate (Land Use)
REGPA	Renewable Energy General Plan Amendment
REPG	Renewable Energy Planning Grant
RH	Residential High Density (Land Use)
RL	Residential Low Density (Land Use)
RM	Residential Medium Density (Land Use)
RMH	Residential Medium-High Density (Land Use)
RP	Rural Protection (Land Use)

RR	Residential Ranch (Land Use)
RRH	Residential Rural High Density (Land Use)
RRM	Residential Rural Medium Density (Land Use)
RVL	Residential Very Low Density (Land Use)
RWI	Rarity-Weighted Richness Index
RWQCB	Regional Water Quality Control Board
SAA	Streambed Alteration Agreement
SCE	Southern California Edison
SEDA	Solar Energy Development Area
SFL	State and Federal Land (Land Use)
SHPO	State Historic Preservation Office
SLC	California State Lands Commission
SR	State Route
SSC	Species of Concern
TCP	Traditional Cultural Property
TL	Tribal Lands (Land Use)
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Agency
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VRM	Visual Resource Management
WBD	Watershed Boundary Dataset
WL	Watch List
WSA	Wilderness Study Area

Owens Valley Solar Energy Study Report

1 STUDY DESCRIPTION

1.1 BACKGROUND AND PURPOSE OF THE STUDY

In March of 2015, Inyo County (County) approved the Renewable Energy General Plan Amendment (REGPA) as part of a Program Environmental Impact Report (PEIR) prepared in accordance with the California Environmental Quality Act (CEQA). The intent of the REGPA is to regulate solar energy development in Inyo County by focusing potential development in identified Solar Energy Development Areas (SEDA) and capping energy production levels and associated acreage footprints of individual solar energy projects.

Although the PEIR analyzed the potential impacts of solar energy development within the SEDAs, an area identified in the REGPA as the Owens Valley Study Area (OVSA) was not analyzed to the same extent as the SEDAs and required further analysis separate from the REGPA. The OVSA and all SEDAs are described in the REGPA (HELIX 2015). The PEIR states that potential solar projects in the OVSA would be subject to "a subsequent planning process, separate from the REGPA, which will identify a set of criteria for identifying and mapping areas appropriate within the OVSA for solar energy development." As indicated above, limitations on the size of projects (megawatt caps) and acreage caps pertaining to the OVSA were included in the REGPA.

Following the approval of the REGPA, the County received a Renewable Energy Planning Grant (REPG) from the California Energy Commission (CEC) to conduct follow-on work to the REGPA with a specific focus within Owens Valley and Owens Lake. The study area for this REPG is defined as the OVSA, the Laws SEDA, and the Owens Lake SEDA as described in the REGPA, and is hereafter referred to as the Owens Valley Solar Energy Study (OVSES). The purpose of the present study is to provide Inyo County and the public with a more detailed understanding of biological, cultural, and visual resources within the OVSES in order to support the subsequent planning process mandated in the REGPA. This study is not intended to serve as a planning process itself, or to provide project-level analysis of potential impacts to resources in the OVSES.

1.2 PURPOSE OF THE REPORT

This data-gathering report funded by the REPG is the result of a data collection and mapping exercise that builds on existing datasets available through public resources. This study provides data on areas not analyzed under previous planning efforts, and finer-scale and more extensive analysis of areas that have been analyzed. These data have been customized and formatted specially for Inyo County and the Owens Valley and are available to the public through a single, easy to use platform.

Studies conducted in support of this data-gathering effort funded by the REPG included collation of existing datasets regarding resources in the OVSES, acquisition of additional data for portions of the OVSES not currently included in existing datasets through field surveys, Geographic Information Systems (GIS) analysis, and public outreach tasks. Resources analyzed under this planning grant include biological resources, cultural resources and visual resources, and are discussed individually as appendices to this report. Additional appendices provide detailed information on land use in the OVSES and on the public outreach process included in this study. The primary product of this effort is the assembly of a comprehensive database and a set of interactive mapping tools made available to the

public on the Data Basin website (http://databasin.org; Data Basin is described in detail in Chapter 4 of this report). The purpose of this report is to assist users in the interpretation of information provided in the interactive resources available in Data Basin and to satisfy the final reporting requirements for Task Nos. 2 and 3 of the CEC grant.

2 ORGANIZATION OF THE REPORT

This report provides a description of the location and setting of the OVSES, land ownership within the OVSES, a detailed description of Data Basin, and summaries of the data available on interactive maps on Data Basin. Detailed explanations of data-gathering methods, discussions of the resources in the OVSES, and information to assist in interpreting the data available on Data Basin are provided in appendices to this report. This section includes a brief description of each appendix. Information on the OVSES, Data Basin, and summaries of available data are presented in the following chapters:

- 3.0, Study Location and Setting
- 4.0, Data Basin
- 5.0, Summary of Available Datasets

2.1 APPENDIX A – BIOLOGICAL RESOURCES

Appendix A contains a detailed description of the methods used to compile the biological resources data provided in Data Basin and also provides information on biological resources in the study area including natural communities and regionally-occurring special-status species, as well as the regulatory framework and biological resources recommendations. A primary dataset was created for land cover types in the OVSES using existing data as well as newly-collected data. Land cover types are presented in the classification system used in the Desert Renewable Energy Conservation Plan (DRECP), and in the classification system used in existing land cover data for lands owned by the City of Los Angeles. The appendix includes a detailed description of each land cover type mapped in the OVSES to aid users in interpreting the land cover data, as well as summaries of regionally-occurring special-status species with potential to occur in the OVSES.

2.2 APPENDIX B – CULTURAL RESOURCES

Appendix B provides an overview of the Native American cultural and other historical resources of the OVSES. Brief summaries of the ethnography and post-contact histories of the region are provided, along with narratives and maps regarding the Native American cultural landscape provided by individual tribes. The appendix also includes a summary of federal and state regulations regarding the protection of cultural resources.

2.3 APPENDIX C – VISUAL RESOURCES

Appendix C provides users with detailed discussions of the visual resources of the OVSES and how visual resources are typically analyzed, the regulatory framework, and visual resources recommendations. The primary product of the visual resources study is the Photographic Catalogue available on Data Basin, which depicts the visual environment of the OVSES from 82 key observation points. Appendix C

provides background information to assist in the interpretation of the Photographic Catalogue and visual resources analysis in general.

2.4 APPENDIX D – LAND USE

Appendix D contains a detailed description of current land use in the OVSES, including public and private management entities, plans, policies, and areas that are managed for preservation of certain values (special-status management areas). While not in itself a resource, land use often affects the biological, cultural, and visual resources value of a site, and management plans and policies often reflect the sensitivity of resources in a site. Therefore, land use information is provided to inform the planning process. Information in the appendix is intended to assist users in the interpretation of land use data available in Data Basin.

2.5 APPENDIX E – PUBLIC OUTREACH

Appendix E provides a summary of the public outreach component of the present study. Public workshops and tribal coordination meetings were held throughout 2015 and public comment was incorporated into the data collection process. This appendix includes materials used in the public workshops as well as individual comments that have been received.

3 STUDY LOCATION AND SETTING

3.1 STUDY LOCATION

The OVSES is located in Owens Valley, on the east side of the Sierra Nevada, in western Inyo County, California (Figure 1). The OVSES encompasses approximately 458,852 acres of Owens Valley from the Mono/Inyo County line to the southern edge of Owens Lake. It consists of the area between the boundaries of Inyo National Forest lands on the east and west. The exceptions are in the northwest, where the boundary roughly corresponds to Pleasant Valley Dam and the Tungsten Hills, and the southeast where the boundary roughly follows the base of the Inyo Mountains, with the eastern-most point at the intersection of Highways 136 and 190. The southern edge of the OVSES corresponds to the northern limit of the Olancha Dunes immediately east of Olancha.

3.2 STUDY SETTING

The OVSES consists mostly of the floor of Owens Valley, but includes portions of the Volcanic Tableland, Chalfant Valley, and Fish Slough, as well as Crater Mountain, the Alabama Hills, and the lower alluvial fans of the White, Inyo, and Sierra Nevada Mountains. The elevation in most of the OVSES ranges from 3,550 feet above mean sea level (amsl) at Owens Lake to approximately 4,500 feet amsl near the Tungsten Hills; however, the elevation increases very rapidly at the margins of the OVSES in the Volcanic Tableland and the lower slopes of the surrounding mountains, and the highest points in the OVSES are 6,130 feet amsl at Crater Mountain and approximately 6,200 feet amsl west of the Alabama Hills. The climate in the OVSES is arid, with a high ranging from 50-65 degrees in the winter to 90-100 degrees in the summer (NOAA 2016).

3.3 LAND OWNERSHIP

Inyo County consists of vast areas of undeveloped public lands that are managed for a variety of uses, including extensive wilderness. Land ownership is primarily public and jurisdiction within the County is largely federal, with the State of California and the Los Angeles Department of Water and Power (LADWP) constituting the next two largest land managers. Land under the jurisdiction of Inyo County and reservation land under jurisdiction of local tribes constitutes the remaining percentages of land ownership in the County. The majority of the County's population is located on the west side of the County, in small communities situated along US-395.

Federal agencies that manage land within Inyo County include the National Park Service (NPS), the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), the Department of Defense (DOD), and the Bureau of Indian Affairs (BIA). Areas included in federal jurisdiction are: Death Valley National Park, Manzanar National Historic Site, Inyo National Forest, and China Lake Naval Air Weapons Station. The BLM has jurisdiction of approximately 27 percent of the County, including areas for grazing allotment and Areas of Critical Environmental Concern (ACEC). Tribal reservations/lands within the BIA areas include those belonging to the Bishop Paiute Tribe, Big Pine Paiute Tribe of the Owens Valley, Fort Independence Indian Community of Paiutes, Lone Pine Paiute Shoshone Reservation, and Timbisha Shoshone Tribe. Most of the land in the OVSES is owned by either the LADWP or the BLM. Additionally, the City of Bishop and the towns of Big Pine, Independence, Lone Pine, Olancha, Keeler, and Laws are located within the OVSES.

4 DATA BASIN

Data Basin is a science-based mapping and analysis platform that supports learning, research, and sustainable environmental stewardship. Data Basin provides easy access to thousands of conservation datasets using powerful geographic mapping and search tools. Funded through the CEC, the Desert Renewable Energy Conservation Plan (DRECP) developed an online database (named "DRECP Gateway") on Data Basin to support the final development of the DRECP, allowing for public access and engagement. Data collected for the REPG are concurrently located on Data Basin with the DRECP data and are available for the public to view and download. These data have been designed to integrate various datasets including the DRECP, where users are able to view and analyze multiple datasets of their choice. The most recent OVSES data may be accessed at http://databasin.org by entering "Owens Valley Solar Energy Study (OVSES)" in the search field located in the top right of the page. The OVSES Gallery is organized by folders that contain both individual datasets and custom maps. The Gallery has been designed to correlate to a specific section described in each technical appendix.

Datasets are spatial information that have been created using a geographic information system (GIS) and can be stylized, analyzed, and downloaded. Maps are a series of overlays that can include datasets, as well as drawings and basemaps, to allow the user to see the spatial relationship between various types of data. All datasets available in Data Basin are "geospatial"; meaning that the information contained in them is explicitly located in space and can be displayed on a map that depicts a real geographic area. Many datasets provided for this study have been reduced (clipped) to the geographic area covered by the OVSES. The Basemaps gallery contains all the available base layers on which geospatial data can be displayed (overlayed). Base layers include satellite imagery, road maps, shaded topographic maps, U.S. Geological Survey topographic maps, etc. Geospatial data are overlayed on base

layers as additional layers. By default, layers are opaque and obscure all layers beneath them (overlayed previously); data in an underlying layer can be made visible by either: (1) turning off (making invisible) the overlying layer, (2) changing the order of layers to bring the underlying layer to the top, or (3) changing the opacity of the overlying layer to make both layers visible simultaneously. The Data Basin interface includes tools for managing layers that allow users to do all of these things. Within the clipped extent of the data, a dataset can be scaled (zoomed) or panned (shifted) to depict the desired geographic area and/or detail. Users can also create new layers that contain polygons or notes created by the user with tools provided in the Data Basin interface. A user-generated combination of basemap and additional layers, zoomed or panned to a desired extent, comprises a "map" that can be saved, downloaded, or printed from Data Basin.

Each dataset or map can be opened directly in Data Basin and further explored or analyzed by using any of the tools located on the top bar. From the tool bar you can Save Map, Export, Enable Pan, Zoom, Locate, Identify, Measure, Select and Analyze. For example, you can use the Locate tool to search for "Independence, CA" and the map will automatically center on that location. You can use the Pan or Zoom tools to further customize your location search. Use the Identify tool to click on the map and display an information window for all layers at that location. For example, if you were exploring the Land Cover dataset, you could click on any of the colored polygons and the information window would bring up the record of that polygon. By clicking on the record, you are able to view all the attributes for that polygon. If you have more than one layer on, it will give you the option to show you records for every identified layer.

Maps and data layers can be further customized using the interactive tools located in the upper left corner of the map, activated by clicking the tab called "Layers." The Drawing tool allows you to draw a polygon and add it to your map. The Datasets tool allows you add new datasets or customize the display of one already added. You can add new items by clicking the "add datasets" link and either search or browse throughout all datasets on Data Basin. To refine the search, click the search tab and enter "Owens Valley Solar Energy Study (OVSES)". You can navigate to the OVSES Gallery and click the "view contents" to access all of the OVSES datasets. You can add one or more datasets to your existing map by clicking on the dataset and then clicking the "add items" button on the bottom of the page. Datasets can be re-ordered by clicking on the layer in the dataset pane and dragging it up or down. Each dataset can be further customized by clicking the open button to the right of the layer. The drop down menu allows you to view the layers details, zoom to the extent of the layer, change the transparency levels, adjust the style and color, or remove the layer. The Basemap tool allows you to select a different basemap for your map.

Information available on Data Basin also includes things not designated as datasets. These include stand-alone maps, and documents. Stand-alone maps are graphics, usually in Adobe PDF format, that are not geospatial and cannot be modified. Stand-alone maps have a fixed spatial area and fixed content. Documents include this report and its appendices, narratives, planning documents, etc. Documents are provided on Data Basin mostly to aid in the interpretation of the available geospatial data, or to provide users with a reference for regulations and policies pertaining to the OVSES.

To get the most out of using Data Basin, it is recommended that you sign up for a free membership account. Once you become a member, you can download or upload data, save custom maps and connect to a number of networks and scientifically-credible datasets. Data collected directly for the REPG as well as other supporting data related to the REPG currently exist within the OVSES Gallery. All

data have been procured from publicly available resources and have been credited with the appropriate source. It is not the intent of this effort to assume responsibility for the accuracy of data provided by other sources but rather provide a single platform for the public to access existing datasets. Any questions, concerns or discrepancies with an individual data layer should be directed to the cited data provider (source).

5 SUMMARY OF AVAILABLE DATASETS

The following sections summarize the data available in Data Basin for each resource category.

5.1 BIOLOGICAL RESOURCES

The following biological resources datasets are available for viewing on interactive maps in Data Basin. Each dataset is described in detail in **Appendix A**.

OVSES - Land Cover and Vegetation Communities
Source: Inyo County, HELIX Environmental Planning, Inc.
Date: 2015
Data Basin link: http://databasin.org/maps/d00572febab848ad950fc7662bcd2a4e

Normalized Difference Vegetation Index (NDVI) using Color Infrared of the Owens Valley
Source: HELIX Environmental Planning, Inc.
Date: 2015
Data Basin link: http://databasin.org/datasets/0ee0a31076ef4678873bcf637955302a

California Land Cover Based on CNDDB
Source: UC Santa Barbara Department of Geography, Conservation Biology Institute
Date: *unknown*
Data Basin link: http://databasin.org/datasets/fa92a250f41343b080b8cadaea9107f3

DRECP - Land Cover and Vegetation Communities
Source: Desert Renewable Energy Conservation Plan
Date: 2013
Data Basin link: http://databasin.org/datasets/0a419342ec904b3c8fc710003f52ebe0

Modeled Species Distribution
Source: UC Santa Barbara Biogeography Lab
Date: 2013
Data Basin link: http://databasin.org/datasets/f22aef044efb4bf79b1b626e84a0a0de

Yellow-billed Cuckoo – Species Distribution Model
Source: Conservation Biology Institute
Date: 2013
Data Basin link: http://databasin.org/datasets/bf3fb8c3af5343ba96117368a27ccb5e

Swainson 's hawk – Species Distribution Model

Source: Conservation Biology Institute
Date: 2013
Data Basin link: http://databasin.org/datasets/addeef3693ef43328697572f663ef587

Owens Valley Checkerbloom – Species Distribution Model
Source: Conservation Biology Institute
Date: 2013
Data Basin link: http://databasin.org/datasets/99396a3bf18b4ba8a0f630678095688b

Important Bird Areas of Inyo County California
Source: Audubon California
Date: 2015
Data Basin link: http://databasin.org/datasets/994e392088994bcd83a13cc20885aac6

Essential Connectivity Areas of Inyo County California
Source: CA Department of Fish and Wildlife
Date: 2010
Data Basin link: http://databasin.org/datasets/084d0f64a4af4ab3b9b212918d14d533

General Natural Landscape Blocks of Inyo County California
Source: CA Department of Fish and Wildlife
Date: 2010
Data Basin link: http://databasin.org/datasets/e312179dd63f49819d83d98b0f822585

Missing Linkages in California's Landscape [ds420]
Source: SC Wildlands, CA Department of Fish and Wildlife
Date: 2001
Data Basin link: http://databasin.org/datasets/f6cdf4c181114723b4a4448e71bfd355

Habitat Connectivity and Wildlife Corridors
Source: CA Department of Fish and Wildlife
Date: *various*
Data Basin link: http://databasin.org/maps/859341d86a1d4df3bdeb96201da426ac

Bird Species of Special Concern [ds463]
Source: CA Department of Fish and Wildlife
Date: 2008
Data Basin link: http://databasin.org/datasets/a6ae3af248c847b8aec6d3606ad12581

Bird Species ranges (letters A-La), California, USA
Source: CA Department of Fish and Wildlife
Date: 2014
Data Basin link: http://databasin.org/datasets/5b72a3ef0c9b4499b631b34e4f125608

Bird Species ranges (letters La- T), California, USA
Source: CA Department of Fish and Wildlife
Date: 2014

Data Basin link: http://databasin.org/datasets/6752915e2ca94a01badcf2cd6cc127bd

Areas of Conservation Emphasis (ACE-II)
Source: CA Department of Fish and Wildlife
Date: 2015
Data Basin link: http://databasin.org/maps/1237aa1907c74fb48334776ee3099137

Soils of the Owens Valley
Source: US Department of Agriculture, Natural Resources Conservation Service
Date: 2002
Data Basin link: http://databasin.org/maps/f321925543224e0d8efc67b15ee41946

USGS TNM National Hydrography Dataset
Source: US Geological Survey – National Geospatial Program
Date: 1950-Present
Data Basin link: http://databasin.org/maps/cda8eb76509b4660b0fa55b0e0ef6d4a

5.2 CULTURAL RESOURCES

The following cultural resources datasets are available for viewing on interactive maps in Data Basin. Each dataset is described in detail in **Appendix B**.

Pre-Contact Tribal Territories
Source: Californian Indian Library Collections (digitized by Helix Environmental Planning)
Date: 2015
Data Basin Link: http://databasin.org/maps/42c917a21ba943e7a31b38ac0461f557

Ethnography of the Owens Valley Paiute
Source: Julian H. Steward "Ethnographical Map of the Owens Valley"
Date: 1933
Data Basin Link:
http://databasin.org/uploads/documents/51ec14e884804638884f6e81a574a320/download/

Source: Julian H. Steward "Paiute Subdivisions and Boundaries"
Date: 1933
Data Basin Link:
http://databasin.org/uploads/documents/e443020c864f4ae2af02ee4e431bc8c4/download/

Big Pine Areas of Cultural Significance
Source: The Big Pine Paiute
Date: 2015
Data Basin Link:
http://databasin.org/uploads/documents/d1a7c6798ad64e6fa3ab6be167ab4687/download/

Lone Pine Areas of Cultural Significance
Source: Lone Pine Paiute-Shoshone Tribes
Date: 2015
Data Basin Link:
http://databasin.org/uploads/documents/6c56cd1348c840b58abeebf84ec5e010/download/

Fort Independence Indian Community of Paiutes Areas of Cultural Significance
Source: Lone Pine Paiute-Shoshone Tribes
Date: 2015
Data Basin Link:
http://databasin.org/uploads/documents/0ae9e37f941044c791418b5f10748d5e/download/

Timbisha-Shoshone Tribe Areas of Cultural Significance
Source: Timbisha-Shoshone Tribe
Date: 2015
Data Basin Link:
http://databasin.org/uploads/documents/5a278e2acfe4475e92d1f4f37864a18d/download/

U.S. Geological Survey Topographic Maps
Source: U.S. Geological Survey
Date: various
Data Basin Links:

- Waucoba Mtn Historic Topographic Map (http://databasin.org/maps/0053ea89c5f64a44bd75c0af4aaf59c6)
- Ballarat Historic Topographic Map (http://databasin.org/maps/52aaa95d9ea94534a19393a2e6a71c5c)
- Mt Whitney Historic Topographic Map (http://databasin.org/maps/80367b450c614eb89c55beca1c3b1b65)
- Big Pine Historic Topographic Map (http://databasin.org/maps/d5929c7781244dd18638a860e33f088c)
- Independence Historic Topographic Map (http://databasin.org/maps/31a4a73a01154e0daae3b8897a7423cc)
- Bishop Historic Topographic Map (http://databasin.org/maps/4938b06329a24da38a9f14130518c5da)

Ritch Maps
Source: Inyo County Water Department
Date: 1931
Link: http://www.inyowater.org/maps-data/historic-maps/maps/

5.3 VISUAL RESOURCES

The following visual resources datasets are available for viewing on interactive maps on Data Basin. Each dataset is described in detail in **Appendix C**.

Key View Locations
Source: HELIX Environmental Planning, Inc.
Date: 2015
Data Basin links:

- Map: http://databasin.org/maps/556c7d15c53c43fa9cd3d62572b8a33d
- KMZ(Google Earth file): http://databasin.org/uploads/documents/95321ba128934c6aa6533c0d585bff8f/download/

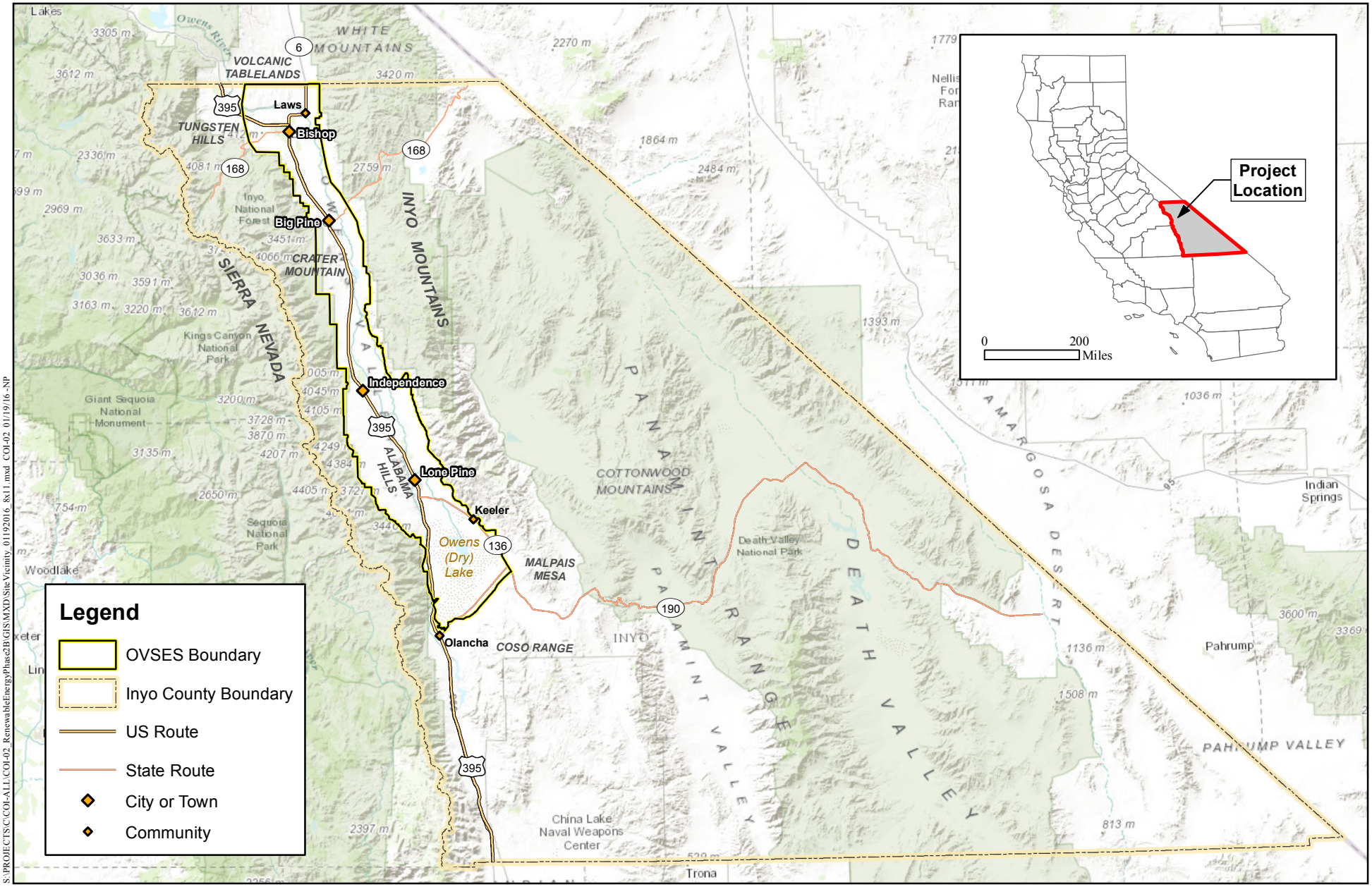
Scenic Highways
Source: CA Department of Transportation (Caltrans)
Date: 2014
Data Basin link: http://databasin.org/maps/a2ab217801d149b48bfb69cde9fd8101

5.4 LAND USE

The following land use datasets are available for viewing on interactive maps on Data Basin. Each dataset is described in detail in **Appendix D**.

Managed Lands in the OVSES
Source: Inyo County, Bureau of Land Management, California State Office, HELIX Environmental Planning, Inc.
Date: 2015
Data Basin link: http://databasin.org/maps/23b1b3f9f1a14d0d9f19e69347b4976f

Special-Status Management Areas
Source: Bureau of Land Management, CA Department of Fish and Wildlife, Conservation Biology Institute
Date: 2010-2015
Data Basin link: http://databasin.org/maps/f8d81befe2dd4d498fa778c3a07dfe19



S:\PROJECTS\C\COI-ALL\COI-02_RenewableEnergyPhase2B\GIS\MXD\SiteVicinity_01192016_8x11.mxd COI-02 01/19/16 -NP

Project Site and Vicinity

OWENS VALLEY SOLAR ENERGY STUDY

HELIX Environmental Planning

Figure 1

Appendix A

Biological Resources

1 INTRODUCTION

Information in this appendix is intended to support the interactive online biological resources data available on Data Basin. Detailed descriptions of the OVSES and Data Basin, as well as the underlying methodology of the overall REGP data-gathering report are provided in the OVSES Report. This biological resources appendix provides a summary of the biological resources regulatory framework, descriptions of biological data-gathering methods, background/supplemental information regarding biological resources data provided in Data Basin, notes on the intended uses and interpretation of those data, and recommendations. This information is provided in the following chapters:

- 2.0, Regulatory Framework
- 3.0, Biological Resources Field Survey
- 4.0, Biological Resources Database Survey
- 5.0, Special-status Species Potential in the OVSES
- 6.0, Natural Communities and Land Covers Depicted on the Vegetation Map
- 7.0, Special-status Species Occurrence Summaries
- 8.0, Biological Resources Recommendations

2 REGULATORY FRAMEWORK

Biological resources in the OVSES are protected by a number of statutes administered by regulatory agencies. This section reiterates some information from the Renewable Energy General Plan Amendment (REGPA) Program Environmental Impact Report. It is provided here for the reader's convenience and to minimize the need for additional review, and also has been supplemented/refined for this document.

2.1 FEDERAL REGULATIONS

2.1.1 Federal Endangered Species Act

The USFWS enforces the provisions stipulated within the Federal Endangered Species Act of 1973 (FESA, 16 USC Section 1531 *et seq*.). Species identified as federally threatened or endangered (50 CFR Section 17.11, and 17.12) are protected from take, defined as direct or indirect harm, unless a Section 10 permit is granted to an entity other than a federal agency or a Biological Opinion with incidental take provisions is rendered to a federal lead agency via a Section 7 consultation. Pursuant to the requirements of FESA, an agency reviewing a proposed project within its jurisdiction must determine whether any federally-listed species may be present in the study area and determine whether the proposed project will have a potentially significant impact upon such species. Under FESA, habitat loss is considered to be an impact to a species. In addition, the USFWS is required to determine whether the project is likely to jeopardize the continued existence of any species that is proposed for listing under FESA or to result in the destruction or adverse modification of critical habitat proposed to be designated for such species (16 USC 1536[3], [4]). Other federal agencies designate species of concern (species that have the potential

to become listed), which are evaluated during environmental review although they are not otherwise protected under FESA.

2.1.2 Executive Order 13186: Migratory Bird Treaty Act

Under the Migratory Bird Treaty Act of 1918 (MBTA; 16 USC Subsection 703-712), migratory bird species and their nests and eggs are protected from injury or death; these species are listed on the federal list (50 CFR Section 10.13). Project related disturbances must be reduced or eliminated during the nesting cycle.

2.1.3 Clean Water Act (33 U.S.C. 1251-1376)

Any person, firm, or agency planning to alter or work in "waters of the U.S.", including the discharge of dredged or fill material, must first obtain authorization from the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (CWA; 33 USC 1344). Permits, licenses, variances, or similar authorization may also be required by other federal, state, and local statutes. Section 10 of the Rivers and Harbors Act of 1899 prohibits the obstruction or alteration of navigable waters of the U.S. without a permit from USACE (33 USC 403).

Waters of the U.S. are defined as: all waters used in interstate or foreign commerce; all interstate waters including interstate wetlands; all other waters such as intrastate lakes, rivers, streams (including intermittent and ephemeral streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes or natural ponds, where the use, degradation, or destruction of which could affect interstate commerce; impoundments of these waters; tributaries of these waters; or wetlands adjacent to these waters (33 CFR Part 328). With non-tidal waters, in the absence of adjacent wetlands, the extent of USACE jurisdiction extends to the Ordinary High Water Mark – the line on the shore established by fluctuations of water and indicated by a clear, natural line impressed on the bank, shelving, changes in soil character, destruction of terrestrial vegetation, or the presence of litter and debris. Wetlands are defined in 33 CFR Part 328 as:

> …those areas that are inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

The CWA provides guidance for the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters.

Section 401 requires that an applicant for a federal license or permit that allows activities resulting in a discharge to waters of the U.S. must obtain a state certification that the discharge complies with other provisions of CWA. The Regional Water Quality Control Board (RWQCB) administers the certification program in California, and may require State Water Quality Certification before other permits are issued.

Section 402 establishes a permitting system for the discharge of any pollutant (except dredge or fill material) into waters of the U.S.

Section 404 establishes a permit program, administered by USACE, regulating the discharge of dredged or fill material into waters of the U.S. (including wetlands). Implementing regulations by USACE are found at 33 CFR Parts 320-330. Guidelines for implementation are referred to as the Section 404 (b)(1) Guidelines and were developed by the U.S. Environmental Protection Agency in conjunction with USACE (40 CFR Parts 230). The guidelines allow the discharge of dredged or fill material into the aquatic system only if there is no practicable alternative that would have less adverse impacts.

2.1.4 Other Federal Agency Regulations

Federal land management agencies that administer lands in the OVSES, including the BLM and USFS, have regulations protecting sensitive species and habitats. Both BLM and USFS maintain lists of sensitive species, which are included in the discussion of sensitive species with potential to occur in the OVSES in Chapter 5. Agencies also designate certain areas as special-status for management purposes. Such areas in and adjacent to the OVSES are discussed in detail the in OVSES Report Appendix D – *Land Use*, and are depicted on interactive maps in Data Basin.

2.2 STATE REGULATIONS

2.2.1 California Endangered Species Act

The California Endangered Species Act (CESA) (California Fish and Game Code Sections 2050 to 2097) is similar to the FESA. The California Fish and Game Commission (CFGC) is responsible for maintaining lists of threatened and endangered species under the CESA. CESA prohibits the take of listed and candidate (petitioned to be listed) species. “Take” under California law means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill (California Fish and Game Code, Section 86). Under CESA, state agencies are required to consult with the CDFW. Consultation ensures that proposed projects or actions do not have a negative effect on state-listed species. During consultation, CDFW determines whether take would occur and identifies “reasonable and prudent alternatives” for the project and conservation of special-status species. CDFW can authorize take of a state-listed species if an incidental take permit is issued by the Secretary of the Interior or Commerce in compliance with FESA, or if the director of CDFW issues a permit under Section 2080 in those cases where it is demonstrated that the impacts are minimized and mitigated. A CESA permit must be obtained if a project will result in the take of listed species, either during construction or over the life of the project. For species listed under both FESA and CESA requiring a Biological Opinion under Section 7 of the FESA, CDFW may also authorize impacts to CESA species by issuing a Consistency Determination under Section 2080.1 of the Fish and Game Code.

2.2.2 Fully Protected Species under the California Fish and Game Code

Protection of Fully Protected Species is described in four sections of the Fish and Game Code that lists 37 Fully Protected Species (Fish and Game Code Sections 3511, 4700, 5050, and 5515). These statutes prohibit take or possession of Fully Protected species at any time. CDFW is unable to authorize incidental take of Fully Protected Species when activities are proposed in areas inhabited by these species. CDFW has informed non-Federal agencies and private parties that they must avoid take of any Fully Protected Species in carrying out projects. However, the recently signed Senate Bill 618 allows the CDFW to issue permits authorizing the incidental take of fully protected species under the CESA, so long as any take authorization is issued in conjunction with the approval of a Natural Community Conservation Plan (NCCP) that covers the fully protected species.

2.2.3 California Environmental Quality Act

The CEQA of 1970 (Subsections 21000-21178) requires that CDFW be consulted during the CEQA review process regarding impacts of proposed projects on rare or endangered species. These “special-status” species are defined under CEQA Guidelines subsection 15380(b) and (d) as those listed under FESA and CESA, and species that are not currently protected by statute or regulation, but would be considered rare, threatened, or endangered under these criteria, or by the scientific community. Therefore, species that are considered rare or endangered are addressed in this study regardless of whether they are afforded protection through any other statute or regulation. The CNPS inventories the native flora of California and ranks species according to rarity; plants ranked as 1A, 1B, 2A, and 2B are considered special-status species under CEQA.

Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines Section 15380(d) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if it can be shown to meet certain specified criteria. These criteria have been modeled after the definition in FESA and the section of the California Fish and Game Code dealing with rare or endangered plants and animals. Section 15380(d) allows a public agency to undertake a review to determine if a significant effect on species that have not yet been listed by either the USFWS or CDFW (i.e., candidate species) would occur. Thus CEQA provides an agency with the ability to protect a species from the potential impacts of a project until the respective government agency has an opportunity to designate the species as protected, if warranted.

2.2.4 California Native Plant Protection Act

The California Native Plant Protection Act of 1977 (CFG Code Section 1900-1913) requires all state agencies to use their authority to carry out programs to conserve endangered and otherwise rare species of native plants. Provisions of the act prohibit the taking of listed plants from the wild and require the project proponent to notify CDFW at least 10 days in advance of any change in land use, which allows CDFW to salvage listed plants that would otherwise be destroyed.

2.2.5 Nesting Birds

California Fish and Game Code Subsections 3503 and 3800 prohibit the possession, incidental take, or needless destruction of birds, their nests, and eggs. California Fish and Game Code Subsection 3503.5 protects all birds in the orders of Falconiformes and Strigiformes (birds of prey). California Fish and Game Code Section 3511 lists birds that are "fully protected" are those that may not be taken or possessed except under specific permit.

2.2.6 California Food and Agriculture Code Section 403

This section directs the California Department of Food and Agriculture (CDFA) to prevent the introduction and spread of injurious pests including noxious weeds.

CDFA Code Section 7271 designates the CDFA as the lead department in noxious weed management responsible for implementing state laws concerning noxious weeds. Representing a statewide program, noxious weed management laws and regulations are enforced locally in cooperation with the County Agricultural Commissioner.

Under state law, noxious weeds include any species of plant that is, or is liable to be, troublesome, aggressive, intrusive, detrimental, or destructive to agriculture, silviculture, or important native species, and difficult to control or eradicate, which the director, by regulation, designates to be a noxious weed (CDFA Code Section 5004).

2.2.7 Porter-Cologne Act

The term "waters of the state" is defined by the Porter-Cologne Act as "any surface water or groundwater, including saline waters, within the boundaries of the state." RWQCB protects all waters in its regulatory scope, but has special responsibility for wetlands, riparian areas, and headwaters. RWQCB jurisdiction includes "isolated" wetlands and waters that may not be regulated by the USACE under Section 404. "Waters of the state" are regulated by the RWQCB under the State Water Quality Certification Program, which regulates discharges of fill and dredged material under Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act. Projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the state, are required to comply with the terms of the State Water Quality Certification determination. If a proposed project does not require a federal permit, but does involve dredge or fill activities that may result in a discharge to waters of the state, the RWQCB has the option to regulate the dredge and fill activities under its state authority in the form of Waste Discharge Requirements or Certification of Waste Discharge Requirements.

2.2.8 California Fish and Game Code Section 1602 – Lake and Streambed Alteration Program

Diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that supports wildlife resources are subject to regulation by CDFW, pursuant to Section 1600 of the California Fish and Game Code. The regulatory definition of a stream is a body of water that

flows at least periodically or intermittently through a bed or channel having banks and supports wildlife, fish, or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation. CDFW's jurisdiction within altered or artificial waterways is based on the value of those waterways to fish and wildlife.

The CDFW requires notification prior to commencement, and possibly a Streambed Alteration Agreement (SAA) pursuant to California Fish and Game Code Subsection 1601-1603, 5650F, if a proposed project will result in the alteration or degradation of a stream, river, or lake in California.

2.3 LOCAL REGULATIONS

2.3.1 County of Inyo General Plan

The Inyo County General Plan includes goals and policies for the protection of biological resources in Inyo County. These goals are policies are:

Goal BIO-1: Maintain and enhance biological diversity and healthy ecosystems throughout the County

- The County shall review development proposals to determine impacts to sensitive natural communities and special-status species, and require appropriate mitigation measures if necessary
- Preserve and protect important riparian areas and wetlands
- Encourage the restoration of degraded biological communities
- Discourage development in Environmental Resource Areas
- Direct development away from areas containing sensitive natural communities or special-status species
- Preserve and protect existing wildlife corridors
- Avoid activities that will promote the spread of noxious weeds
- Work with LADWP and regulatory agencies on the Lower Owens River Project

Goal BIO-2: Provide a balanced approach to resource protection and recreational use of the natural environment

- Work with other government land management agencies to preserve and protect biological resources while maintaining the ability to utilize and enjoy the natural resources in the County
- Encourage appropriate access to resource-managed lands
- Promote hunting and fishing activities within the County pursuant to appropriate regulations of the California Fish & Game Code
- Provide and support passive recreational opportunities and interpretive education in the natural environment

2.3.2 City of Bishop General Plan

The City of Bishop General Plan includes the following policies for protection of biological resources:

- Require appropriate mitigation to protect rare, threatened, or endangered plant and animal species
- Utilize the CEQA environmental review process for all new development projects
- Require referral of all proposed development projects located in sensitive resource areas to CDFW
- Cooperate with governmental agencies, private groups, and individuals in the preservation and enhancement of natural resources
- Maintain a setback or buffer of 50 feet from Bishop Creek and discourage development in such areas on private lands
- Maintain and preserve natural vegetation along existing canals and ditches
- Preserve trees located along roadways or replace them if maintenance requires their removal
- Cooperate with the Lahontan Regional Water Quality Control Board in protecting the water quality of Bishop aquifers

2.3.3 City of Los Angeles

The City of Los Angeles owns approximately 250,000 acres in the OVSES, which it manages primarily as a source of water for the Los Angeles Aqueduct. Water export and management of City of Los Angeles-owned lands in the OVSES and elsewhere in Inyo and Mono Counties is conducted under the terms of numerous statutes, court rulings, agreements, settlements, and plans spanning over 100 years. Recent management plans pertaining to biological resources are discussed in brief in this section. Local plans are discussed in more detail in the OVSES Report Appendix D – *Land Use*.

Long-term Water Agreement

During the 1980s, Inyo County and LADWP collaborated to develop a cooperative water management plan and in 1991 entered into the Inyo County/Los Angeles Long Term Water Agreement (LTWA). The overall goal of the LTWA is to manage ground and surface water resources. This aids in the maintenance of healthy groundwater dependent vegetation, and provides a reliable supply of water for export to Los Angeles and for use in Inyo County.

The LTWA contains management strategies for avoiding long term groundwater mining from aquifers of Inyo County, as well as avoiding or minimizing impacts to vegetation as a result of groundwater pumping or changes in surface water management practices. Vegetation is used as the principal indicator of environmental quality associated with ground and surface water activities in Owens Valley. As part of this effort, vegetation in Owens Valley has been classified based on the dominant species documented on vegetation inventories conducted by LADWP between 1984 and 1987.

The LTWA includes vegetation monitoring, and management of groundwater pumping and changes to surface water, to avoid causing significant decreases in live vegetation cover, and to avoid causing a significant shift to more xeric vegetation. The LTWA also includes irrigation of certain acreages identified as “lands supplied with water” at the time of the baseline for the LTWA. These lands will be supplied with water and will be managed to avoid causing significant decreases or changes in vegetation.

Memorandum of Understanding

A Memorandum of Understanding (MOU) was established in 1997 between LADWP, Inyo County, CDFW, SLC, the Sierra Club, and the Owens Valley Committee to resolve conflicts over LADWP actions in Owens Valley concerning groundwater pumping operations and related activities from 1970 to 1990. The MOU establishes a management approach for Owens Valley ecosystem that emphasizes sustainable use (i.e., use of natural resources through time without causing environmental degradation) and incorporate multiple resource values, including water supply for the City of Los Angeles, Inyo County, habitat preservation, enhancement, and restoration; recreation; livestock grazing; agriculture; and other activities. To date, the primary plans related to the implementation of the objectives and directives contained in the MOU are the Lower Owens River Project (LORP) and the Owens Valley Land Management Plan (OVLMP). Together, these two plans encompass nearly all City of Los Angeles-owned property in Owens Valley and Inyo County.

Lower Owens River Project

The Lower Owens River Project (LORP) is a large-scale restoration project being implemented by the Los Angeles Department of Water and Power (LADWP) and Inyo County for the purpose of:

- Releasing water to the Lower Owens River to enhance native and game fisheries and riparian habitats along 62 miles of the river
- Providing water to the 900-acre Owens River Delta to maintain and enhance various wetland and aquatic habitats
- Enhancing the 1,500-acre off-river Blackrock Waterfowl Management Area with seasonal flooding and land management to benefit wetlands and waterfowl
- Maintaining several off-river lakes and ponds

The LORP encompasses 77,657 acres of high desert land in and around a 62-mile stretch of the lower Owens River. It includes the area on both sides of the Owens River, near the towns of Lone Pine and Independence, between the Los Angeles Aqueduct intake to the north, and the Owens Dry Lake to the south.

Owens Valley Land Management Plan

The Owens Valley Land Management Plan (OVLMP) provides management direction for all City of Los Angeles property in Inyo County except for the Lower Owens River Project area. The goals of the OVLMP are:

- Continue to supply water to the City of Los Angeles
- Implement sustainable land management practices for agriculture and other resource uses
- Continue to provide recreational opportunities on all City of Los Angeles-owned lands
- Improve biodiversity and ecosystem health
- Protect and enhance habitat for threatened and endangered species

The goals of the OVLMP are met primarily through stream flow management and land use. Management of ramping rates (rate of water releases from impoundments), average in-channel flows, and seasonal out-of-channel flows will maintain existing wetland and riparian habitats. Maintenance and improvement of wetland and upland resources will be through management of leases. City of Los Angeles-owned lands are leased for a variety of uses, including grazing, recreation, gravel mining, business sites, homes, parks, municipal dumps, bee-keeping, hobby ranching, orchards, and field crops.

Owens Lake Habitat Management Plan

The Owens Lake Habitat Management Plan (OLHMP) was adopted by the LADWP in 2010 to address potential impacts to wildlife resulting from implementation of the Owens Lake Dust Mitigation Project (OLDMP). Under the OLDMP, LADWP may employ various dust control methods in the project area, and changing methods may result in impacts to sensitive species currently utilizing the project area. Under the OLHMP, implementation of the OLDMP must include the following conditions:

- Achieve no net loss of riparian or aquatic baseline habitat functions and values or total acres of these habitats
- Manage 1,000 acres in perpetuity for shorebirds and snowy plover, in consultation with CDFW
- Maintain 152 acres of shallow flood habitat for shorebirds, or mitigate for any loss in consultation with CDFW
- Develop and manage deep water habitat in perpetuity for use by focal migratory waterfowl
- Maintain a baseline of 272 snowy plovers
- Maintain in perpetuity a minimum of 523 acres of habitat specifically for snowy plover
- Employ Habitat Shallow Flood or Habitat Restoration methods on 17.5 acres of dust control area within the Cartago Springs Wildlife Area

3 BIOLOGICAL RESOURCES FIELD SURVEY

Field reconnaissance of the OVSES was conducted by HELIX biologists on April 14-17, August 11-14, and November 16-20, 2015. The purpose of the field reconnaissance was to characterize vegetation in the OVSES for production of the Land Cover and Vegetation Communities Map (vegetation map). Field survey methods are described below. Existing LADWP vegetation datasets were consulted to refine vegetation mapping on lands owned by LADWP. No focused surveys were performed for rare or special-status plant or animal species. Notes on the vegetation map are provided to aid interpretation of information provided on the interactive map.

3.1 OVSES - LAND COVER AND VEGETATION COMMUNITIES

Source: Inyo County, HELIX Environmental Planning, Inc.
Date: 2015
Data Basin link: http://databasin.org/maps/14472ca33a6d47a8ad3470972717b068

This map depicts vegetation types and land covers in the OVSES. Information reflects HELIX field surveys and LADWP data. Vegetation types depicted on the vegetation map represent the best fit of the vegetation types observed in the field to the hierarchical classification system employed in *A Manual of California Vegetation, 2nd Edition* (MCV; Sawyer *et al.* 2009) and are depicted at the MCV Group level. Alliance-level classifications as well as analogous communities from descriptions in Holland (1986), or Holland as revised by Oberbauer *et al.* (2008), are available for each polygon by clicking on the interactive map. Summaries of vegetation and land cover in the OVSES, and descriptions of the vegetation and land cover types depicted on the vegetation map are provided in Chapter 6 of this appendix. Information regarding regionally-occurring special-status species associated with those habitats is provided in Chapter 7 of this appendix.

3.2 BIOLOGICAL RESOURCES FIELD SURVEY METHODS

The vegetation mapping effort for this report began with a desktop review of aerial imagery to make a preliminary determination of vegetation types present in the OVSES. Aerial images were obtained from 2014 National Agriculture Imagery Program (NAIP) photos available online at http://gis.apfo.usda.gov/arcgis/rest/services/NAIP/California_2014_1m/ImageServer. This preliminary determination was made based on aerial signatures (areas of distinct color or pattern visible on the aerial image) and the practitioners' knowledge of the vegetation communities based on experience gained during preparation of the REGPA. A subset of the identified areas was surveyed in the field to verify the vegetation type(s) present in those areas. Effort was made to cover as much of the OVSES as closely as possible, and survey teams drove nearly every passable road in the OVSES while noting surrounding vegetation. Pedestrian surveys were performed where closer inspection of the vegetation was deemed necessary for positive identification. After verification, areas of the same aerial signature were mapped as the same vegetation type.

3.3 NOTES ON THE VEGETATION MAP

3.3.1 Mapping Methodology

Caveat: *the vegetation mapping discussed in this report is largely based on interpretation of aerial imagery and is affected by the amount of information available from aerial imagery. Comprehensive field surveys of individual project sites or parcels may result in mapping of different vegetation types than those shown on the vegetation map for this report.*

Species with similar growth forms and similar ecological affinities can have the same aerial signature, which means that aerial imagery does not contain sufficient information to distinguish areas dominated by one or the other of those species. This is most often the case for functionally similar types of vegetation (e.g., various Alliances of xeromorphic scrub species, or various Alliances of alkali sink scrub species) where the most useful information on the vegetation map is not a single dominant or characteristic species but rather the general type of vegetation present. In these cases, boundaries between vegetation types were drawn based on field observation or use of other information such as

published descriptions of elevation range, slope, aspect, soil, or geographic range for the vegetation types in question.

3.3.2 Mapping Scale

Caveat: *the vegetation mapping discussed in this report does not capture very fine-scale variation that may be detectable and important in consideration of individual parcels or project sites. Comprehensive vegetation mapping and focused surveys would be necessary to assess botanical resources at the project level.*

Vegetation is rarely homogeneous, and a vegetation map must necessarily obscure variation below a spatial scale too fine to be represented on the map. The scale below which variation is obscured in vegetation mapping is usually represented as the smallest area that will be considered a separate polygon on the map, commonly called the minimum mapping unit. The application of a minimum mapping unit often results in 'pixellation' of the landscape into squares of acreage equal to the minimum mapping unit.

The vegetation mapping effort for this report did not make use of any single, pre-determined minimum mapping unit, in order to avoid obscuring obvious variation in aerial signatures and to avoid pixellation in the final map. However, some fine-scale variation in vegetation that may be captured in surveys of individual parcels or project sites is not reflected in the vegetation map.

3.3.3 Vegetation Mapping vs. Vegetation Classification

Caveat: *the vegetation types discussed in this report and depicted on the vegetation map reflect the best fit of the vegetation types observed in the field to a hierarchical classification system that is primarily intended to produce consistency with other regional studies, and not primarily to produce vegetation maps. Surveys of specific areas in the OVSES will likely result in identification of species assemblages that do not conform exactly to the classification system elements listed in this report or depicted on the vegetation map.*

For purposes of discussion in this report, vegetation types identified in the field mapping effort were placed into the classification system used in the MCV, and the vegetation map for the project depicts vegetation at the MCV Group level. This was done to provide consistency with the DRECP, which is a large-scale, multi-agency planning effort for the desert region of eastern California that includes the southern half of the OVSES. Vegetation classification is intended to provide a standardized hierarchical system for characterizing vegetation but is not intended as a tool for identifying vegetation in the field and producing vegetation maps (see **Attachment A.1** for a discussion of this issue). The description of vegetation reflected in MCV classification levels is often more general (i.e., Group) or more specific (i.e., Alliance) than what is optimal for depicting species assemblages on a vegetation map. Descriptions of the actual vegetation assemblages in the OVSES that are represented by the MCV Groups depicted on the vegetation map are provided in Chapter 6.

3.3.4 Special-status Plant Species

Caveat: *the vegetation mapping data discussed in this report and depicted on the vegetation map are intended for planning purposes and do not include results of focused surveys for special-status plant species. Comprehensive surveys of individual parcels or project sites at the appropriate time(s) of year would be required to determine the presence or absence of special-status plant species.*

This report includes discussions of the special-status plant species with potential to occur in the vegetation types identified in the field mapping effort. Potential to occur is based on general habitat affinities, regional occurrences in databases, and species ranges. These data are intended to provide only general guidance regarding the special-status plant species that may be present in a parcel or project site.

4 BIOLOGICAL RESOURCES DATABASE SURVEY

In addition to the field survey to map vegetation communities, this study included a desktop review of available data on biological resources in the OVSES. This included queries of CNDDB, CNPS, and USFWS databases, as well as compiling as much existing geospatial data as could be found. The following existing data sets on biological resources in the OVSES were compiled and are available in Data Basin on interactive maps:

4.1 NORMALIZED DIFFERENCE VEGETATION INDEX (NDVI)

Source: HELIX Environmental Planning, Inc.
Date: 2015
Data Basin link: http://databasin.org/datasets/ae45d239b9544d1293ea64563ce74896

The NDVI has been derived from color infrared imagery for Owens Valley. NDVI data provide an indication of photosynthetic activity (primary productivity) rather than the type of vegetation in an area, and are useful for identifying highly productive areas. In the arid climate of Owens Valley, areas of high productivity correspond closely with water availability in riparian corridors and irrigated agricultural areas. NDVI data are useful for large-scale ecological studies and for tracking changes in productivity over time.

4.2 CALIFORNIA LAND COVER BASED ON CNDDB

Source: UC Santa Barbara Department of Geography, Conservation Biology Institute (CBI)
Date: *unknown*
Data Basin link: http://databasin.org/datasets/fa92a250f41343b080b8cadaea9107f3

This layer is the land cover/land use data compiled for the California GAP Analysis Project. It contains vegetation attributes for landscape scale map units, including canopy dominant species, canopy density,

presence of regional endemic species, and inclusion of wetland habitats. Although polygons are classified into several schema (Holland system, California Wildlife Habitat Relationships habitat types), data on presence of dominant canopy species are provided to allow customized classifications to meet a user's needs. The California GAP Analysis Project is part of a nationwide program of studying biological resources at large spatial and temporal scales. These data were developed at a coarser scale than that of the OVSES vegetation map data and are not intended to be directly comparable. Instead, they are made available on Data Basin for users wishing to integrate the OVSES into the larger context of the GAP Analysis Project.

4.3 DRECP - LAND COVER AND VEGETATION COMMUNITIES

Source: Desert Renewable Energy Conservation Plan
Date: 2013
Data Basin link: http://databasin.org/datasets/0a419342ec904b3c8fc710003f52ebe0

The DRECP area includes the southern half of the OVSES. Vegetation mapping data in the DRECP were obtained mostly from aerial image interpretation and are at a coarser scale than the OVSES vegetation map. DRECP data are provided for purposes of comparison and continuity of OVSES data to that larger study.

4.4 MODELED SPECIES DISTRIBUTIONS

Source: UC Santa Barbara Biogeography Lab
Date: 2013
Data Basin link: http://databasin.org/datasets/f22aef044efb4bf79b1b626e84a0a0de

This map depicts data from a UC Santa Barbara study conducted in 2013 (Davis, *et al.* 2013) that modeled current and future distributions of 65 animal species of conservation significance in the DRECP under various climate models. Species distributions were predicted based on models of suitable habitat using data from the California Wildlife Habitat Relationship (CWHR) range maps, California Natural Diversity Database (CNDDB), eBird for the bird species, and a set of bioclimatic factors. The map shows the baseline (1981-2010) distribution of selected species that were predicted to occur within the southern portion of the OVSES. The study focused on the DRECP with a 40 kilometer buffer, which includes almost all of the OVSES. This map shows predicted distributions of special status species and is not based on field surveys. These data should not be interpreted as being indicative of actual presence or absence of any species, but do provide a general prediction of potential occurrence of special-status wildlife species in the OVSES. Chapter 5 of this Appendix provides an analysis of potentially occurring special-status plant and animal species based on CNDDB, California Native Plant Society (CNPS), and USFWS database queries.

4.5 YELLOW-BILLED CUCKOO – SPECIES DISTRIBUTION MODEL

Source: Conservation Biology Institute

Date: 2013
Data Basin link: http://databasin.org/datasets/bf3fb8c3af5343ba96117368a27ccb5e

These data are statistical model outputs for yellow-billed cuckoo (*Coccyzus americanus occidentalis*) species distribution, completed by the Conservation Biology Institute. Predictions of habitat occupancy were generated from MaxEnt models for the DRECP. MaxEnt (maximum entropy) is a statistical method for modeling the distribution of species using presence-only occurrence data and habitat data. This model shows that the Yellow-billed cuckoo has a predicted occupied habitat primarily along the Owens River and nearby tributaries.

4.6 SWAINSON'S HAWK – SPECIES DISTRIBUTION MODEL

Source: Conservation Biology Institute
Date: 2013
Data Basin link: http://databasin.org/datasets/addeef3693ef43328697572f663ef587

These data are statistical model outputs for Swainson's hawk (*Buteo swainsoni*) species distribution, completed by Dr. Frank Davis' Biogeography Lab at UC Santa Barbara (Davis, *et al.* 2013). This model shows that Swainson's hawk has a predicted occupied habitat throughout most of Owens Valley.

4.7 OWENS VALLEY CHECKERBLOOM – SPECIES DISTRIBUTION MODEL

Source: Conservation Biology Institute
Date: 2013
Data Basin link: http://databasin.org/datasets/99396a3bf18b4ba8a0f630678095688b

These data are statistical model outputs for Owens Valley checkerbloom (*Sidalcea covillei*) species distribution, completed by CBI. Predictions of habitat occupancy were generated from MaxEnt models for the DRECP. MaxEnt (maximum entropy) is a statistical method for modeling the distribution of species using presence-only occurrence data and habitat data. This model shows that the Owens Valley Checkerbloom has a predicted occupied habitat throughout most of Owens Valley.

4.8 IMPORTANT BIRD AREAS OF INYO COUNTY CALIFORNIA – 2015

Source: Audubon California
Date: 2015
Data Basin link: http://databasin.org/datasets/1180b50bafee4871a019245da1c8b6b2

Important Bird Areas (IBA) identify critical terrestrial and inland water habitats for avifauna, in particular, habitat that supports rare, threatened or endangered birds and/or exceptionally large congregations of shorebirds and/or waterfowl. The digitization of Important Bird Areas represents an important first step in conservation planning of these critical habitats using GIS. The Owens River is identified as an Important Bird Area for its entire length of the OVSES. The current version is dated April 2015.

4.9 ESSENTIAL CONNECTIVITY AREAS OF INYO COUNTY CALIFORNIA

Source: CA Department of Fish and Wildlife
Date: 2010
Data Basin link: http://databasin.org/datasets/c57212b3aa1243d28216a1b7db18a1ca

The Essential Connectivity Map depicts large, relatively natural habitat blocks that support native biodiversity (Natural Landscape Blocks) and areas essential for ecological connectivity between them (Essential Connectivity Areas) at the statewide scale, based on available statewide data layers. This coarse-scale map was based primarily on the concept of ecological integrity, rather than the needs of particular species. Essential Connectivity Areas are placeholder polygons that can inform land-planning efforts, but that should eventually be replaced by more detailed Linkage Designs, developed at finer resolution based on the needs of particular species and ecological processes. It is important to recognize that even areas outside of Natural Landscape Blocks and Essential Connectivity Areas support important ecological values that should not be "written off" as lacking conservation value. Furthermore, because the Essential Habitat Connectivity Map ignored Natural Landscape Blocks smaller than 2,000 acres, it has errors of omission that should be addressed at regional and local scales. The OVSES includes no areas designated as Essential Connectivity Areas or Interstate Connections.

4.10 GENERAL NATURAL LANDSCAPE BLOCKS OF INYO COUNTY CALIFORNIA

Source: CA Department of Fish and Wildlife
Date: 2010
Data Basin link: http://databasin.org/datasets/e1bb8c9a9631413f97b28cc72a5efe93

These data are included in the description of Essential Connectivity Areas, above. Most of the OVSES is designated as Natural Landscape Blocks, except for developed areas in Bishop, Laws, Big Pine, and Independence, and a large swath of the southwest between Independence Creek and Olancha.

4.11 MISSING LINKAGES IN CALIFORNIA'S LANDSCAPE

Source: SC Wildlands, CA Department of Fish and Wildlife
Date: 2001
Data Basin link: http://databasin.org/datasets/6a41da9008914124951a3c3e1e56bb0f

Data was created to assist land managers, planners, scientists, regulators, and conservation organizations working on connectivity issues in California. For more details, download the full report at www.scwildlands.org. The critical need for conserving landscape linkages first came to the forefront of conservation thinking in California in November 2000, when a statewide interagency workshop was convened at the San Diego Zoo. Entitled "Missing Linkages: Restoring Connectivity to the California Landscape" the workshop brought together over 200 land managers, conservationists, and biologists to discuss and map critical and at-risk habitat linkages throughout the state. A total of 232 linkages were identified statewide. A Missing Link is identified connecting the Sierra Nevada and the Inyo Mountains

across Owens Valley south of Tinemaha Reservoir, and Owens Lake is designated a missing link as a stopover for migrating birds.

4.12 HABITAT CONNECTIVITY AND WILDLIFE CORRIDORS

Source: various
Date: various
Data Basin link: http://databasin.org/maps/859341d86a1d4df3bdeb96201da426ac

This map combines Important Bird Areas, Essential Connectivity Areas, General Landscape Blocks, and Missing Linkages within Inyo County.

4.13 TULE ELK HERDS

Source: Bureau of Land Management
Date: 1986
Data Basin link: http://databasin.org/datasets/c4c626101daf43ffa48e160d17e71280

Tule elk in the Owens Valley is a very significant biological resource and is the subject of active management by the California Department of Fish and Wildlife. These data represent six Tule Elk herds within the valley – Bishop, Tinemaha, Goodale, Independence, Lone Pine, and Whitney. These are not distinct large herds, but several groups of elk overlapping ranges during some season of the year. These data have been derived from and digitized from the Owens Valley Tule Elk Habitat Management Plan (1986) provided by the Bureau of Land Management, CA Department of Fish and Game, Inyo National Forest, and LA Department of Water and Power.

4.14 KEY MULE DEER HABITAT

Source: Bureau of Land Management
Date: 1991
Data Basin link: http://databasin.org/datasets/b3bfa6ae7a6c4980aeafc9cf89cc8123

This dataset represents key mule deer herd winter ranges within the Owens Valley. These winter ranges are critical to the survival and health of their associated herds, which include the Haiwee and Goodale herds. These key deer ranges have been included in the Bureau of Land Management's 1991 plan for the Bishop Resource Area.

4.15 BIRD SPECIES OF SPECIAL CONCERN

Source: CA Department of Fish and Wildlife
Date: 2008
Data Basin link: http://databasin.org/datasets/a6ae3af248c847b8aec6d3606ad12581

The intersection of the range maps with fine-scale hexagon cells allows for a rapid query of any portion of the state for the presence of taxa that are Bird Species of Special Concern. The resulting table lists all

taxa whose ranges intersect the selected area and includes the attributes of each intersected polygon for a taxa (whether the area selected is part of the current breeding range for a species, intersects its historic range, or a record of uncertainty, for example). These data have been provided by the CDFW and are available for public viewing and download.

4.16 BIRD SPECIES RANGES (LETTERS A-LA), CALIFORNIA, USA

Source: CA Department of Fish and Wildlife
Date: 2014
Data Basin link: http://databasin.org/datasets/5b72a3ef0c9b4499b631b34e4f125608

This data set is an intersection of all 694 vector polygon ranges in the California Wildlife Habitat Relationships (CWHR) System with a statewide grid of 25-square mile hexagonal cells. The shapefile contains the hexagonal cells and their identification numbers (i.e., HEX25_ID). These data have been provided by CDFW and are available for public viewing and download.

4.17 BIRD SPECIES RANGES (LETTERS LA- T), CALIFORNIA, USA

Source: CA Department of Fish and Wildlife
Date: 2014
Data Basin link: http://databasin.org/datasets/6752915e2ca94a01badcf2cd6cc127bd

This data set is an intersection of all 694 vector polygon ranges in the California Wildlife Habitat Relationships (CWHR) System with a statewide grid of 25 square mile hexagon cells. The shapefile contains the hexagon cells and their identification numbers (HEX25_ID).

4.18 AREAS OF CONSERVATION EMPHASIS (ACE-II)

Source: CA Department of Fish and Wildlife
Date: 2015
Data Basin link: http://databasin.org/maps/1237aa1907c74fb48334776ee3099137

The Areas of Conservation Emphasis (ACE-II) is a spatial model designed and managed by the CDFW and includes a compilation of statewide, spatial data addressing specific biological values, stressors, and landscape considerations analyzed at a consistent scale of 2.5 square mile hexagons that can be used in a flexible manner to identify areas of biological or conservation interest. Biological richness data has been developed using four indices: native species richness, rare species richness, “irreplaceability” (i.e. rarity-weighted richness), and the presence of sensitive habitats. These data have been further broken down by individual taxa, as well as combined, to create a biological index for USDA defined ecoregions. This effort focuses primarily on the sensitive habitat and the rarity-weighted richness data within the OVSES and Inyo County. Additional layers are available for viewing via the CDFW ACE-II website: http://www.dfg.ca.gov/biogeodata/ace/. Additionally, the ACE-II data is an intended to be a companion effort to the related California Essential Habitat Connectivity data described in this report.

The rarity-weighted richness layer represents the "irreplaceability" of an area based on the presence of special status species weighted by their degree of rarity (0-5). Areas with a high rarity-weight richness index (RWI) support unique habitats or suites of species that are limited in distribution and likely of high conservation concern. The northern portion of the OVSES contains a high RWI score (5), while the remainder of the OVSES has a mix of medium to high RWI scores (3-5). The sensitive habitat layer represents wetlands, riparian areas, rare natural communities, and/ or high salmonid habitat presence. Habitats of any size were mapped as either present or absent within the hexagon and were not ranked by any measure of sensitive habitat conservation value. The majority of the OVSES has 3 sensitive habitats present: riparian, wetland, and high value salmonid habitat. A small portion of the OVSES contains Rare Natural Communities in and near the Fish Slough Area of Critical Environmental Concern (ACEC). These data layers are available for public viewing.

4.19 SOILS OF THE OWENS VALLEY

Source: US Department of Agriculture, Natural Resources Conservation Service
Date: 2002
Data Basin link: http://databasin.org/maps/f321925543224e0d8efc67b15ee41946

Data from the Soil Survey of Benton-Owens Valley Area, Parts of Inyo and Mono Counties, California (Area Symbol CA802). Because of the geological complexity of the region and the resulting variety of parent materials, over 200 soil types are mapped in the OVSES. The majority of these are alluvial or aeolian in origin, and many are alkaline.

4.20 USGS TNM NATIONAL HYDROGRAPHY DATASET

Source: US Geological Survey – National Geospatial Program
Date: 1950-Present
Data Basin link: http://databasin.org/maps/cda8eb76509b4660b0fa55b0e0ef6d4a

The National Hydrography Dataset (NHD) and Watershed Boundary Dataset (WBD) are used to portray surface water on The National Map. The NHD represents the drainage network with features such as rivers, streams, canals, lakes, ponds, coastline, dams, and stream gages. The WBD represents drainage basins as enclosed areas in eight different size categories. Both datasets represent the real world at a nominal scale of 1:24,000-scale, which means that one inch of The National Map data equals 2,000 feet on the ground. To maintain mapping clarity not all water features are represented and those that are use a moderate level of detail. This service represents the most up-to-date hydrology data provided by the USGS.

5 SPECIAL-STATUS SPECIES KNOWN TO OCCUR OR POTENTIALLY OCCURRING IN THE OVSES

This section provides information on the regionally-occurring special-status species that are either known to occur, or have potential to occur, in the OVSES, based on geographic range, elevation range, and habitat affinities. Potential to occur is based on general habitat affinities, regional occurrences in databases, and species ranges. These data are intended to provide only general guidance regarding the special-status species that may be present in a vegetation type, and do not include results of focused surveys for special-status species. Comprehensive surveys of individual parcels or project sites, along with appropriate database queries, must be conducted to determine the potential for presence of special-status species.

Lists of regionally-occurring special-status species were obtained through database queries of the California Natural Diversity Database (CNDDB; CDFW 2015), California Native Plant Society (CNPS; 2015), and US Fish and Wildlife Service Information for Planning and Conservation (USFWS; 2015a) for the 29 US Geological Survey 7.5-minute quads that overlap the OVSES. Species included in those database queries were excluded from further analysis if the lower limit of their elevation range is above the maximum elevation in the OVSES, or they have a California Rare Plant Rank (CRPR) of 3 (watch list) or 4 (limited distribution). The final list of special-status species with potential to occur in the OVSES included 57 animals and 61 plants. These data are not available in the interactive resources provided on Data Basin, due to their sensitive nature and periodic updating.

Species considered to be special-status meet one or more of the following criteria:

- Listed, proposed for listing, or candidates for listing as threatened or endangered under FESA (50 Code of Federal Regulations [CFR] 17.12 [listed plants], 50 CFR 17.11 [listed animals], 67 FR 40657 [candidate species], and various notices in the Federal Register [FR] [proposed species]);

- Listed or candidates for listing by the state of California as threatened or endangered under CESA, (Fish and Game Code § 2050 *et seq.*);

- Listed as rare under the California Native Plant Protection Act (Fish and Game Code § 1900 et seq.);

- Species considered to be “rare, threatened or endangered in California” (CRPR 1B and 2B). Only CRPR 1B and 2B species were included in this analysis; however, impact analysis for individual projects may require inclusion of CRPR 3 and/or CRPR 4 species.

- Identified by CDFW as species of concern or fully protected species, including fish and wildlife that do not have state or federal threatened or endangered status but may still be threatened with extinction (CDFW 2011);

- California Species of Special Concern (SSC), vertebrate species that have been designated as “species of special concern” by the CDFW because declining population levels, limited range, and/or continuing threats have made them vulnerable to extinction (CDFW 2011);

- Species identified as "sensitive" by the BLM (BLM 2010; 2013); or
- Species identified as "sensitive" by the USFS.

The regulatory status and habitat descriptions for the 57 special-status animal species and 61 sensitive plant species with potential to occur in the OVSES are provided in Table 1.

Table 4. Special-Status Species Known to Occur or Having the Potential to Occur in the OVSES

Scientific Name	Common Name	Regulatory Status Federal Listing State Listing Other[1]	Habitat Use
Invertebrates			
Danaus plexippus plexippus	monarch butterfly	Under Review -- --	Migrates through western Inyo County during spring and fall movements between the California coast and the Great Basin.
Parnopes borregoensis	Borrego parnopes cuckoo wasp	-- -- --	Sole CNDDB reported occurrence is from 1929.
Pyrgulopsis owensensis	Owens Valley springsnail	-- -- USFS Sensitive	Inhabits small streams and springs, living among watercress and on small rocks.
Pyrgulopsis perturbata	Fish Slough springsnail	-- -- --	Sole CNDDB reported occurrence is from an engineered pool outside the OVSES in Fish Slough created as habitat for Owens Pupfish.
Pyrgulopsis wongi	Wong's springsnail	-- -- USFS Sensitive	Inhabits small streams and springs, living among watercress and on small rocks.
Fish			
Catostomus fumeiventris	Owens sucker	-- -- CDFW SSC	Inhabits the Owens River, including reservoirs; spawns in riffles.
Cyprinodon radiosus	Owens pupfish	Endangered Endangered CDFW FP	Naturally inhabits warm, clear, shallow water with a firm substrate for spawning. Extirpated from all known locations except managed refuges at Fish Slough and Mule Spring Pond.
Gila bicolor ssp. *snyderi*	Owens tui chub	Endangered Endangered --	Naturally inhabits clear, clean water with aquatic vegetation and cover. Presumed extirpated in the wild or genetically swamped by hybridization with exotic Lahontan tui chub.

Scientific Name	Common Name	Regulatory Status Federal Listing State Listing Other[1]	Habitat Use
			Currently exists only in managed refuges.
Oncorhynchus clarkia henshawi	Lahontan cutthroat trout	Threatened -- --	Naturally inhabits clear, cold water with silt-free substrate and even pool-riffle ratio. Stream habitats include slow deep water, abundant instream cover (i.e., large woody debris, boulders, undercut banks), and relatively stable streamflow and temperature regimes.
Amphibians			
Anaxyrus canorus	Yosemite Toad	Threatened -- --	Habitat includes moist mountain meadows and borders of forests. Individuals shelter in rodent burrows as well as in dense vegetation. Breeding occurs in shallow edges of snow melt pools and ponds or in shallows or along edges of lakes and slow-moving streams.
Batrachoseps campi	Inyo Mountains slender salamander	-- -- CDFW SSC; BLM Sensitive; USFS Sensitive	Habitat is springs and seeps surrounded by desert in the southern Inyo Mountains.
Hydromantes platycephalus	Mount Lyell salamander (Owens Valley web-toed salamander)	-- -- CDFW SSC	Under taxonomic review; Eastern Sierra populations are proposed for subspecies status as Owens Valley web-toed salamander. Commonly found in talus slopes of granite where water flows. Favored habitats are downslope from melting snowfields.
Lithobates pipiens	Northern leopard frog	-- -- CDFW SSC	Springs, slow moving streams, marshes, bogs, ponds, canals, floodplains, reservoirs, and lakes; usually permanent water with rooted aquatic vegetation.
Rana muscosa	Mountain Yellow-legged Frog	Endangered Endangered CDFW SSC; USFS Sensitive	Inhabits riverbanks, meadow streams, isolated pools, and lake borders in the Sierra Nevada, as well as rocky stream courses in southern California.
Rana sierra	Sierra Nevada	Endangered	Inhabits sunny river margins, meadow

Scientific Name	Common Name	Regulatory Status Federal Listing State Listing Other[1]	Habitat Use
	Yellow-legged Frog	Threatened CDFW SSC; USFWS Sensitive	streams, isolated pools, and lakes. More common in high elevation lakes and slow-moving portions of streams.
Reptiles			
Elgaria panamintina	Panamint alligator lizard	-- -- CDFW SSC; BLM Sensitive; USFS Sensitive	Inhabits areas near permanent water in canyons, damp gullies, and rocky areas near dense vegetation.
Sceloporus graciosus graciosus	northern sagebrush lizard	-- -- BLM sensitive	Inhabits sagebrush and other shrublands throughout the Great Basin.
Birds			
Accipiter cooperii	Cooper's hawk	-- -- CDFW WL	Inhabits open, marginal woodland; nests in deciduous riparian trees.
Aquila chrysaetos	golden eagle	-- -- BLM sensitive; CDFW FP	Inhabits rolling foothills, mountains, sagebrush-juniper flats, and deserts; nests in cliffs and large trees.
Artemisiospiza belli canescens	Bell's sage sparrow (Mojave)	-- -- --	Commonly found breeding in quailbush scrub.
Asio otus	long-eared owl	-- -- CDFW SSC	Inhabits cottonwood-willow riparian forests adjacent to open land for foraging; uses old crow, hawk, and magpie nests for breeding. Inconspicuous nocturnal species.
Athene cunicularia	burrowing owl	-- -- BLM sensitive; CDFW SSC	Inhabits open, dry grasslands, deserts, scrublands, and disturbed areas with low-growing vegetation and burrowing mammals (primarily California ground squirrel [*Spermophilus beecheyi*]); nests in subterranean burrows. Conspicuous diurnal species.
Buteo swainsoni	Swainson's hawk	-- Threatened BLM sensitive	Inhabits grasslands with scattered trees, sagebrush-juniper flats, riparian areas, savannahs, and agricultural fields with groves or lines of trees; nests in large trees.

Scientific Name	Common Name	Regulatory Status Federal Listing State Listing Other[1]	Habitat Use
Charadrius alexandrinus nivosus	western snowy plover	Threatened -- CDFW SSC	Inhabits sandy beaches, salt pond levees, and shores of large alkali lakes; nests on sandy, gravelly, or friable soils.
Charadrius montanus	mountain plover	-- -- BLM sensitive; CDFW SSC	Inhabits short grasslands and agricultural areas with burrowing rodents; nests on the ground.
Circus cyaneus	northern harrier	-- -- CDFW SSC	Inhabits coastal and interior marshes and wet grasslands; nests in shrubby vegetation at marsh edges.
Coccyzus americanus occidentalis	western yellow-billed cuckoo	Threatened Endangered BLM sensitive	Inhabits dense riparian willow scrub and forest with understory of brambles in lower floodplains of large river systems.
Elanus leucurus	white-tailed kite	-- -- BLM sensitive; CDFW FP DRECP Covered	Inhabits riparian forest with adjacent open areas for foraging; nests in tall trees.
Empidonax traillii extimus	southwestern willow flycatcher	Endangered Endangered --	Inhabits riparian woodlands
Falco mexicanus	prairie falcon	-- -- CDFW WL	Inhabits dry, open terrain; nests on cliffs. Forages throughout Owens Valley.
Falco peregrinus anatum	American peregrine falcon	-- -- CDFW FP	Inhabits a variety of habitats including desert, seashore, tundra, grasslands, scrublands, dry forests, and mountains; nests on cliffs and tall buildings.
Gymnogyps californianus	California Condor	Endangered -- --	Naturally inhabits mountainous county, rocky and brushy areas with cliffs for nest sites. Foraging habitat encompasses grasslands, oak savannas, mountain plateaus, ridges, and canyons. Roost in snags or tall open-branched trees.
Haliaeetus leucocephalus	bald eagle	Delisted Endangered BLM sensitive; CDFW FP	Inhabits ocean shores, lake margins, and rivers; nests in large emergent trees and snags.

Scientific Name	Common Name	Regulatory Status Federal Listing State Listing Other[1]	Habitat Use
Icteria virens	yellow-breasted chat	-- -- CDFW SSC	Inhabits dense riparian willow scrub with understory of brambles.
Ixobrychus exilis	Least bittern	-- -- CDFW SSC; USFWS BCC	Inhabits freshwater or brackish marshes with tall emergent vegetation. Nests in marsh vegetation.
Lanius ludovicianus	loggerhead shrike	-- -- CDFW SSC	Inhabits open areas with small vertebrate prey and thorny vegetation or barbed wire fences; nests in shrubs.
Leucosticte atrata	Black rosy-finch	USFWS Sensitive	Breeds in alpine areas, usually near rock piles, and cliffs. Winters in open country, including mountain meadows, high deserts, valleys, and plains. Nests in cracks or holes of cliffs, on small cliff ledge under overhanging rocks, or under rocks.
Martes caurina sierrae	Sierra marten	-- -- USFWS Sensitive	Prefers late-successional stand of mesic coniferous forest, especially those with complex structure near the ground.
Pandion haliaetus	osprey	-- -- CDFW WL	Inhabits seashore, bays, lakes, and large streams; nests on emergent trees, snags, and poles.
Piranga rubra	summer tanager	-- -- CDFW SSC	Inhabits older, dense stands of cottonwood-willow riparian forest in desert riparian corridors.
Riparia riparia	bank swallow	-- Threatened BLM sensitive	Inhabits lowland areas. Nests in vertical banks and cliffs near streams, rivers, lakes, and ocean.
Toxostoma bendirei	Bendire's Thrasher	USFWS Sensitive	Open grassland, shrubland, or woodland with scattered shrubs or trees. Nests in shrubs, cacti, or trees.
Toxostoma lecontei	LeConte's thrasher	-- -- CDFW SSC	Commonly found breeding in quailbush scrub.
Mammals			
Antrozous pallidus	pallid bat	-- -- BLM sensitive;	Inhabits deserts, grasslands, shrublands, and forests in open dry areas with rocks for roosting.

Scientific Name	Common Name	Regulatory Status Federal Listing State Listing Other[1]	Habitat Use
		CDFW SSC	
Corynorhinus townsendii	Townsend's big-eared bat	-- -- BLM sensitive; CDFW SSC	Inhabits a wide variety of habitats, preferably mesic; roosts in the open on walls and ceilings of mine tunnels.
Dipodomys panamintinus argusensis	Argus Mountains kangaroo rat	-- -- --	Inhabits creosote scrub, saltbursh scrub, Joshua tree woodland and juniper woodland habitats. Forage on seeds of forbs, shrubs and grasses. Generally occupies areas with coarse sand or gravelly soils.
Euderma maculatum	spotted bat	-- -- BLM sensitive; CDFW SSC	Inhabits a wide variety of habitats including deserts, grasslands, and mixed conifer forest, foraging over water and along washes; roosts in crevices in cliffs or caves.
Gulo gulo	California wolverine	-- Threatened CDFW FP; USFWS sensitive	Inhabits alpine forest, tundra, open grasslands, and boreal shrub above timberline. Constructs rough beds of grass or leaves in caves or rock crevices, in burrows of other animals, or under a fallen tree.
Lasionycteris noctivagans	silver-haired bat	-- -- --	Inhabits coastal areas and montane forests, foraging over streams, ponds, and open brushy areas; roosts in hollow trees.
Lasiurus cinereus	hoary bat	-- -- --	Inhabits open areas with access to trees for cover; roosts in dense foliage of medium to large trees.
Lepus townsendii townsendii	western white-tailed jackrabbit	-- -- CDFW SSC	Inhabits sagebrush, subalpine, juniper woodland, alpine dwarf shrub, and perennial grassland habitats; prefers open areas with scattered shrubs and exposed hills.
Microtus californicus vallicola	Owens Valley vole	-- -- BLM sensitive; CDFW SSC	Inhabits wetlands and lush grassy areas with friable soils for burrowing. Common in the Owens Valley floodplain.
Myotis ciliolabrum	western small-footed myotis	-- -- --	Inhabits a variety of habitats, preferably arid, wooded, and brushy uplands near water; roosts in caves,

Scientific Name	Common Name	Regulatory Status Federal Listing State Listing Other[1]	Habitat Use
			buildings, mines, and crevices.
Ovis canadensis sierra	Sierra Nevada Bighorn Sheep	Endangered Endangered CDFW FP	Inhabit open areas where land is rocky, sparsely vegetated, and characterized by steep slopes and canyons.
Taxidea taxus	American badger	-- -- CDFW SSC; CA fur-bearing mammal	Inhabits drier open stages of most shrub, forest, and herbaceous communities with sufficient rodent prey; digs burrows in friable soils.
Vulpes vulpes necator	Sierra Nevada red fox	-- Threatened --	Inhabits a variety of habitats ranging from wet meadows to forests; dens in dense vegetation and rocky areas, preferably forests.
Xerospermophilus mohavensis	Mohave ground squirrel	-- Threatened BLM Sensitive	Inhabits Mojave desert scrub and chenopod scrub in the vicinity of Owens Lake.
Plants			
Aliciella ripleyi	Ripley's aliciella	-- -- CRPR 2B.3	Found in limestones cliffs to 4500', Northern desert mountains, Death Valley
Aliciella triodon	coyote gilia	-- -- CRPR 2B.2	Found on fine clayey sand or sandy soils in Great Basin scrub or pinyon-juniper woodland.
Allium atrorubens var. *atrorubens*	Great Basin onion	-- -- CRPR 2B.3	Found on sandy, rocky, gravelly, or clay soils in Great Basin scrub and pinyon-juniper woodland.
Astragalus argophyllus var. *argophyllus*	silver-leaved milk-vetch	-- -- CRPR 2B.2 BLM sensitive	Found on alluvial clay and loam soils in alkaline and saline meadows and playas.
Astragalus geyeri var. *geyeri*	Geyer's milk-vetch	-- -- CRPR 2B.2	Grows in depression of mobile or stabilized dunes, sandy flats, and valley floors.
Astragalus hornii var. *hornii*	Horn's milk-vetch	-- -- CRPR 1B.1	Found in meadows and seeps, playas-lake margins, alkaline sites. 200- 2,790 feet
Astragalus lentiginosus var. *piscinensis*	Fish Slough milk-vetch	Threatened -- CRPR 1B.1	Found on mounds in alkali meadows and playas in Fish Slough. USFWS has designated 8,007 acres in Fish Slough as Critical Habitat for this species.
Astragalus	Shockley's	--	Found on coarse granitic alluvium in

Scientific Name	Common Name	Regulatory Status Federal Listing State Listing Other[1]	Habitat Use
serenoi var. *shockleyi*	milk-vetch	-- CRPR 2B.2	chenopod scrub, pinyon-juniper woodland, and Great Basin scrub.
Atriplex argentea var. *hillmanii*	Hillman's silverscale	-- -- CRPR 2B.2	Grows in many types of habitat, dry or moist saline, silt or clay substrates mainly in valley bottoms.
Atriplex gardneri var. *falcata*	falcate saltbush	-- -- CRPR 2B.2	Found in chenopod scrub and Great Basin scrub
Blepharidachne kingii	King's eyelash grass	-- -- CRPR 2B.3	Found on limestone soils on rocky benches and alluvial fans in pinyon-juniper woodland and Mojave Desert scrub.
Boechera dispar	pinyon rockcress	-- -- CRPR 2B.3	Found on granitic, gravelly slopes and mesas in Joshua Tree woodland, pinyon-juniper woodland, and Mojave Desert scrub.
Boechera lincolnensis	Lincoln rockcress	-- -- CRPR 2B.3	Found on cliffs, talus slopes, gravelly soil, in alpine, subalpine habitats; 2000- 4350m.
Boechera shockleyi	Shockley's rockcress	-- -- CRPR 2B.2 USFS Sensitive	Found on ridges, rocky outcrops, and openings on limestone or quartzite in pinyon-juniper woodland.
Boechera tularensis	Tulare rockress	-- -- 1B.3	Grows on rocky slopes in montane and subalpine habitats at 2400-3200m
Botrychium crenulatum	Scalloped moonwort	-- -- CRPR 2.2	Found in moist meadows, perennial or intermittent stream banks, seeps and moist forest openings.
Calochortus excavatus	Inyo County star-tulip	-- -- CRPR 1B.1 BLM sensitive	Found on fine sandy or clay soils in alkaline seeps, grassy meadows, and shadscale scrub.
Calyptridium pygmaeum	Pygmy pussypaws	-- -- CRPR 1B.2	Grows on sandy to gravelly soils in conifer forests up to 10,500'.
Carex petasata	Liddon's sedge	-- -- CRPR 2B.3	Found in broadleaved upland forest, lower montane coniferous forest, meadow and seep, wetland
Chaetadelpha wheeleri	Wheeler's dune-broom	-- --	Found on sandy soils in desert dunes, Great Basin scrub, and Mojave Desert

Scientific Name	Common Name	Regulatory Status Federal Listing State Listing Other[1]	Habitat Use
		CRPR 2B.2	scrub.
Cordylanthus eremicus ssp. *kernensis*	Kern Plateau bird's-beak	-- -- CRPR 1B.3	Found in Great Basin scrub, Pinyon and juniper woodland, upper montane coniferous forest.
Crepis runcinata	Fiddleleaf hawksbeard	-- -- CRPR 2B.2	Found in Mojavean desert scrub, pinyon and juniper woodland
Crepis runcinata ssp. *hallii*	Hall's meadow hawksbeard	-- -- CRPR 2B.1	Found in moist alkaline valley bottoms in Mojave Desert scrub and pinyon-juniper woodland.
Dedeckera eurekensis	July gold	-- -- CRPR 1B.3 BLM sensitive	Found on carbonate soils on rocky ridges, talus slopes, and occasionally in washes.
Elymus salina	Salina Pass wild-rye	-- -- CRPR 2B.3	Found in rocky sites in pinyon-juniper woodland.
Eremothera boothii ssp. *boothii*	Booth's evening-primrose	-- -- CRPR 2B.3	Found in Joshua Tree woodland and pinyon-juniper woodland.
Eremothera boothii ssp. *intermedia*	Booth's hairy evening-primrose	-- -- CRPR 2B.3	Found in sandy sites in Joshua Tree woodland and pinyon-juniper woodland.
Erigeron calvus	Bald daisy	-- -- CRPR 1B.1	Found in Great Basin scrub at 1200m elevation
Erigeron compactus	compact daisy	-- -- CRPR 2B.3	Found on limestone soils in rocky or gravelly sites in pinyon-juniper woodland.
Erigeron uncialis var. *uncialis*	Limestone daisy	-- -- CRPR 1B.2 BLM Sensitive	Grows on carbonate outcrops and crevices in the montane conifer and subalpine conifer zones.
Eriogonum mensicola	Pinyon Mesa buckwheat	-- -- CRPR 1B.3 BLM Sensitive	Grows on rocky to gravelly flats and slopes, sagebrush communities, pinyon-juniper and montane conifer woodlands.
Eriogonum microthecum var. *panamintense*	Panamint Mountains buckwheat	-- -- CRPR 1B.3	Found on dry slopes, rocky, sagebrush scrub, pinyon-juniper, subalpine coniferous forests.
Erythranthe	limestone	--	Found on carbonate soils on talus

Scientific Name	Common Name	Regulatory Status Federal Listing State Listing Other[1]	Habitat Use
calcicola	monkeyflower	-- CRPR 1B.3 BLM Sensitive	slopes in Joshua Tree woodland, pinyon-juniper woodland, and Mojave Desert scrub.
Fimbristylis thermalis	hot springs fimbristylis	-- -- CRPR 2B.2	Found in alkaline meadows near hot springs.
Grusonia pulchella	beautiful cholla	-- -- CRPR 2B.2 BLM Sensitive	Found on sandy soils in dunes, washes, dry lake borders, and sagebrush desert.
Hulsea vestita ssp. *inyoensis*	Inyo hulsea	-- -- CRPR 2B.2	Grows on steep, unstable sand or rocky slopes and sometime swashes in high desert shrublands and pinyon woodlands.
Hymenopappus filifolius var. nanus	Little cutleaf	-- -- CRPR 2B.3	Grows in a variety of habitats, dry rocky slopes, dry mesas, dry habitats and limestone soils.
Ivesia arizonica var. *arizonica*	Yellow ivesia	-- -- CRPR 2B.3	Grows on rock outcrops, in cracks and crevices in pinyon-juniper woodland, subalpine forest, and upper montane coniferous forest communities.
Ivesia kingii var. *kingii*	alkali ivesia	-- -- CRPR 2B.2 BLM sensitive	Found in alkaline meadows, seeps, and basins.
Ivesia campestris	Field ivesia	-- -- CRPR 1B.2	Found in meadows of subalpine forest communities.
Loeflingia squarrosa var. *artemisiarum*	sagebrush loeflingia	-- -- CRPR 2B.2 BLM sensitive	Found in sandy areas around clay slicks, sandy flats, and dunes in Great Basin scrub and Sonoran Desert scrub.
Lupinus magnificus var. *hesperius*	McGee Meadows lupine	-- -- CRPR 1B.1 BLM Sensitive	Found on sandy substrates in upper montane coniferous forest and Great Basin scrub. Only known occurrence (type locality) for the species is in McGee Meadow, west of the OVSES North.
Lupinus pusillus var.	intermontane lupine	-- --	Found on sandy soils in Great Basin scrub.

Scientific Name	Common Name	Regulatory Status Federal Listing State Listing Other[1]	Habitat Use
intermontanus		CRPR 2B.3	
Mentzelia inyoensis	Inyo blazing star	-- -- CRPR 1B.3 BLM Sensitive USFS Sensitive	Found in rocky sites in Great Basin scrub and pinyon-juniper woodland.
Mentzelia torreyi	Torrey's blazing star	-- -- CRPR 2B.2	Found on alkaline, usually volcanic, soils in sandy or rocky sites in Great Basin scrub, Mojave Desert scrub, and pinyon-juniper woodland.
Mimulus parryi	Parry's monkeyflower	-- -- CRPR 2B.3	Found on sandy or gravelly soils in washes in Great Basin scrub.
Oryctes nevadensis	Nevada oryctes	-- -- CRPR 2B.1	Found on loose sandy soils in washes and desert foothills in chenopod scrub.
Perityle inyoensis	Inyo rock daisy	-- -- CRPR 1B.2	Grows in dry, rocky mountain slopes, often in limestone.
Petrophytum caespitosum ssp. *acuminatum*	Marble rockmat	-- -- CRPR 1B.3	Grows among rocks in forest and woodland habitats.
Phacelia barnebyana	Barneby's phacelia	-- -- CRPR 2B.3	Grows on calcareous soils. Found in pinyon-juniper woodlands and Great Basin Scrub.
Phacelia inyoensis	Inyo phacelia	-- -- CRPR 1B.2 BLM sensitive USFS sensitive	Found in alkaline meadows, associated with shrubs
Physocarpus alternans	Nevada ninebark	-- -- CRPR 2B.3	Found on limestone soils in rocky sites in pinyon-juniper woodland.
Plagiobothrys parishii	Parish's popcornflower	-- -- CRPR 1B.1	Found on alkaline soils in mesic sites in Great Basin scrub and Joshua Tree woodland.
Populus angustifolia	Narrow-leaved cottonwood	-- -- CRPR 2B.2	Found in riparian forest
Potamogeton robbinsii	Robbins' pondweed	-- --	Found in marshes and swamps

Scientific Name	Common Name	Regulatory Status Federal Listing State Listing Other[1]	Habitat Use
		CRPR 2B.3	
Ranunculus hydrocharoides	frog's-bit buttercup	-- -- CRPR 2B.1	Found in or bordering shallow springs and marshes in the mountains.
Sidalcea covillei	Owens Valley checkerbloom	-- Endangered CRPR 1B.1 BLM sensitive	Found on fine sandy loam soils in moist alkaline meadows and seeps.
Sphenopholis obtusata	prairie wedge grass	-- -- CRPR 2B.2	Found in open, moist sites along rivers and springs in cismontane woodland, meadows, and seeps.
Streptanthus oliganthus	Masonic Mountain jewel-flower	-- -- CRPR 1B.2	Found in pinyon and juniper woodland
Thelypodium integrifolium ssp. *complanatum*	foxtail thelypodium	-- -- CRPR 2B.2	Found on alkaline soils in meadows and seeps in Great Basin scrub.
Viola pinetorum var. *grisea*	Grey-leaved violet	-- -- CRPR 1B.3	Found in meadows and seeps, subalpine coniferous forest

Sources: BLM 2010; CDFW 2015; CNPS 2015; USFWS 2015a

1BLM sensitive = special status plant or animal under jurisdiction of the US Bureau of Land Management

CDFW = California Department of Fish and Wildlife

FP = listed as Fully Protected under Fish and Game Code

SSC = listed as Species of Concern under Fish and Game Code

WL = listed as Watch List by CDFW

CRPR = California Rare Plant Rank

1B = rare, threatened, or endangered in California and elsewhere

2B = rare, threatened, or endangered in California but more common elsewhere

.1 = seriously endangered in California (over 80% of occurrences threatened)

.2 = fairly endangered in California (20-80% occurrences threatened)

.3 = not very endangered in California (<20% of occurrences threatened)

USFS sensitive = special-status species under the jurisdiction of the U.S. Forest Service

6 NATURAL COMMUNITIES AND LAND COVERS DEPICTED ON THE VEGETATION MAP

This section provides detailed descriptions of vegetation types and land covers depicted on the vegetation layer in Data Basin (*OVSES – Land Cover and Vegetation Communities*).

6.1 VEGETATION AND LAND COVERS

This section provides a description of the composition and general location of each vegetation or land cover type in the OVSES. Tables 2 and 3 provide summaries of the acreage of each vegetation/land cover type in the OVSES organized by MCV classification (Table 2) and Holland (1986) community description (Table 3). Vegetation data are organized by MCV classification for consistency with the vegetation map, and by Holland for consistency with existing data sets for vegetation on LADWP lands. Species nomenclature follows Baldwin *et al.* (2012).

California vegetation communities are given a rarity ranking by the CDFW Vegetation Classification and Mapping Program (VegCAMP 2010). Rarity rankings are in descending order of sensitivity in California, with a ranking of S1 indicating critically imperiled and a ranking of S5 indicating demonstrably secure. A question mark indicates that more information is needed. Communities ranked S1, S2, or S3 are considered sensitive. Sensitive natural communities are vegetation communities of limited distribution statewide or within a county or region, and are often vulnerable to the environmental effects of projects. Sensitive natural communities may or may not contain sensitive species or their habitat.

Table 5. MCV Vegetation Classification in the OVSES

FORMATION **Group** Alliance	**Rarity Ranking[1]**	**Acres**
TEMPERATE FLOODED AND SWAMP FOREST		
Southwestern North American Riparian Evergreen and Deciduous Woodland		
Populus fremontii (Fremont Cottonwood Forest)	S3	849
Southwestern North American Riparian/Wash Scrub		
Salix exigua (Sandbar Willow Thickets)	S4	2,222
Salix lasiolepis (Arroyo Willow Thickets)	S4	280
Great Basin Montane Riparian Scrub		
Rosa woodsii (Interior Rose Thickets)	S3	10
TEMPERATE AND BOREAL FRESHWATER MARSH		
Arid West Freshwater Emergent Marsh		
Phragmites australis (Common Reed Marshes)	S4?	1,900
Typha latifolia (Cattail Marshes)	S5	335
Schoenoplectus acutus (Hardstem Bulrush Marsh)	S4	18
TEMPERATE AND BOREAL SALT MARSH		
Great Basin Cool Semi-Desert Alkali Basin		35,295[3]
Sarcobatus vermiculatus (Greasewood Scrub)	S4	34,474
Southwestern North American Salt Basin and High Marsh		
Atriplex lentiformis (Quailbush Scrub)	S4	27,624
Temperate Pacific Tidal Salt and Brackish Meadow		
Distichlis spicata (Saltgrass flats)	S4	26,818.44
WARM SEMI-DESERT SCRUB AND GRASSLAND		
Lower Bajada and Fan Mojavean-Sonoran Desert Scrub		
Atriplex polycarpa (Allscale Saltbush Scrub)	S4	58,152
Larrea tridentata (Creosote Bush Scrub)	S5	4,496
WARM SEMI-DESERT CLIFF, SCREE, AND ROCK VEGETATION		
North American Warm Desert Bedrock Cliff and Outcrop		
Atriplex hymenelytra (Desert Holly Scrub)	S4	1,115
COOL SEMI-DESERT SCRUB AND GRASSLAND		
Shadscale-Saltbush Cool Semi-Desert Scrub		
Atriplex canescens (Fourwing Saltbush Scrub)	S4	5,957
Atriplex confertifolia (Shadscale Scrub)	S4	45,021
Intermontane Deep or Well-Drained Soil Scrub		
Grayia spinosa (Spiny Hopsage Shrubland)	S3	1,275
Ephedra nevadensis (Nevada Joint Fir Scrub)	S4	43,062
Intermountain Shallow/Calcareous Soil Scrub		
Coleogyne ramosissima (Black Brush Scrub)	S4	2,679
Inter-mountain West Mesic Tall Sagebrush Shrubland and Steppe		
Artemisia tridentata (Big Sagebrush)	S5	31,684
Intermontane Seral Shrubland		

FORMATION Group Alliance	Rarity Ranking[1]	Acres
Ericameria nauseosa (Rubber Rabbitbrush Scrub)	S5	31,915
Ericameria teretifolia (Needleleaf Rabbitbrush Scrub)	S4	30,495
TEMPERATE GRASSLAND, MEADOW, AND SHRUBLAND		
Western Dry Upland Perennial Grassland		1
Poa secunda (Curly Blue Grass Grassland)	S3	1
OTHER LAND COVERS		
Agriculture	--	13,935
Open water	--	2,817
Playa	--	69,368
Bare Rock	--	5,719
Developed Land	--	11,697
Disturbed Habitat	--	3,877
Black Locust Riparian Forest[2]	--	208
TOTAL		

[1]State Rarity Ranking taken from CDFW (2010). Rarity Ranking is in inverse order of sensitivity (*i.e.*, 1=most sensitive; 5=secure).
[2]Not an element in the MCV.
[3]Includes area not mapped to Alliance level.

Table 3 presents the MCV Alliances mapped in the OVSES organized according to the Series and Communities described in Holland (1986). This information is provided in order to assist users who are more familiar with the Holland system than with MCV classification. Existing vegetation data for LADWP lands follow Holland; however, the Holland system does not describe vegetation at the Alliance level. MCV Alliances are placed into Holland communities on the basis of characteristic species provided in Holland (1986).

Table 6. Holland Communities in the OVSES

HOLLAND SERIES Holland Community MCV Alliance	Element Code	Acres
RIPARIAN AND BOTTOMLAND HABITAT	**60000**	
Modoc-Great Basin Cottonwood-Willow Riparian Forest	61610	
Fremont cottonwood forest	--	849
Modoc-Great Basin Riparian Scrub	63600	
Interior rose thickets	--	10
Sandbar willow thickets	--	2,222
Arroyo willow thickets	--	280
BOG AND MARSH	**50000**	
Transmontane Freshwater Marsh	52420	
Common reed marshes	--	1,900

Hardstem bulrush marsh	--	18
Cattail marshes	--	335
GRASSLANDS AND OTHER HERB COMMUNITIES	**40000**	
Alkali Playa	46000	
Playa	--	69,368
Alkali Meadow	45310	
Saltgrass flats	--	26,818
Great Basin Grassland	43000	
Curly blue grass grassland	--	1
SCRUB AND CHAPARRAL	**30000**	
Desert Saltbush Scrub	36110	
Fourwing saltbush scrub	--	5,957
Desert holly scrub	--	1,115
Allscale saltbush scrub	--	58,152
Desert Sink Scrub	36120	
Quailbush scrub	--	27,624
Great Basin cool semi-desert alkali basin[1]	--	821
Desert Greasewood Scrub	36130	
Greasewood scrub	--	34,474
Shadscale Scrub	36140	
Shadscale scrub	--	45,021
Spiny hopsage scrub	--	1,275
Rabbitbrush Scrub	35400	
Rubber rabbitbrush scrub	--	31,915
Big Sagebrush Scrub	35210	
Big sagebrush	--	31,684
Great Basin Mixed Scrub	35100	
Nevada joint fir scrub (North of Crater Mountain)		21,549
Mojave Creosote Bush Scrub	34100	
Creosote bush scrub	--	4,496
Mojave Mixed Woody Scrub	34210	
Nevada joint fir scrub (South of Crater Mountain)	--	21,513
Needleleaf rabbitbrush scrub	--	30,495
Blackbush Scrub	34300	
Black brush scrub	--	2,679
OTHER LAND COVERS[2]		
Disturbed Habitat	11000	
Black locust riparian forest	--	208
Disturbed	--	3,877
Bare Rock	--	5,719
Extensive Agriculture	18310	13,935
Urban/Developed	12000	11,697
Open Water	64610	2,817

[1]MCV Group not mapped to the Alliance level.
[2]Element codes adapted from Holland (1986) by Oberbauer *et al.* (2008)

The following sections provide descriptions of the species Alliances that make up the MCV Groups depicted on the vegetation map. Alliances were identified according to the dominant species that are included in the descriptions.

6.1.1 Southwestern North American Riparian Evergreen and Deciduous Woodland

The Southwestern North American Riparian Evergreen and Deciduous Woodland Group is represented in the OVSES area by one Alliance: Fremont cottonwood forest, which occurs on upper terraces, stream banks, along canals, in lower reaches of creeks, and in low-lying areas. This community is characterized by a sparse to closed canopy of Fremont cottonwood (*Populus fremontii*). The ground is generally bare, or covered with leaf litter and dead cottonwood limbs. In areas used for grazing, the ground may be covered with saltgrass (*Distichlis spicata*), Mexican rush (*Juncus mexicanus*), and wild licorice (*Glycyrrhiza lepidota*). Sites in the OVSES that support this vegetation community are typically disturbed by cattle grazing or vehicles. Fremont cottonwood forest is considered a sensitive natural community, with a rarity ranking of S3.

6.1.2 Southwestern North American Riparian/Wash Scrub

The Southwestern North American Riparian/Wash Scrub Group is represented in the OVSES by two Alliances: sandbar willow thickets and arroyo willow thickets. Sandbar willow thickets consist of a very dense scrub of narrowleaf (=sandbar) willow (*Salix exigua*) with Woods' rose (*Rosa woodsii*) at the margins and occasional emergent red willow (*Salix laevigata*). This community forms a nearly impenetrable thicket along the banks of the Owens River and major tributaries north of Tinemaha Reservoir.

Arroyo willow thickets consist of a moderately dense stand of arroyo willow (*Salix lasiolepis*), with black willow (*Salix gooddingii*), red willow, narrowleaf willow, and occasional water birch (*Betula occidentalis*). Big sagebrush often surrounds the margins of this community but does not form an understory within it. This community occurs in and along creeks in the southwest of the OVSES, especially in higher reaches near the foot of the Sierra Nevada.

6.1.3 Great Basin Montane Riparian Scrub

The Great Basin Montane Riparian scrub Group is represented in the OVSES by one Alliance: interior rose thickets. Interior rose thickets are large, dense patches of Woods' rose occurring near major streams and rivers. This vegetation type is most common near sandbar willow thickets at the margins of the Owens River and Horton Creek northwest of Bishop, and is usually surrounded by saltgrass flats away from the river bank. Interior rose thickets are considered a sensitive natural community, with a rarity ranking of S3.

6.1.4 Arid West Freshwater Emergent Marsh

The Arid West Freshwater Emergent Marsh Group is represented in the OVSES by three Alliances: common reed marshes, cattail marshes, and hardstem bulrush marsh. All of these communities occur in floodplains, stream channels, canals, seeps, springs, engineered channels, and wetlands where the soil is permanently inundated. Common reed marsh is a monoculture of common reed (*Phragmites australis*) and occurs rarely in the northern portion of the OVSES, but is the predominant marsh vegetation south of Tinemaha Reservoir. Cattail marsh and hardstem bulrush marsh are dominated by common cattail (*Typha latifolia*) and hardstem bulrush (*Shoenoplectus acutus*), respectively, and occur on point bars and meanders in the Owens River and all major tributaries, as well as depressions, oxbows, paleochannels, and engineered wetlands throughout the northern portion of OVSES. These two marsh types occur less frequently south of Tinemaha Reservoir.

6.1.5 Great Basin Cool Semi-Desert Alkali Basin

The Great Basin Cool Semi-Desert Alkali Basin Group is represented in the OVSES by one community not mapped to Alliance level, and one Alliance: greasewood scrub. Greasewood scrub is dominated by greasewood (*Sarcobatus vermiculatus*), with fourwing saltbush (*Atriplex canescens*), bush seepweed (*Suaeda moquinii*), and rubber rabbitbrush (*Ericameria nauseosa*) also present in the northern portion of the study area. The greasewood scrub Alliance south of Tinemaha Reservoir includes allscale (*Atriplex polycarpa*), quailbush (*Atriplex lentiformis*), Mojave indigo bush (*Psorothamnus arborescens*), shadscale (*Atriplex confertifolia*), rubber rabbitbrush and bush seepweed. The herbaceous understory is dominated by saltgrass or Russian thistle (*Salsola* spp.) throughout the OVSES, and cheatgrass (*Bromus tectorum*) in disturbed places in the northern portion of the OVSES. Greasewood scrub occurs mostly where alkali flats and sinks are common. Seasonal drying or high rates of evaporation in these areas result in accumulation of salt in the soil.

This Group is also represented in the OVSES at the eastern edge of Owens Lake north of Keeler by a sparse community of Parry's saltbush (*Atriplex parryi*) and Saharan mustard (*Brassica tournefortii*), a non-native annual. Soils in this area are a wind-deposited mix of alkali and sand. The MCV does not include an alliance for Parry's saltbush, so this area is not mapped to the Alliance level in this study.

6.1.6 Southwestern North American Salt Basin and High Marsh

The Southwestern North American Salt Basin and High Marsh Group is represented in the OVSES by one Alliance: quailbush scrub. Quailbush scrub occurs primarily in the southern half of the OVSES, in areas where rolling terrain forms a mosaic of alkali basins and low sandy dunes, and where seasonal drying or high rates of evaporation result in accumulation of salt in the soil. The community is dominated by a sparse cover of quailbush and fourwing saltbush, with shadscale present in higher sandy areas. There is no herbaceous understory in this community except for patches of saltgrass.

6.1.7 Temperate Pacific Tidal Salt and Brackish Meadow

The Temperate Pacific Tidal Salt and Brackish Meadow Group is represented in the OVSES by one Alliance: saltgrass flats. This community is characterized by a 90-100 percent cover of saltgrass, Mexican rush, Baltic rush (*Juncus balticus*), and creeping wild rye (*Elymus triticoides*) and occurs in expansive alkaline meadows throughout the floodplains of the Owens River and major tributaries as well as in irrigated pastures. These areas are typically wet in the spring and dry progressively through the summer. Saltgrass flats in the OVSES are usually disturbed by cattle, and include patches of wild licorice, as well as sparse rubber rabbitbrush and alkali sacaton. Saltgrass flats in Fish Slough are included in the USFWS Critical Habitat designation for Fish Slough milk-vetch (*Astragalus lentiginosus* var. *piscinensis*).

6.1.8 Lower Bajada and Fan Mojavean-Sonoran Desert Scrub

The Lower Bajada and Fan Mojavean-Sonoran Desert Scrub Group is represented in the OVSES by two Alliances: allscale saltbush scrub and creosote bush scrub. Allscale saltbush scrub is much more widespread in the southern half of the OVSES than in the northern half and occurs in a transitional zone between the alkali basin scrubs of the valley floor and the mixed woody scrubs of the upper alluvial fans. Elements of these communities increase in cover at the lower and upper limits of allscale scrub, and include quailbush, fourwing saltbush, greasewood, bush seepweed, and rubber rabbitbrush at lower elevations, and Nevada joint fir (*Ephedra nevadensis*), needleleaf rabbitbrush (*Ericameria teretifolia*), winter fat (*Krascheninnikovia lanata*), creosote (*Larrea tridentata*), big sagebrush (*Artemisia tridentata*), shadscale, and Mojave indigo bush at higher elevations.

Creosote bush scrub occurs in sandy washes on the upper reaches of bajadas and fans at the foot of the Inyo Mountains, and on lower reaches of fans west of Owens Lake. Patches of creosote bush scrub are usually surrounded by allscale saltbush scrub and include allscale, Mojave indigo bush, and shadscale.

6.1.9 North American Warm Desert Bedrock Cliff and Outcrop

The North American Warm Desert Bedrock Cliff and Outcrop Group is represented in the OVSES by one Alliance: desert holly scrub. Desert holly scrub is a sparse community of desert holly (*Atriplex hymenelytra*) and bush seepweed occurring on rocky terrain east of Owens Lake. Very little vegetation besides those two shrub species is present, except for scattered individuals of Saharan mustard.

6.1.10 Shadscale-Saltbush Cool Semi-Desert Scrub

The Shadscale-Saltbush Cool Semi-Desert Scrub Group is represented in the OVSES by two Alliances: fourwing saltbush scrub and shadscale scrub. Both of these alliances are characterized by a sparse to dense cover of short (<1.5 meters) shrubs with little herbaceous understory, and share most species in common. Alliances are distinguished by which species is locally dominant. Soils are highly variable but usually alkaline and well-drained. These alliances occur on a variety of slopes and aspects. Both of these shrub communities provide limited potential habitat value for sensitive species, usually only in more open phases with low shrub cover.

Fourwing saltbush scrub occurs in the OVSES on upland flats with wind-deposited sandy soils, and on older lava flows southwest of Tinemaha Reservoir. The community is dominated by fourwing saltbush, and includes rubber rabbitbrush, big sagebrush, winter fat, and Nevada joint-fir.

Shadscale scrub is the most widespread community in the northern half of the OVSES, covering most of the alluvial slopes below the Sierra Nevada, White, and Inyo Mountains, as well as upland flats outside of the floodplain of the Owens River and its tributaries that have not been altered for development or agriculture. This community is dominated by shadscale, and includes Nevada joint-fir, winterfat, big sagebrush, fourwing saltbush, greasewood, spiny menodora (*Menodora spinescens*), and Mojave indigobush as subdominants, depending on location. Shadscale scrub is much less widespread in the southern half of the OVSES, being largely replaced by allscale saltbush scrub and mixed woody scrubs.

6.1.11 Intermontane Deep or Well-Drained Soil Scrub

The Intermontane Deep or Well-Drained Soil Scrub Group is represented in the OVSES by two Alliances: spiny hopsage shrubland, and Nevada joint fir scrub. Spiny hopsage shrubland in the OVSES is dominated by spiny hopsage (*Grayia spinosa*), spiny menodora, and winter fat, and occurs in the Volcanic Tablelands west of Fish Slough and south of Crater Mountain. The herbaceous understory in this community is sparse and dominated by perennial grasses and Russian thistle. Spiny hopsage shrubland is considered a sensitive natural community, with a rarity ranking of S3.

Nevada joint fir scrub is sparse and dominated by Nevada joint fir, with other low-growing shrubs such as California buckwheat (*Eriogonum fasciculatum* var. *polifolium*), winterfat, and spiny menodora also present. Larger shrubs such as shadscale, fourwing saltbush, big sagebrush, and rubber rabbitbrush are absent from this community. Nevada joint fir scrub occurs near the western edge of the OVSES, south of Big Pine Creek.

6.1.12 Intermountain Shallow/Calcareous Soil Scrub

The Intermountain Shallow/Calcareous Soil Scrub Group is represented in the OVSES by one Alliance: black brush scrub. Black brush scrub is a mixed woody scrub including blackbrush (*Coleogyne ramosissima*) and other small shrubs typical of spiny hopsage shrubland, Nevada joint fir scrub, and big sagebrush, especially winter fat and spiny menodora. This community occurs in the northwest of the OVSES, on upper alluvial fans of the Sierra Nevada, where soils are rocky and derived from shale and carbonate substrates.

6.1.13 Inter-Mountain West Mesic Tall Sagebrush Shrubland and Steppe

The Inter-Mountain West Mesic Tall Sagebrush Shrubland and Steppe Group is represented in the OVSES by one Alliance: big sagebrush. This community occurs on coarse-textured soils with low salinity, and consists of a sparse to dense cover of big sagebrush, with winterfat, Nevada joint fir, and rubber rabbitbrush present at low elevations, and antelope bush (*Purshia tridentata*), sticky rabbitbrush (*Chrysothamnus viscidiflorus*), and Mormon tea (*Ephedra viridis*) present at higher elevations. In the

northwestern portion of the OVSES, this community occurs in small patches adjacent to larger areas of shadscale-saltbush scrub, or intermediate between areas of shadscale-saltbush scrub and more mesic shrub communities. In the southwestern portion of the OVSES, this community occurs continuously on the alluvial fans of the Sierra Nevada above 4,500 feet, and on north-facing slopes and in creeks at lower elevations.

6.1.14 Intermontane Seral Shrubland

The Intermontane Seral Shrubland Group is represented in the OVSES by two Alliances: rubber rabbitbrush scrub and needleleaf rabbitbrush scrub. Rubber rabbitbrush scrub is found throughout the OVSES in floodplains, former river channels, disturbed lands, and abandoned agricultural areas, and is characterized by a moderate to fairly dense cover of rubber rabbitbrush, often with an herbaceous cover of saltgrass and alkali sacaton. Other shrubs such as quailbush and fourwing saltbush are present, increasing in number with elevation. Greasewood and bush seepweed become more dominant in areas with saline soils. Rubber rabbitbrush scrub occupies the transitional zone between the riparian corridor along rivers and the saltbush dominated upland terraces outside of the river floodplains, and is often indicative of former river channels and abandoned agricultural land.

Needleleaf rabbitbrush scrub is widespread in the southwest of the OVSES, and is dominated by needleleaf rabbitbrush, Cooper's goldenbush (*Ericameria cooperi*), and cheesebush (*Ambrosia salsola*), with a wide variety of small shrubs associated with the Mojave Desert such as Nevada joint fir, Mojave indigobush, burrobush (*Ambrosia dumosa*), matchweed (*Gutierrezia microcephala*), and Virgin River brittlebush (*Encelia virginensis*) also present. The herbaceous understory includes a variety of desert annuals such as desert trumpet (*Eriogonum inflatum*), Veatch's blazingstar (*Mentzelia veatchiana*), and desert pincushion (*Chaenactis stevioides*). This mixed woody scrub occupies a transitional zone between allscale saltbush scrub and big sagebrush, and so includes indicators of those communities at its low and high elevation limits.

6.1.15 Western Dry Upland Perennial Grassland

The Western Dry Upland Perennial Grassland Group is represented in the OVSES by one Alliance: curly blue grass grassland. This community occurs in a small area in Fish Slough and is dominated by curly blue grass (*Poa secunda*). Curly blue grass grassland is considered a sensitive natural community, with a rarity ranking of S3.

6.1.16 Other Land Uses

Other land uses in the OVSES include Agriculture, Open Water, Playa, Developed, and Disturbed areas. Agriculture describes areas actively managed for crops, including center-pivot and traditionally irrigated fields. Agricultural fields provide potential foraging habitat for a variety of raptors and carnivores, as well as potential nesting habitat for mountain plover (*Charadrius montanus*). Open Water describes natural and artificial lakes and ponds, canals, and engineered wetlands with expanses of surface water. Seeps and springs are included in the habitat in which they occur. Open water provides potential habitat

for sensitive aquatic species including mollusks, fish, and amphibians, as well as foraging habitat for birds. Playa occurs in Owens Lake, and includes salt pannes and portions of the lake bed diked and managed by the LADWP for dust control. Playa is generally devoid of vegetation, but may have sparse vegetative cover when not inundated. Playa provides potential nesting habitat for western snowy plover. Developed describes buildings, roads, highways, airport runways, ornamental landscaping, golf courses, yards, and horse paddocks. Developed areas do not naturally support vegetation, or support no identifiable native or naturalized species assemblage. Dirt roads and yards that are maintained in a mostly bare condition either by humans or domestic animals are considered developed. Developed areas generally do not provide significant wildlife habitat, but yards and paddocks may provide foraging habitat and bordering trees may provide nesting habitat. Disturbed areas include debris piles, borrow pits, graded areas, and abandoned building sites. Disturbed areas provide some potential value as foraging habitat for raptors, and as nesting and foraging habitat for burrowing owl.

Disturbed areas also include riparian stands of black locust (*Robinia pseudoacacia*), which is native to the eastern United States and has escaped from cultivation to become a pest species in riparian areas of California. Black locust forms a monoculture forest of emergent trees with an understory of a nearly impenetrable thicket of smaller trees and shrubs, and appears to have supplanted native cottonwood riparian forest along extensive reaches of Bishop Creek southwest of Bishop, and in a few areas around Independence and Lone Pine. This vegetation type provides potential nesting habitat for raptors in emergent trees, and riparian birds in the dense understory.

7 SPECIAL-STATUS SPECIES OCCURRENCE SUMMARIES

The habitats present in the OVSES, as described in Chapter 6, were analyzed for potential to support the 118 special-status species identified as having potential to occur in the OVSES. A list of special-status plant and animal species with the potential to occur in each Group is presented in Table 4 based on the review of CNDDB, USFWS, and CNPS lists at the time of report production. Refer to Table 1 for details on the regulatory status (listing) and individual habitat affinities of each special-status species with potential to occur in the OVSES.

Individual parcels and project sites will have potential to support federal and state listed species, other special-status species, and non-sensitive species generally protected by federal and state laws, based on local conditions that cannot be assessed in this study. Desktop reviews of current scientific databases as well as comprehensive surveys of individual parcels and project sites for special-status plants and animals, and for nesting birds, must be performed at appropriate times prior to initiation of individual projects.

Table 7. Sensitive Species – Habitat Summary for OVSES Habitats

MCV Group	Sensitive Species*
Southwestern North American riparian evergreen deciduous woodland	<u>Animals</u> monarch buttefly (B) bald eagle (N) Bendire's thrasher (N) black rosy-finch (B) California wolverine (B) Cooper's hawk (B) long-eared owl (N) osprey (N) Sierra marten (B) Summer tanager (B) Swainson's hawk (N) white-tailed kite (N) pallid bat (N) <u>Plants</u> Narrow-leaved cottonwood Prairie wedge grass pygmy pussypaws
Southwestern North American riparian/ wash scrub	<u>Animals</u> Panamint alligator lizard (B) bank swallow (B) Cooper's hawk (B) long-eared owl (N) northern harrier (N) southwestern willow flycatcher (B) summer tanager (B) Swainson's hawk (N) western yellow-billed cuckoo (B; only in extensive habitat along the Owens River) yellow-breasted chat (B) hoary bat (B) Owens Valley vole (B) spotted bat (B) western small-footed myotis (B) <u>Plants</u> King's eyelash grass July gold
Great Basin montane riparian scrub	<u>Animals</u> Panamint alligator lizard (B)

MCV Group	Sensitive Species*
	bald eagle (F) bank swallow (B) Cooper's hawk (B) long-eared owl (N) northern harrier (F) southwestern willow flycatcher (B) summer tanager (B) Swainson's hawk (N) western yellow-billed cuckoo (B) yellow-breasted chat (B) hoary bat (B) Owens Valley vole (B) western small-footed myotis (B)
Arid West freshwater emergent marsh	<u>Animals</u> northern leopard frog (B) bank swallow (B) least bittern (B) northern harrier (B) silver-haired bat (F)
Great Basin cool semi-desert alkali basin	<u>Animals</u> Panamint alligator lizard (B) American peregrine falcon (F) golden eagle (F) loggerhead shrike (B) prairie falcon (F) western snowy plover (B) <u>Plants</u> bald daisy Barneby's phacelia coyote gilia falcate saltbush foxtail thelypodium (only near seeps at the foot of the White Mountains) hot springs fimbristylis (only near warm springs) intermontane lupine Inyo blazing star Kern Plateau bird's-beak McGee Meadows lupine Nevada oryctes Parry's monkeyflower sagebrush loeflingia

MCV Group	Sensitive Species*
	Shockley's milk-vetch Torrey's blazing star
Southwestern North American salt basin and high marsh	<u>Animals</u> American peregrine falcon (F) Bell's sage sparrow (B) golden eagle (F) least bittern (B) LeConte's thrasher (B) prairie falcon (F) Swainson's hawk (F) western snowy plover (B) <u>Plants</u> Hillman's silverscale Inyo County star-tulip Liddon's sedge Robbin's pondweed
Temperate Pacific tidal salt and brackish meadow	<u>Animals</u> American peregrine falcon (F) burrowing owl (B) golden eagle (F) least bittern (B) loggerhead shrike (F) long-eared owl (F) mountain plover (B) northern harrier (F) prairie falcon (F) Swainson's hawk (F) white-tailed kite (F) spotted bat (F) Owens Valley vole (B) <u>Plants</u> Fish Slough milk-vetch (only at Fish Slough) foxtail thelypodium (only near seeps at the foot of the White Mountains) Hall's meadow hawksbeard Horn's milk-vetch hot springs fimbristylis (only near warm springs) Inyo County star-tulip Inyo phacelia Owens Valley checkerbloom

MCV Group	Sensitive Species*
	Parish's popcornflower prairie wedge grass (only near seeps at the foot of the White Mountains) Shockley's milk-vetch
Lower bajada and fan Mojavean - Sonoran desert scrub	<u>Animals</u> Mohave ground squirrel (only near Owens Lake) <u>Plants</u> fiddleleaf hawksbeard Hall's meadow hawksbeard King's eyelash grass Pinyon rockcress Sagebrush loeflingia Torrey's blazing star Wheeler's dune-broom
North American warm desert bedrock cliff and outcrop	<u>Animals</u> northern sagebrush lizard (B) American peregrine falcon (F) golden eagle (F) prairie falcon (F) spotted bat (N) <u>Plants</u> Lincoln rockcress Ripley's aliciella yellow ivesia
Shadscale-saltbush cool semi-desert scrub	<u>Animals</u> northern sagebrush lizard (B) Panamint alligator lizard (B) American peregrine falcon (F) golden eagle (F) loggerhead shrike (B) prairie falcon (F) American badger (B) Argus Mountains kangaroo rat (only near Owens Lake) (B) <u>Plants</u> Booth's hairy evening primrose fiddleleaf hawksbeard Hall's meadow hawksbeard

MCV Group	Sensitive Species*
	Inyo County star-tulip King's eyelash grass Nevada oryctes pinyon rockcress sagebrush loeflingia Torrey's blazing star (only in the Volcanic Tablelands) Wheeler's dune broom (only at the foot of the White Mountains)
Intermontane deep or well-drained soil scrub	<u>Animals</u> northern sagebrush lizard (B) Panamint alligator lizard (B) American peregrine falcon (F) golden eagle (F) loggerhead shrike (B) prairie falcon (F) American badger (B) Argus Mountains kangaroo rat (B) <u>Plants</u> little cutleaf Nevada oryctes
Intermountain shallow/calcareous soil scrub	<u>Animals</u> Panamint alligator lizard (B) American peregrine falcon (F) bald eagle (F) Cooper's hawk (B) golden eagle (F) loggerhead shrike (B) long-eared owl (N) northern harrier (F) prairie falcon (F) southwestern willow flycatcher (B) summer tanager (B) Swainson's hawk western snowy plover (B) western yellow-billed cuckoo (B) yellow-breasted chat (B) Owens Valley vole (B) western small-footed myotis <u>Plants</u> Barneby's phacelia

MCV Group	Sensitive Species*
Inter-mountain West mesic tall sagebrush shrubland and steppe	<u>Animals</u> Mount Lyell slender salamander (creeks above 6,000 feet) (B) northern sagebrush lizard (B) golden eagle (F) loggerhead shrike (B) prairie falcon (F) American badger (B) Sierra Nevada bighorn sheep (B) Townsend's big-eared bat (F) western white-tailed jackrabbit (B) <u>Plants</u> beautiful cholla coyote gilia Great Basin onion Inyo hulsea Panamint Mountains buckwheat Pinyon Mesa buckwheat
Intermontane seral shrubland	<u>Animals</u> northern sagebrush lizard (B) American peregrine falcon (F) golden eagle (F) loggerhead shrike (B) prairie falcon (F) northern harrier (F) Argus Mountains kangaroo rat (B) western small-footed myotis (B) <u>Plants</u> hot springs fimbristylis (near warm springs) Inyo phacelia Nevada oryctes
Western dry upland perennial grassland	<u>Animals</u> American peregrine falcon (F) burrowing owl (B) golden eagle (F) prairie falcon (F) least bittern (B) long-eared owl (F) northern harrier (F)

MCV Group	Sensitive Species*
	Swainson's hawk (F) white-tailed kite (F) Owen's Valley vole (B) spotted bat (F) <u>Plants</u> Fish Slough milk-vetch Hall's meadow hawksbeard Horn's milk-vetch Inyo County star-tulip Inyo phacelia Owen's Valley checkerbloom prairie wedge grass
Agriculture	<u>Animals</u> American peregrine falcon (F) Bendire's thrasher (F) burrowing owl (B) California condor (F) golden eagle (F) loggerhead shrike (F) long-eared owl (F) mountain plover (B) prairie falcon (F) Swainson's hawk (F) spotted bat (F) pallid bat (F) <u>Plants</u> Geyer's milk-vetch
Open Water	<u>Animals</u> Fish Slough springsnail (Fish Slough) Owens Valley springsnail (springs and spring-fed streams; western foot of the White and Inyo Mountains) Wong's springsnail (springs and small to medium sized streams; east and west sides of the Owens Valley) Mount Lyell salamander (creeks above 6,000 feet) mountain yellow-legged frog (streams on the upper western side of the OVSES) northern leopard frog (permanent or semi-permanent water) Sierra Nevada yellow-legged frog

MCV Group	Sensitive Species*
	Yosemite toad (mountain ponds and streams; not likely in the OVSES) Lahontan cutthroat trout (B) Owens pupfish Owens speckled dace(small streams and springs with shallow water) Owens sucker (Owens River and its major tributaries; irrigation ditches, and lakes) Owens tui chub (managed refuges) bald eagle (F) bank swallow (B) least bittern (B) osprey (F) Silver-haired bat (F)
Playa	<u>Animals</u> western snowy plover <u>Plants</u> Horn's milk-vetch
Developed Land	<u>Animals</u> Monarch butterfly (B) American peregrine falcon (F) golden eagle (F) prairie falcon (F) Swainson's hawk (F) spotted bat (N) Townsend's big-eared bat (N) <u>Plants</u> frog's-bit buttercup (canals in Bishop)
Disturbed Habitat	<u>Animals</u> American peregrine falcon (F) burrowing owl (B) golden eagle (F) loggerhead shrike (B) prairie falcon (F) Swainson's hawk (F)

*Letter in parentheses indicates habitat use as follows: N=nesting; F=foraging; B=nesting and foraging.

8 BIOLOGICAL RESOURCES RECOMMENDATIONS

This section provides a brief discussion of recommendations for interpreting the biological resources information provided in this report and the interactive material available on Data Basin. The potential for project impacts to sensitive biological resources in an area is usually reflected in the management or regulatory status of the area, and that status will often constrain development. The general guidelines presented here are not based on exhaustive, site-specific analysis, and are not intended to serve as project-level analysis of biological resources impacts.

8.1 AREAS WHERE AVOIDANCE IS RECOMMENDED

The following areas are most likely to support sensitive biological resources and have significant constraints on development:

- Special-status management areas including Areas of Critical Environmental Concern, Wilderness Study Areas, Ecological Reserves, State Wildlife Management Areas, USFWS Designated Critical Habitat, and National Historic Sites. (see OVSES Report Appendix D – *Land Use*, and interactive Land Use maps on Data Basin);
- Wetlands and waters meeting the definition of waters of the US or waters of the State provided in Sections 2.1.3, 2.2.7, and 2.2.8;
- Sensitive natural communities including Fremont cottonwood riparian forest, interior rose thickets, spiny hopsage shrubland, and curly blue grass grassland;
- Known locations of species listed under FESA and/or CESA, and USFWS-designated critical habitat;
- “Lands supplied with water” (Type E Management Areas) under the LTWA; and,
- Riparian forest and scrub, and alkali meadows.

8.2 AREAS OF LESSENED CONCERN

The following areas are least likely to support sensitive biological resources or have significant constraints on development:

- Existing development such as parking lots, industrial or commercial building sites, and golf courses;
- Abandoned development such as airfields, former aggregate mining areas, graded pads, and dumps;
- Heavily disturbed areas including barren land, staging areas, spoils piles, landfills, former water spreading basins, former tailings ponds, lands adjacent to the aqueduct, and the Owens Lake; and,
- Vegetated disturbed areas such as abandoned agricultural areas in uplands, groves of black locust trees not adjacent to natural streams, tilled or graded areas adjacent to active agricultural lands, and livestock pens/paddocks.

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ATTACHMENT A.1 – VEGETATION CLASSIFICATION VS VEGETATION MAPPING

For purposes of discussion in this report, vegetation types identified in the field mapping effort were placed into the classification system employed in *A Manual of California Vegetation, 2nd Edition* (MCV; Sawyer *et al.* 2009), and the vegetation map for the project depicts vegetation at the MCV Group level. The MCV is the California expression of the National Vegetation Classification System (NVCS), which is discussed in detail in the OVSES Report. The Group level was chosen in part because it is the closest analogue in the MCV to the communities traditionally depicted on vegetation maps, and in part to make the vegetation map for this project directly comparable to the vegetation mapping included in the DRECP, which mapped that plan area at the NVCS Group level.

As previously described, vegetation mapping is scale-dependent and cannot depict vegetation at a scale too fine to be reflected on the vegetation map. Vegetation mapping is also spatially explicit; it must depict the vegetation present or predicted to occur in the defined mapping area. Vegetation classification is neither scale-dependent nor spatially explicit; it is a system for characterizing vegetation according to factors ranging from physiognomy and macrogeography at the highest levels of classification, to fine-scale floristic information at the lowest level. There is no restriction on the number of hierarchical levels or the amount of detail in the information that can be included in a classification system; however, a hierarchical level can be defined by only one type of information. In short, vegetation mapping is a way of depicting vegetation that physically exists in a place, and vegetation classification is a standardized method for representing the ecological relationships among species.

Vegetation mapping is usually based on communities described in a handbook of vegetation, and has the advantages of flexibility, intuitive functionality, and being grounded in time and place. Flexibility means the ability to account for variation in species assemblages and the ecological plasticity of individual species; intuitive functionality means that vegetation types that appear to function in similar ways, to share ecological affinities, or to provide similar habitat values can be mapped together, regardless of species composition. Because a vegetation map is grounded in time and place, it is a reflection of the vegetation actually present in the mapped area at the time of the survey and is not a model of ecological relationships based on samples or descriptions from other locales. The disadvantage of community-based vegetation mapping is that each vegetation map is an idiosyncratic description of the vegetation in a particular place and does not contain standardized information organized sufficiently to allow comparison to other vegetation mapping studies (i.e., meta-analysis).

Vegetation classification allows for meta-analysis because the information content in each hierarchical level of the classification system is the same across all occurrences of that level. Although different Classes, Divisions, Groups, or Alliances may contain entirely different species or describe different ecology, each level is defined by the same type of information and therefore can be directly compared to other occurrences of that same level in other studies.

The disadvantage of vegetation classification when applied to vegetation mapping is that users cannot move horizontally in a classification system, only vertically. Horizontal movement in a hierarchy means

including some information at the same level of specificity from multiple branches of the classification system. Vertical movement means including information at a different level of specificity (more or less general) from along the same branch in the classification system. For example, if an area equal to the minimum mapping unit contains species Alliances from more than one Group, the spatial extent of the map polygon cannot be reduced to encompass only Alliance(s) from one Group because the polygon is already equal to the minimum mapping unit. The only alternatives are to: (1) move higher in the classification system (to Macrogroup, Division, etc) until reaching the point in the hierarchy (node) where the branches of the classification system that are represented by the species present in the map polygon join, or (2) to arbitrarily choose one Alliance to represent all of the vegetation in the polygon. The disadvantage of alternative 1 is that each node includes all of the information in all the nodes below it, so moving to a higher level of classification will include vastly more information than the user wishes or needs to include in order to describe the species present in the map polygon. The disadvantage of alternative 2 is that moving to a lower node will incorrectly imply that the map polygon contains less species diversity than it actually does. Applying a vegetation classification system to a vegetation map will often result in either too little or too much information in each map polygon, making the vegetation map less informative to local users, while simultaneously making it more useful for large-scale meta-analysis.

Appendix B

Cultural Resources

1 INTRODUCTION

This appendix provides a detailed discussion of the results of the cultural resources assessment of the OVSES performed by HELIX Environmental Planning, Inc in 2015. The primary products of this assessment are the cultural resources data and interactive maps available on Data Basin. Information in this appendix is intended to support the interactive online information available on Data Basin. Detailed descriptions of the OVSES and Data Basin are provided in the OVSES Report.

1.1 CURRENT STUDY PURPOSE AND CONTENT

This appendix presents a summary of regulations protecting cultural resources, and provides a general description of the cultural setting and cultural resources of the OVSES. These discussions are presented in the following chapters:

- 2.0, Cultural Landscape
- 3.0, Regulatory Framework
- 4.0, Cultural Setting of the OVSES
- 5.0, Historic Setting of the OVSES
- 6.0, Known Resources and Resource Sensitive Areas

This document is intended as a general survey of cultural resources in the OVSES to inform high-level planning efforts. This document is not intended to serve as a comprehensive inventory of cultural resources in the OVSES, or to suffice as a project-level analysis of cultural resources impacts.

2 CULTURAL LANSDCAPE

Cultural resources reflect the history, diversity, beliefs, and values of the inhabitants of a place. They are often the only remaining evidence of events, human communities, and lifeways that predate the present day. Cultural resources can be natural or built, purposeful or accidental, physical or intangible. They encompass archaeological, traditional, and built environment resources, including but not necessarily limited to buildings, structures, objects, districts, and sites. Cultural resources include sites of important events, ritual places and sacred sites, and places associated with an important person. The cultural landscape is the geographic area that encompasses the cultural resources associated with a place. The cultural landscape often conveys an emotional experience that we can all share yet somehow individually describe as something unique. This study considers Native American cultural resources, European and other cultural resources, as well as pre-historic and historic resources located in or near the OVSES.

3 REGULATORY FRAMEWORK

Project siting is subject to a number of regulations, plans and policies applicable to the protection of cultural resources. This chapter reiterates information from the Renewable Energy General Plan Amendment (REGPA) Program Environmental Impact Report (PEIR). It is provided here for the reader's convenience and to minimize the need for additional review, and also has been additionally supplemented/refined for this document. Programs are categorized as federal, state or local, and are organized alphabetically by agency name within those categories.

3.1 FEDERAL REGULATIONS

3.1.1 Archaeological Resources Protection Act of 1979

The Archaeological Resources Protection Act (ARPA) establishes penalties for damage, defacement, or unauthorized removal of archaeological artifacts from public land, or trafficking in any archaeological artifacts regardless of source. As amended in 1988, ARPA also requires federal land management agencies to conduct inventories of archaeological resources on the lands they administer.

3.1.2 Federal Land Policy and Management Act of 1976

The Federal Land Policy and Management Act (FLPMA) is the primary law governing how the Bureau of Land Management (BLM) manages public lands. FLPMA includes requirements that BLM manage lands to preserve scientific, scenic, historical, ecological, environmental, water resource, archaeological, and other values.

3.1.3 National Environmental Policy Act of 1969

National Environmental Policy Act (NEPA) establishes a process of review for actions by federal agencies that affect the human environment. Every federal agency must create a NEPA implementing procedure that reflects its unique mission and mandate. All NEPA implementing procedures include public comment, interagency consultation, and comprehensive analysis and disclosure of project effects on the human environment. NEPA requires that agencies consider project alternatives that reduce environmental impacts, and that impacts are fully mitigated where mitigation is practicable.

The BLM NEPA implementing procedure includes consultation with Native American tribes, state, and local agencies as part of external scoping. The definition of potential project effects on the environment that must be analyzed under NEPA is open-ended, and the list of issues for a particular project is usually formulated during internal and external scoping based on comments from interested parties.

3.1.4 National Historic Preservation Act of 1966

The National Historic Preservation Act (NHPA) establishes the National Register of Historic Places (NRHP), the State Historic Preservation Offices (SHPO), and a review process for all federal projects that might affect sites listed or eligible for listing on the NRHP (Section 106 Review). The Section 106 review

process includes consultation with the SHPO regarding potential impacts to historic sites, public comment, and requirements to avoid, minimize, or mitigate for impacts to historic sites.

3.1.5 Native American Graves Protection and Repatriation Act of 1990

The Native American Graves Protection and Repatriation Act (NAGPRA) includes requirements that all federal agencies and museums receiving federal funds consult with Native American individuals and tribes regarding the repatriation of Native American cultural items in their possession, and provides greater protection for Native American burial sites and cultural artifacts on federal lands. NAGPRA requires that federal agencies consult with Native American tribes whenever Native American cultural items are encountered or expected to be encountered on public lands, and specifies that excavation or removal of such items must conform to the procedures established in ARPA.

Cultural items are defined as:

- Human remains and associated funerary objects

  Associated funerary objects are objects that are presumed to have been placed with human remains as part of a death rite or ceremony, and that retain their association with remains that can be located.

- Unassociated funerary objects

  Unassociated funerary objects are objects that are presumed to have been placed with human remains as part of a death rite or ceremony but have lost their association with located remains either by natural disturbance or removal.

- Sacred objects

  Sacred objects are specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

- Objects of cultural patrimony

  Objects of cultural patrimony are objects having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American. These objects must have been of such central importance to the group that they were owned communally and cannot have been conveyed, appropriated, or transferred by an individual.

3.2 STATE REGULATIONS

3.2.1 Assembly Bill 52

Assembly Bill (AB) 52 adds consultation with Native American tribes to the approval process for all projects requiring discretionary permits and subject to the California Environmental Quality Act (see below). Tribes may request from the lead agency a formal notification of proposed projects within the Tribe's geographic area of traditional and cultural affiliation from lead agencies. Per the requirements of [PRC] Section 21080.3.1(b)(d)(e), tribes may request a formal consultation.

3.2.2 California Environmental Quality Act of 1970

The California Environmental Quality Act (CEQA) establishes a process for the issuing of discretionary permits by all California public agencies. The process includes full public disclosure and analysis of a project's potential effects on the human environment, open public comment period(s), and written responses by agencies to public comments. CEQA also requires agencies to consider project alternatives that reduce environmental impacts, and to ensure that environmental impacts are fully mitigated if mitigation is practicable. The human environment considered under CEQA includes agriculture, air quality, biological resources, geology and soils, greenhouse gases, hazards, historical and archaeological resources, land use and planning policies, mineral resources, noise, paleontological resources, population growth and housing, public services, recreation, traffic, tribal cultural resources, water quality, utilities, and visual resources.

Historical and archaeological resources are afforded consideration and protection by CEQA (14 CCR Section 21083.2, 14 CCR Section 15064). The State CEQA Guidelines define significant cultural resources under two regulatory designations: historical resources and unique archaeological resources.

An historical resource is defined as a "resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register for Historic Resources (CRHR)"; or "a resource listed in a local register of historical resources or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the [PRC]"; or "any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the agency's determination is supported by substantial evidence in light of the whole record" (14 CCR Section 15064.5[a][3]). While Traditional Cultural Property (TCP) and cultural landscapes are not directly called out in the state definitions of historical resources, TCPs are places and cultural landscapes are areas, and places and areas are included as types of historical resources. Historical resources that are automatically listed in the CRHR include California historical resources listed in or formally determined eligible for the National Register of Historical Places (NRHP) and California Registered Historical Landmarks from No. 770 onward (PRC 5024.1[d]). Locally listed resources are entitled to a presumption of significance unless a preponderance of evidence in the record indicates otherwise.

Under CEQA, a resource is generally considered historically significant if it meets the criteria for listing in the CRHR. A resource must meet at least one of the following four criteria (PRC 5024.1; 14 CCR Section 15064.5[a][3]):

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage. Title 14, CCR Section 4852(b)(1) adds "is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States."
- Is associated with the lives of persons important in our past. Title 14, CCR Section 4852(b)(2) adds, "is associated with the lives of persons important to local, California, or national history."
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values. Title 14, CCR 4852(b)(3) allows a resource to be CRHR eligible if it represents the work of a master.
- Has yielded, or may be likely to yield, information important in prehistory or history. Title 14, CCR 4852(b)(4) specifies that importance in prehistory or history can be defined at the scale of "the local area, California, or the nation."

Historical resources must also possess integrity of location, design, setting, materials, workmanship, feeling, and association (14 CCR 4852[c]).

An archaeological artifact, object, or site can meet CEQA's definition of a unique archaeological resource, even if it does not qualify as a historical resource (14 CCR 15064.5[c][3]). An archaeological artifact, object, or site is considered a unique archaeological resource if "it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria (PRC 21083.2[g]):

- Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with a scientifically recognized important prehistoric or historic event or person."

Within California state law, cultural resources are defined as buildings, sites, structures, or objects, each of which may have historical, architectural, archaeological, cultural, and/or scientific importance. All resources nominated for listing in the CRHR must have integrity; the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Therefore, resources must retain enough of their historical character or appearance to convey the reasons for their significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and/or association. It must also be judged with reference to the particular criteria under which a resource is proposed for nomination (Calif. PRC § 5024.1).

3.2.2.1 *State CEQA Guidelines, California Code of Regulations Title 14, Section 15064.5*

When an initial study identifies the existence of, or the probable likelihood of, Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission (NAHC). A project proponent may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans identified as the most likely descendant by the NAHC.

3.2.2.2 *Discoveries of Human Remains under CEQA*

California law sets forth special rules that apply where human remains are encountered during project construction. These rules are set forth in one place in State CEQA Guidelines, Section 15064.5[e] as follows:

- In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:
    - There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
        - The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required (as required under California Health and Safety Code Section 7050.5).
        - If the coroner determines the remains to be Native American:
            - The coroner shall contact the NAHC within 24 hours.
            - The NAHC shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
            - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods (as provided in [PRC] Section 5097.98), or
    - Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
        - The [NAHC] is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
        - The descendant identified fails to make a recommendation; or
        - The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

3.2.3 Public Resources Code §5024 *et seq.*

PRC Section 5024 requires that each state agency develop policies for the preservation and maintenance of all state-owned historical resources under its jurisdiction listed in, or potentially eligible for, inclusion in the NRHP; or registered or eligible for registration as a state historical landmark. Each state agency is required to submit updates to their inventory of all state-owned structures over 50 years of age under its jurisdiction listed in or which may be eligible for inclusion in the NRHP or registered or which may be eligible for registration as a state historical landmark. These inventories are used to create a master list maintained by the California Office of Historic Preservation (OHP). The State Historic Preservation Officer (SHPO) is supposed to be consulted by state agencies if any action would alter or affect any resources on this master list (PRC Section 5024.1). Additionally, Section 5024.1 establishes the CRHR as an authoritative guide for identifying which cultural resources are to be protected, to the extent prudent and feasible, from substantial adverse change. The CRHR eligibility criteria provide one of the bases for determining a cultural resource to be significant under CEQA.

3.2.4 Public Resources Code §5097.9 *et seq.*

PRC Section 5097.9 establishes that both public agencies and private entities using, occupying or operating on state property under public permit, shall not interfere with the free expression or exercise of Native American religion and shall not cause severe or irreparable damage to Native American sacred sites, except under special, determined circumstances of public interest and necessity. This section also creates the Governor-appointed nine-member NAHC, charged with identifying and cataloging places of special religious or social significance to Native Americans, identifying and cataloging known graves and cemeteries on private lands, and performing other duties regarding the preservation and accessibility of sacred sites and burials and the disposition of Native American human remains and burial items.

Under PRC Section 5097.5, all state and local agencies must cooperate with the NAHC by providing copies of appropriate sections of all CEQA environmental impact reports relating to property of special significance to Native Americans. The NAHC is required to investigate the effect of proposed actions by a public agency if these actions may either cause severe or irreparable damage to a Native American sacred site located on state property or inhibit access to that site.

The NAHC is authorized to recommend mitigation measures if it finds, after a public hearing, that a proposed action would result in that damage or interference and to request action from the Attorney General if these mitigation measures are not addressed. This section also includes requirements for landowners to limit further development activity on property where Native American human remains are found until that landowner confers with NAHC-identified most likely descendants to consider treatment options. It further enables those descendants, within 48 hours of notification by the NAHC, to inspect the discovery site and recommend to the landowner or the person responsible for the excavation the means to treat or dispose of the human remains and any associate grave goods with dignity. In the absence of a most likely descendant, or of a treatment acceptable to all parties, the landowner is required to reinter the remains elsewhere on the property in a location that will not be

disturbed. Finally, this section makes it a felony to remove Native American artifacts or human remains from a Native American grave or cairn, as well as to acquire, possess, sell, or dissect Native American remains, funerary objects, or artifacts from a Native American grave or cairn and establishes the repatriation of these remains, funerary objects, and associated grave artifacts as state policy (PRC Section 5097.9, *et seq*.).

3.2.5 California Health and Safety Code Section 8010-8011: California Native American Graves Protection and Repatriation Act (2001)

This section establishes a state policy that is partially consistent with the federal Native American Graves Protection and Repatriation Act (NAGPRA). It attempts to ensure that all Native American human remains and cultural items are treated with dignity and respect. It encourages the voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California, and requires that the state provide to tribes the mechanisms necessary to file and follow up with repatriation claims (California Health and Safety Code Section 8010 8011, *et seq*.).

3.2.6 California Senate Bill 18 (California Government Code, Section 65352.3)

Pursuant to Senate Bill 18, local governments are required to consult with California Native American tribes identified by the NAHC for the purpose of protecting and/or mitigating impacts to cultural places. Senate Bill 18 requires formal consultation with Native American tribes as part of a project that enacts or amends a general plan or a specific plan.

3.2.7 California Government Code Sections 65560 and 65562.5: Consultation with Native Americans on Open Space (2005)

This section identifies the protection of Native American cultural places as acceptable designations of open space. It further requires local governments to conduct meaningful consultation with California Native American tribes on the contact lists maintained by the NAHC for purposes of protecting cultural places located on open space (California Government Code Section 65560, 65562.5, *et seq*.).

3.3 TRIBAL REGULATIONS

The United States recognizes Native American tribes as self-governing nations with inherent sovereign powers over their members and territory. Public agencies conduct government-to-government consultation with Native American tribes to address issues concerning Native American tribal trust resources, and treaty and other rights, as part of the discretionary permitting process.

3.4 LOCAL REGULATIONS

3.4.1 Inyo County Code

Chapter 9.52 of the Inyo County Code (ICC) covers the disturbance of archaeological, paleontological, and historical features. Under ICC Chapter 9.52, the excavation or exploration for archaeological,

educational, or artifact collection purposes of any Native California Indian burial site is prohibited. Additionally, when archaeological or historical evidence indicates that a site was set aside for a Native California Indian burial site, all plans for a project that may cause disturbance must be submitted to the Big Pine Paiute Tribe of the Owens Valley, the Bishop Paiute Tribe, the Death Valley Timbisha Shoshone Tribe, the Fort Independence Indian Community of Paiute Indians, the Lone Pine Paiute-Shoshone Tribe, the Owens Valley-Paiute-Shoshone Band, or other representatives for review and comment.

In the event that a Native California Indian burial site is discovered in the course of a project development, the person responsible for the project must notify the County planning commission and interested California Native Indians in the County. The planning commission will weigh the archaeological, paleontological, or historical value of the burial site against the economic detriment to the project; based on the outcome, either the project or the burial site may be relocated.

3.4.2 Inyo County General Plan

Cultural resources are addressed within the Conservation/Open Space Element of the Inyo County General Plan. Section 8.7, Cultural Resources, of the Conservation/Open Space Element contains the following goals and policies to protect cultural resources within the County:

- Goal CUL-1: Preserve and promote the historic and prehistoric cultural heritage of the county.
    - Policy CUL-1.1: Partnerships in Cultural Programs. Encourage and promote private programs and public/private partnerships that express the cultural heritage of the area.
    - Policy CUL-1.2: Interpretive Opportunities. Support and promote the development of interpretive facilities that highlight the county's cultural resources.
    - Policy CUL-1.3: Protection of Cultural Resources. Preserve and protect key resources that have contributed to the social, political, and economic history and prehistory of the area, unless overriding circumstances are warranted.
    - Policy CUL-1.4: Regulatory Compliance. Development and/or demolition proposals shall be reviewed in accordance with the requirements of CEQA and the National Historic Preservation Act.
    - Policy CUL-1.5: Native American Consultation. The County and private organizations shall work with appropriate Native American groups when potential Native American resources could be affected by development proposals.

4 CULTURAL SETTING OF THE OVSES

Owens Valley has a long history of uses from its early native inhabitants to the flourishing of mining and agriculture in historic times. In more recent times, the installation of the Los Angeles Aqueduct and the subsequent drying of Owens Lake have permanently altered the landscape both physically and culturally. Today, Owens Valley contains an abundance of historic artifacts that give insight into how humans have interacted with the physical landscape over millennia.

4.1 PREHISTORIC SETTING

The published archeological record of human presence in Inyo County and Owens Valley extends to 12,000 years before present (BP) during the Pleistocene-Holocene Transition (15,000-10,000 years BP); however, Native American cultural tradition considers Native American ancestral lands to be the point of origin of those peoples. Information in the remainder of this section reflects the published archaeological record. The Pleistocene-Holocene Transition period has been characterized by two cultural traditions: the Western Stemmed Point tradition, an interior tradition identified by stemmed projectile points; and the Clovis tradition, an interior tradition identified by fluted projectile points (Erlandson and Braje 2012). Archaeological evidence from the Pleistocene-Holocene Transition is scarce and usually only dated by the presence of diagnostic artifacts such as fluted Clovis projectile points and crescent-shaped flaked stone tools (Erlandson *et al.* 2007; Rondeau *et al.* 2007). Within and near the OVSES, fluted projectile points have been found along the shores of Owens Lake, in the Volcanic Tablelands, and near Bishop (Rondeau *et al.* 2007).

By the Early Holocene (10,000-8,000 years BP) there is more information concerning the people living within or near Owens Valley. Data from excavations at the Lubkin Creek site, south of Lone Pine, suggest a reliance on large-game hunting and that during this period, people moved their residences on a regular basis throughout the year (Meridian 2014). The main artifacts associated with this period are Great Basin stemmed series projectile points and abundant stone tools with flakes struck from both sides (bifaces), along with tools with steep-edged flaking on one side (unifaces), crescent-shaped tools, and occasional cobble-core tools and ground stone implements.

During the Middle Holocene (8,000- 4,000 years BP) new populations arrived in the region, bringing with them new technologies (Sutton *et al.* 2007). The characteristic assemblage of this time includes large and small leaf-shaped projectile points and knives, domed and elongated keeled scrapers, several forms of well-made flake scrapers, mata (flat milling stone-metate) and tusu (manos). Drills, engraving tools, and *Olivella* shell beads also occur (Sutton 2009; Warren 1984; Warren and Crabtree 1986).

In Owens Valley and the eastern Sierra, the Late Holocene (4,000–200 years BP) is represented by the Newberry Period (3,500-1,350 years BP). Gypsum Cave and Elko series projectile points are the diagnostic artifacts of the early part of the period along with an increase in population. Locations of occupation sites shifted from the areas next to rivers and streams to desert scrub zones (Garfinkel 1976). During the latter part of this period, part of the communities lived in highly mobile groups with the majority settled at winter base camps. Caches of Elko and Humboldt Concave Base points, bifaces, and milling equipment are commonly found in archaeological deposits dating to this period (Eerkens and Spurling 2008; Faull 2007). The mobile groups had gathering camps and separate, specialized hunting camps that focused on bighorn sheep, other artiodactyls (even-toed hoofed animals such as antelope), and smaller mammals (Arnold and Walsh 2010). Sites are typically base camps with structures and associated stone tool production areas. Sites occur more in the Volcanic Tablelands and northern Owens Valley than in the southern Owens Valley area (Polson 2009).

In Owens Valley, sites dating to the Haiwee Period (1,350 to 650 years BP) show evidence of groups who moved less frequently and occupied villages with semi-subterranean houses. The bow and arrow and plant resource storage pits were introduced at this time, while artifact caching mostly disappeared and production of stone tools at obsidian quarries declined (Eerkens and Spurling 2008; Faull 2007). The period directly prior to European Contact is called the Marana Period (650 BP to contact) in Owens Valley. The social focus towards household settlements continued from the Haiwee Period. New types of projectile points (Cottonwood and Desert Side–notched points) and the Owens Valley Brownware type of pottery were introduced (Eerkens and Spurling 2008). Intensification of small seed and green pinyon nut harvesting during this time may be linked to the development of brownware pottery, as these resources could be individually owned and would not be subject to unrestricted sharing. Pots were a critical component of the increasingly intensive harvest of small seeds, because they generally were individually made and owned and could be used within houses, allowing food preparation and consumption to occur in private (Eerkens 2003; 2004).

4.2 ETHNOGRAPHIC SETTING

Source: Californian Indian Library Collections (digitized by Helix Environmental Planning)
Date: 2015
Data Basin Link: http://databasin.org/maps/42c917a21ba943e7a31b38ac0461f557

Ethnographic data depict the traditional lands of Native American groups in the OVSES and adjacent parts of Inyo County. These data are based on maps derived from the Californian Indian Library Collection and have been digitized by HELIX for the purpose of this study. These data are for informational purposes only and may not be spatially accurate.

Modern Native American groups are either federally recognized tribes or unrecognized tribes. A federally recognized tribe can be defined as “an American Indian or Alaska Native tribal entity that is recognized as having a government-to-government relationship with the US, with the responsibilities, powers, limitations, and obligations attached to that designation, and is eligible for funding and services from the Bureau of Indian Affairs” (BIA 2014). Federally recognized tribes possess the right to self-governance and are afforded various federal benefits, services, and protections because of their unique relationship with the United States. Unrecognized tribes may operate in similar ways to federally recognized tribes, but they do not have the right to government-to-government consultation or federal assistance. There are both federally recognized tribes and unrecognized tribes with traditional territories and use areas that include portions of the OVSES.

4.2.1 Owens Valley Paiute

The primary native group to inhabit Owens Valley and the surrounding uplands were the Owens Valley Paiute-Shoshone. Additional groups including the Western Shoshone, the Southern Paiutes, and the Kawaiisu were known to occupy other portions of the county outside of the OVSES. All of these groups belonged to the Numic branch of the Uto-Aztecan language family (Golla 2011).

The Owens Valley Paiute, also called the Eastern Mono, occupied a territory centered along the Owens River on the eastern side of the southeastern Sierra Nevada. Owens Valley Paiute traditional lands extend north to Benton, California, and east to Fish Lake Valley, Nevada (Liljeblad and Fowler 1986; Norwood *et al.* 1980; Steward 1933). While most of the northern Numic groups were highly mobile hunter-gatherers, the Owens Valley Paiute were organized as small groups or family units that owned rights to land and lived most of the year in permanent villages. These village sites and camps were concentrated along the lower reaches of major drainages west of the Owens River.

Owens Valley was one of the most densely occupied portions of the Great Basin, containing at least 30 villages and a population of approximately 1,500 to 2,000 (Busby *et al.* 1979). Today, five separate tribes represent the descendants of the Owens Valley Paiute. All of these tribes are members of the Owens Valley Indian Water Commission. In the 1860s, the flood of prospectors attracted by the discovery of gold and silver in the Sierra Nevada and Inyo mountains began to impact the Owens Valley Paiute way of life. The ranchers and farmers who followed often used Paiute irrigation systems and grasslands.

A harsh winter and scarce food in 1861-1862 resulted in conflicts between the Paiute and settlers. In 1863, the military intervened and forcibly removed 1,000 Paiute to San Sebastian Reservation, near Fort Tejon, in the mountains south of Bakersfield (NPS 2014). In subsequent years, most left Fort Tejon and returned to the Owens Valley, where they lived in camps near towns and farms. They integrated farm and domestic labor with traditional food gathering, and by 1866 were indispensable to the Owens Valley's agricultural economy.

4.3 MODERN NATIVE AMERICAN TRIBES ASSOCIATED WITH THE OVSES

4.3.1 Lone Pine Paiute- Shoshone Reservation

The Lone Pine Paiute –Shoshone Reservation of Lone Pine was established in 1937 through a land exchange between the Department of the Interior and the City of Los Angeles. The Lone Pine Paiute-Shoshone Reservation consists of approximately 600 Tribal members and a 237 acre land base near Lone Pine, California. The Tribal government consists of a general council that holds monthly meetings. Environmental issues are managed through the Tribal Environmental Protection Program and Cultural Resources are managed through the Tribal Historic Preservation Office and a Cultural Resource Protection Committee.

4.3.2 Fort Independence Indian Community of Paiutes

The Fort Independence Indian Community of Paiutes has a reservation on the site of a U.S. Army Camp. Originally the reservation was 340 acres, in 1916 an additional 40 acres was acquired. In 1995 an additional 200 acres was acquired through the California Indian Land Transfer Act. The reservation has a total of 560 acres, and is located near Independence, California, at the base of the Sierra Nevada and the Inyo mountain ranges.

The Tribal Government consists of an elected 3-man business committee that is governed by the General Council, and conduct business meetings monthly. The government was established in 1965. The tribe is comprised of 136 tribal members. The Tribal Historic Preservation Office was established in 2014 and handles cultural resources issues.

4.3.3 Big Pine Paiute Tribe of the Owens Valley

The Big Pine Paiute Tribe of the Owens Valley consists of 600 enrolled members and has a 279.08-acre reservation near Big Pine, California. The Tribal Government is constitutionally established and is governed by a five-member Tribal Council that is elected by their General Council. The Tribal Council holds monthly meetings and General Council meetings are held quarterly. The Big Pine Paiute Tribe's cultural resources program is managed by their Tribal Historical Preservation Officer.

4.3.4 Bishop Paiute Tribe

The Bishop Paiute Tribe has an 875-acre reservation located near Bishop, California, and tribal enrollment stands at 1,953members as of January 2016. The governing body of the tribe is the Bishop Indian Tribal Council which consists of a board of 5 members elected by the General Council. The Bishop Paiute Tribe's cultural resources program is managed by a Tribal Historical Preservation Officer for consistency.

4.3.5 Timbisha Shoshone Tribe

The Timbisha Shoshone Tribe of Death Valley, California has 7,753.99-acres of trust lands in California (Inyo County) and Nevada. The total tribal population is approximately 400 enrolled members. The Tribal government consists of a Tribal Council of five members (Chairman, Vice-Chairman, Secretary/Treasurer, and two members). The Tribal Council meets monthly and a General Council meeting is held yearly. The Timbisha Shoshone Tribe's cultural resource program is maintained through the Tribal Historic Preservation Office (THPO).

4.4 CULTURAL LANDSCAPE AND CULTURALLY SENSITIVE AREAS

Source: Julian H. Steward "Ethnographical Map of the Owens Valley"
Date: 1933
Data Basin Link
http://databasin.org/uploads/documents/51ec14e884804638884f6e81a574a320/download/

Source: Julian H. Steward "Paiute Subdivisions and Boundaries"
Date: 1933
Data Basin Link:
http://databasin.org/uploads/documents/e443020c864f4ae2af02ee4e431bc8c4/download/

As illustrated in Julian Steward's "Ethnographical Map of the Owens Valley", the Owens Valley Paiute have a rich history of interacting with the Owens Valley and surrounding landscape. The Owens Valley

Paiute were considered to be a hunter/gather group and relied on seasonally available plant and animal resources throughout the valley for subsistence. The river itself is as invaluable resource for water in this arid climate, providing opportunities for fishing, seed gathering and irrigation. The foothills of the eastern Sierra, especially near and around the creeks and drainages, provided habitat for small game and served as important hunting grounds. The White Mountains to the east provided numerous harvest sites for pine nuts, an important food staple. These interactions with the landscape further illustrate the connectivity with Owens Valley and suggest that there are many areas that could be considered culturally sensitive.

Source: *Individual Tribes*
Date: 2015
Data Basin Links:

- Big Pine Paiute Tribe of the Owens Valley Areas of Cultural Significance (http://databasin.org/uploads/documents/d1a7c6798ad64e6fa3ab6be167ab4687/download/)

- Lone Pine Paiute –Shoshone Areas of Cultural Significance (http://databasin.org/uploads/documents/6c56cd1348c840b58abeebf84ec5e010/download/)

- Fort Independence Indian Community of Paiutes Areas of Cultural Significance (http://databasin.org/uploads/documents/0ae9e37f941044c791418b5f10748d5e/download/)

- Timbisha-Shoshone Tribe Areas of Cultural Significance (http://databasin.org/uploads/documents/5a278e2acfe4475e92d1f4f37864a18d/download/)

Individual tribes have provided maps depicting areas of tribal cultural significance in the OVSES and narratives describing the cultural landscape. These materials are included in their original form in **Attachment B.1**. The Big Pine Paiute Tribe describes the area within the OVSES from north of Big Pine to Owens Lake as being culturally sensitive. The Lone Pine Paiute-Shoshone describes the area from north of Independence to Owens Lake and into the Coso Mountains as being culturally significant, with the Paiute predominantly existing in the west and the Shoshone in the east. The Fort Independence Indian Community of Paiutes considers everything within the OVSES to be culturally important.

The OVSES considers input from participating tribes an important process in further defining the cultural landscape. The County has worked with local tribes to receive tribal input and concerns regarding potential future project effects on tribal traditional landscapes, and traditional gathering and hunting areas.

The following narratives describing the cultural landscape have been provided by the Big Pine Paiute Tribe of the Owens Valley; Lone Pine Paiute-Shoshone; Fort Independence Indian Community of Paiutes and the Bishop Paiute Tribe:

4.4.1 Big Pine Paiute Tribe of the Owens Valley

Owens Valley and the surrounding areas are an integral part of a sacred and traditional cultural landscape. This area remains vital to the existence of the Paiute people, who have continuously occupied this region since the beginning of time. We have lived, hunted and gathered on these lands, and maintained sacred sites belonging to our people. We have managed natural resources for all living things that provided for our people.

Embedded within our cultural landscape is our creation place described in our traditional religion and combined with songs and stories that describe the past, present and future. The voices of our ancestors resonate throughout the Valley and other culturally sensitive areas keeping our people strong. The abundant cultural resources found here provide the spiritual guidance necessary for our people to keep alive our culture and teach the next generations so our traditional ways will not die.

The people of the Big Pine Paiute Tribe retain these important messages and knowledge of the past, which guide us into the future. Our people are inseparable from this land as it is from us.

Traditionally we must interact with the land helping to keep it in balance. This is done throughout the seasonal cycles. When the land is disrespected and things intrude the landscape, it becomes sick and out of balance bringing untold harm to our people from the adverse impacts to the resources which we rely. We are taught to live in harmony with this land and serve as its voice to help preserve its cultural and religious integrity.

Our traditional songs and stories speak to the importance of respecting the land and the repercussions that will occur if treated otherwise. Relying upon our traditional values and our deep ecological knowledge, our people continue to engage with this landscape that contains our foods, medicines, songs, stories and countless other cultural resources that are still relied upon today.

This fragile cultural landscape has seen many changes since the beginning of time. It continues to rely upon our religious and spiritual connection. We, the Big Pine Paiute people, share its powerful messages to preserve the dignity of this most important yet delicate area. Mahno.

4.4.2 Lone Pine Paiute-Shoshone

In order to comprehend the extreme significance of the land, water, air, plants, animals, minerals, and other resources to the culture and identity of the people of the Lone Pine Paiute-Shoshone Reservation, one must accept the fundamental understanding that we come from the Earth. We are an extension of the land, water, air, plants, animals, minerals, and resources that allow our lives to exist.

The Community of the Lone Pine Paiute-Shoshone Reservation holds dearly the ancestral ties to the homelands of our people. Those homelands for the people of our Reservation extend north of present day "Shepherds Creek", to south of Haiwee-Coso area, east to Panamint and Saline Valley. These lands were all utilized in a "nomadic" fashion. All of these lands continue to hold the physical evidence of our presence, in spite of the impacts and efforts to break our connection to it. These lands signify the traditions, culture and history of our people.

This document and the attached maps, will illustrate the cultural and ecological significance of ancestral homelands to the Lone Pine Paiute-Shoshone Reservation. Each indicator or parameter engulfs a broad range for the protection and confidentiality of sacred sites. No man-made border or marking on a map can fully grasp or demonstrate the synergistic connection of the life cycle, or the emergent ecological and social properties that make up a given environment to become bound within a fabricated border or boundary. It is clear that the entire valley is not only significant, but sacred. It is truly in need of preservation for the future of all people.

It is difficult to fully interpret the extreme significance of the Coso Hot Springs. There are no words to describe the importance of not just the Springs, but the surrounding area to numerous tribal communities of North America.

4.4.3 Fort Independence Indian Community of Paiutes

The Owens Valley is sacred to the Paiute of Fort Independence, it is like our mother, who gave us life. It is spiritual, it is hallowed. It is not easy to put it on paper, but we will try for the sake of moving forward.

The sagebrush, willows, grasses, and all plants that grow in the Owens Valley are sacred to us, they feed and heal our people for thousands of years. We use these plants for food, for medicine. We use these plants for shelter and for tools that we need to live.

All of the animals, rabbit, lizard, deer, coyote and the insects, they provided for us. They are sacred to us. Without the plants, the animals and the land, we would not be.

The Paya (Water), this is sacred. Paya is potentially an unrenewable resource, it must be protected.

The rocks, creeks, lakes, lands, these are sacred to us. We lived in the entire Owens Valley, and beyond. This is our home. All of these are inter-connected and without one, none could exist.

Our people are buried here, their spirits speak to us, and they guide us.

In order to keep our culture intact, we must protect her, and all her fauna and flora.

In closing, we, the Fort Independence Paiute state the entire solar study area is sacred to the Tribe.

4.4.4 Bishop Paiute Tribe

The Nüümü (the People) and NeWe of Paya huu gwaetü (Place where the water flows)have ancient roots in the ecoregion and continuing stake in its future and have deep respect, cultural and spiritual connections to Mother Earth to whom we are related to, close to, and care deeply for. We have been instructed to assist our Mother Earth and in return she will provide us with bountiful resources without having an adverse effect on those irreplaceable resources.

Our tradition is to never disturb the artifacts of our ancestors. There are areas within the proposed project areas that cannot be interpreted and words cannot describe their significance to the Nüümü and NeWe.

It is our hope that the cultural landscape will not be altered and serious consideration should be taken. These features are unique and fixed on the landscape. Boundaries, fences, designations and maps interfere and alter our traditional land uses and the movement within the precious cycle of life. We are all important for scared and ceremonial use; Sacred lands are designated by the Creator and cannot be "de-sanctified" or reestablished like the churches of other religions.

The Bishop Paiute Tribal community have ancient roots within Paya huu gwaetü (Owens Valley), Pah-yaht toi-ab-be (Sierra Nevada) and Toi-av'-ve (White Mountains), these areas are spiritually strong and considered sacred. The areas provide continued our natural resources for subsistence and the balance that is needed for spiritual strength. This includes our traditional land use area.

This narrative and recommended map depicts the cultural and ecological significance of the Nüümü ancestral homelands.

Mahno

Recommended map:
http://databasin.org/uploads/documents/e443020c864f4ae2af02ee4e431bc8c4/download/

5 HISTORIC SETTING OF THE OVSES

Euro-American fur trappers were the initial European colonizers of the Inyo County area. They began to work the region in increasing numbers in the early 1800s (Malouf and Findlay 1986). While earlier trapping expeditions had passed through, the first recorded exploration of the County was in 1834, by Joseph Reddeford Walker. He entered Owens Valley while leading the Chiles emigrant party into California. Settlement in the County was driven primarily by exploration and development of mineral resources, including gold, silver, borax, tungsten, and soda ash. As mining developed outside the County, demand for supplies brought cattle ranching to Owens Valley. Inyo County was organized in 1866 from portions of Mono and Tulare Counties. The County was originally named Coso County, with Independence designated as the County seat (Inyo County 2001).

5.1 MINING

The County has a rich mining history. The Anglo-American settlement of the Inyo County area began with the establishment of gold and silver mines. The early strikes were focused on silver in Owens and Panamint valleys in the late 1850s and early 1860s. Some of the earliest mining claims were established in 1859, in the Potosi Mining District near Lone Pine (Chalfant 1922). Numerous silver mines were also established during the early 1860s in the Coso Range, resulting in the establishment of the Coso Mining Company and the Coso Gold and Silver Mining Company, among others (Norwood *et al.* 1980). Mining success fluctuated greatly in these areas. A third mining area was established in 1865, in the Inyo Range on the southeast side of Owens Valley, centered at Cerro Gordo. This area was very productive, and by 1868, the Union Mine at Cerro Gordo was the most productive silver mine in the US (Norwood *et al.* 1980).

In addition to gold and silver, salt was mined in Saline Valley on the east side of the Inyo Mountains. Salt mining began in 1864, but transportation costs kept the enterprise from growing to a major operation (Norwood *et al.* 1980). The Saline Valley Salt Company constructed the Saline Valley Salt Tram between 1911 and 1913 to transport salt over the Inyo Mountains to Owens Lake at Keeler. It was the steepest tram in the US rising from 1,100 feet in Saline Valley to 8,500 feet at the crest of the Inyo Mountains, and then dropping to 3,600 feet in Owens Valley. The tram is on the NRHP (No. 74000514; Conrad 1973). Salt mining by various companies continued on and off until 1930, when the Sierra Salt Company closed (Ver Planck 1957).

Tungsten mining developed in the first decades of the 20th century, and became an important industry in Owens Valley. After it was discovered in 1913 in the Tungsten Hills west of Bishop, tungsten mining activity soared with the construction of two mills in Round Valley in 1916. This industry remained economically important until the price of tungsten collapsed following World War I. With the outbreak of World War II, prices rebounded and tungsten mining remained important in the area around Bishop until the end of the 20th century when mining effectively ceased (Meridian 2014).

5.2 AGRICULTURE

Indigenous agriculture had existed in Owens Valley well before the arrival of Europeans, but the area did not become a site of historic-period agriculture until farmers and cattlemen began to supply food to the mining operations in the areas around Owens Valley. Although the area receives little rain, the Owens River supplied dependable water for irrigation. The arrival of larger numbers of Europeans into the area resulted in conflicts with the indigenous Native American groups (Norwood *et al.* 1980). As cattleman and ranchers moved into Owens Valley and cattle grazed on the Paiute food supply, the Paiute stole and killed cattle for food. The ranchers armed themselves and violence between the Native Americans and whites escalated into the conflict that became known as the Owens Valley Indian War (1861-1865). The ranchers asked for the help of the military in Los Angeles and Fort Tejon. In 1862, the Army established Camp Independence in Owens Valley to put an end to the violence. More than 1,000 Paiute were forced into San Sebastian Indian reservation at Fort Tejon in 1863 (California State Military Museum 2013a).

Temporarily abandoned in 1864, Camp Independence was re-occupied in 1865 after violence again broke out, and remained active until abandoned in March 1877 (California State Military Museum 2011).

By the beginning of the 20th century, the City of Los Angeles was experiencing a severe water shortage and it was proposed to William Mulholland, president of the Los Angeles Water Department, that the Owens River be tapped to supply Los Angeles with water (Norwood *et al.* 1980). Los Angeles voters approved a $23 million bond, water rights were purchased, and an aqueduct was completed by 1913. The diversion of water to Los Angeles did not immediately impact agriculture in the Owens Valley, but a drought in 1921-1922 began a decline that ended farming in the area by the mid-1930s (Norwood *et al.* 1980).

5.3 TRANSPORTATION

Numerous small railroads were constructed into the County for the express purpose of servicing mining operations. The Carson and Colorado Railroad, incorporated in 1880, ran from Mound House, Nevada, to Keeler, California, below the Cerro Gordo Mines on the east side of Owens Lake. Much of the route paralleled the present route of US-395. The Southern Pacific Company bought the line in 1900, renamed it the Nevada and California Railway in 1905, and the Southern Pacific Railway in 1912. Portions of the railway lines closed in the 1930s and 1940s. The final portion from Laws to Keeler was abandoned in 1960 and the rails were removed in 1961 (Turner 1965).

A trail likely ran through Owens Valley into Mono County to the north since prehistoric times, but in the historic period it became commonly used by prospectors passing through the area to the California gold fields and Comstock Lode. This trail became a road by at least the 1860s when ranchers began driving cattle into the high Sierra Nevada to supply the mining boomtown of Aurora. This road, eventually called El Camino Sierra, ultimately ran from Los Angeles in the south to Lake Tahoe in the north. Initially used to move materials to and from mines and mining communities, by the early 20th century, El Camino Sierra was marketed as a scenic route for people in the newly available automobile. By 1931, the paving of El Camino Sierra was complete. Today, much of this route in the County is occupied by US-395 (Di Pol 2012).

5.4 MILITARY

In 1862, the 2nd California Cavalry established Camp Independence as a post on the north side of Oak Creek, about three miles from the town of Independence. Lieutenant Colonel George S. Evans was sent there to end violence between the area's miners and the Native American population. Temporarily abandoned in 1864, Camp Independence was reoccupied in March 1865, when violence resumed. The post was finally abandoned on July 5, 1877. The military reservation was transferred to the Interior Department for disposition on July 22, 1884. The building which served as the commanding officer's quarters was moved from its original site to its new setting on Edwards Street in Independence. In 1915, the former military reservation was established as the Fort Independence Indian Reservation (California State Military Museum 2011b).

5.5 MANZANAR RELOCATION CENTER

With the outbreak of World War II, the federal government gave the US Army the authority to forcibly relocate between 110,000 and 120,000 Japanese Americans to 10 internment camps away from the Pacific Coast. The Manzanar Relocation Center was established in 1942 as the first of these camps and held over 10,000 incarcerated Japanese Americans, 90 percent of whom were from the Los Angeles area. The camp consisted of one-story barracks with common bathrooms, showers, laundries, and mess halls. It was closed in 1945 at the end of World War II. It is the deemed the best-preserved internment camp (Thompson 1984). The Manzanar Relocation Center is listed on the NRHP (No. 76000484) and is designated a National Historic Landmark (No. 850) and a National Historic Site (N432).

6 KNOWN RESOURCES AND RESOURCE SENSITIVE AREAS

Known resources and areas that are sensitive for cultural resources located within or near the OVSES have been identified using publicly available resources (Table 1). These include the California Office of Historic Preservation (OHP) Listed Resources for the County (OHP 2014), the California Desert Conservation Area (CDCA) plan document (BLM 1980), and the Hidden Hills Final Staff Assessment (CEC 2012). In addition to the OHP listed resources, each tribe has its own registry administered through the Tribal Historic Preservation Officer (THPO), which may contain resources not included in the OHP listing. Resources on individual tribal registries will be included in any project-level analysis of cultural resources during consultation with the associated tribe.

Table 8. State Office of Historic Preservation listed resources in or near the OVSES[1]

Resource Name	OHP Listing Number	Type	Date Listed	Location
San Francis Ranch	(208)	State Historical Landmark	6/20/1935	Bishop
Mayfield Canyon Battleground	(211)	State Historical Landmark	6/20/1935	Bishop
First Permanent White Habitation in Owens Valley	(230)	State Historical Landmark	6/20/1935	Bishop
Bishop Creek Battleground	(811)	State Historical Landmark	10/30/1965	Bishop
Laws	(P441)	Point of Interest	10/1/1975	Bishop
Cardinal Gold Mine	(P443)	Point of Interest	10/1/1975	Bishop
Pawona Witu	(N390)	National Register Property	10/14/1975	Bishop

Owensville	(P511)	Point of Historical Interest	10/14/1977	Bishop
Laws Narrow Gauge Railroad Historic District	(N974)	National Register Property	10/1/1981	Bishop
Birthplace of Horace Marden Albright	(P586)	Point of Interest	3/1/1982	Bishop
Laws Narrow Gauge Railroad Station and Yard	(953)	State Historical Landmark	1/14/1983	Bishop
Westgard Pass-Toll Road	(P442)	Point of Interest	10/1/1975	Big Pine
Site Of Bend City	(209)	State Historical Landmark	6/20/1935	Independence
Site Of Putnam's Cabin	(223)	State Historical Landmark	6/20/1935	Independence
Mary Austin's Home	(229)	State Historical Landmark	6/20/1935	Independence
Camp Independence (Fort)	(349)	State Historical Landmark	10/9/1939	Independence
Manzanar War Relocation Center, National Historic Site	(N432)	National Register Property	7/30/1976	Independence
Inyo County Courthouse	(N2006)	National Register Property	1/23/1998	Independence
Grave Of 1872 Earthquake Victims	(507)	State Historical Landmark	7/31/1953	Lone Pine
Manzanar Relocation Center	(850)	State Historical Landmark	1/20/1972	Lone Pine
Cottonwood Charcoal Kilns	(537)	State Historical Landmark	9/14/1955	Cartago
Cartago Boat Landing	(P551)	Point of Interest	6/6/1980	Cartago
Farley's Olancha Mill Site	(796)	State Historical Landmark	9/16/1964	Olancha
Death Valley Scotty Historic District	(N645)	National Register Property	7/20/1978	Olancha
Archeological Site Ca-Iny-134	(N2194)	National Register Property	3/12/2003	Olancha
Furnace of the Owens Lake Silver-Lead Company	(752)	State Historical Landmark	12/22/1960	Keeler
Saline Valley Salt Tram Historic Structure	(N322)	National Register Property	12/31/1974	Keeler
Keeler, End of the Line	(P444)	Point of Interest	10/1/1975	Keeler
Cerro Gordo	(P587)	Point of Interest	3/1/1982	Keeler

Source: State Office of Historic Preservation (OHP; 2014)

6.1 HISTORICAL MAPS

6.1.1 U.S. Geological Survey Topographic Maps

Source: U.S. Geological Survey
Date: various
Data Basin Links:

- Waucoba Mtn Historic Topographic Map (http://databasin.org/maps/0053ea89c5f64a44bd75c0af4aaf59c6)
- Ballarat Historic Topographic Map (http://databasin.org/maps/52aaa95d9ea94534a19393a2e6a71c5c)
- Mt Whitney Historic Topographic Map (http://databasin.org/maps/80367b450c614eb89c55beca1c3b1b65)
- Big Pine Historic Topographic Map (http://databasin.org/maps/d5929c7781244dd18638a860e33f088c)
- Independence Historic Topographic Map (http://databasin.org/maps/31a4a73a01154e0daae3b8897a7423cc)
- Bishop Historic Topographic Map (http://databasin.org/maps/4938b06329a24da38a9f14130518c5da)

Historical topographic maps produced by the US Geological Survey (USGS) are some of the most comprehensive and detailed maps currently available to the public. These maps play an important part in preserving an area's physical and cultural features by recording a snapshot in time. Topographic maps of the same area can show how an area looked before development and provide a detailed view of changes over time. The USGS Historical Topographic Map Explorer (http://historicalmaps.arcgis.com/usgs/) is a powerful tool for accessing maps dating back as early as the late 1800s. Topographic maps available for Owens Valley have been georeferenced and uploaded to Data Basin so they can be viewed with other data layers.

6.1.2 Ritch Maps

Source: Inyo County Water Department
Date: 1931
Link: http://www.inyowater.org/maps-data/historic-maps/maps/

In addition to topographic maps, the Inyo County Water Department has an online collection of 1931 maps showing classification and city ownership of lands in Owens Valley. Commonly referred to as the "Ritch Maps", these maps detail land use and ownership by section and serve has a helpful resource in exploring past land use in the region.

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_____ 1980b. Cultural Resources Map, in Final Environmental Impact Statement and Proposed Plan. California Desert Conservation Area. Prepared by Bureau of Land Management, Desert District. Riverside, California. September.

_____ 1980c. Native American Resources Map, in Final Environmental Impact Statement and Proposed Plan. California Desert Conservation Area. Prepared by Bureau of Land Management, Desert District. Riverside, California. September

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ATTACHMENT B.1 – TRIBAL MAPS AND NARRATIVES

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Big Pine Paiute Tribe of the Owens Valley
Big Pine Paiute Indian Reservation

Overview of the Big Pine Paiute Cultural Landscape

Owens Valley and the surrounding areas are an integral part of a sacred and traditional cultural landscape. This area remains vital to the existence of the Paiute people, who have continuously occupied this region since the beginning of time. We have lived, hunted and gathered on these lands, and maintained sacred sites belonging to our people. We have managed natural resources for all living things that provided for our people.

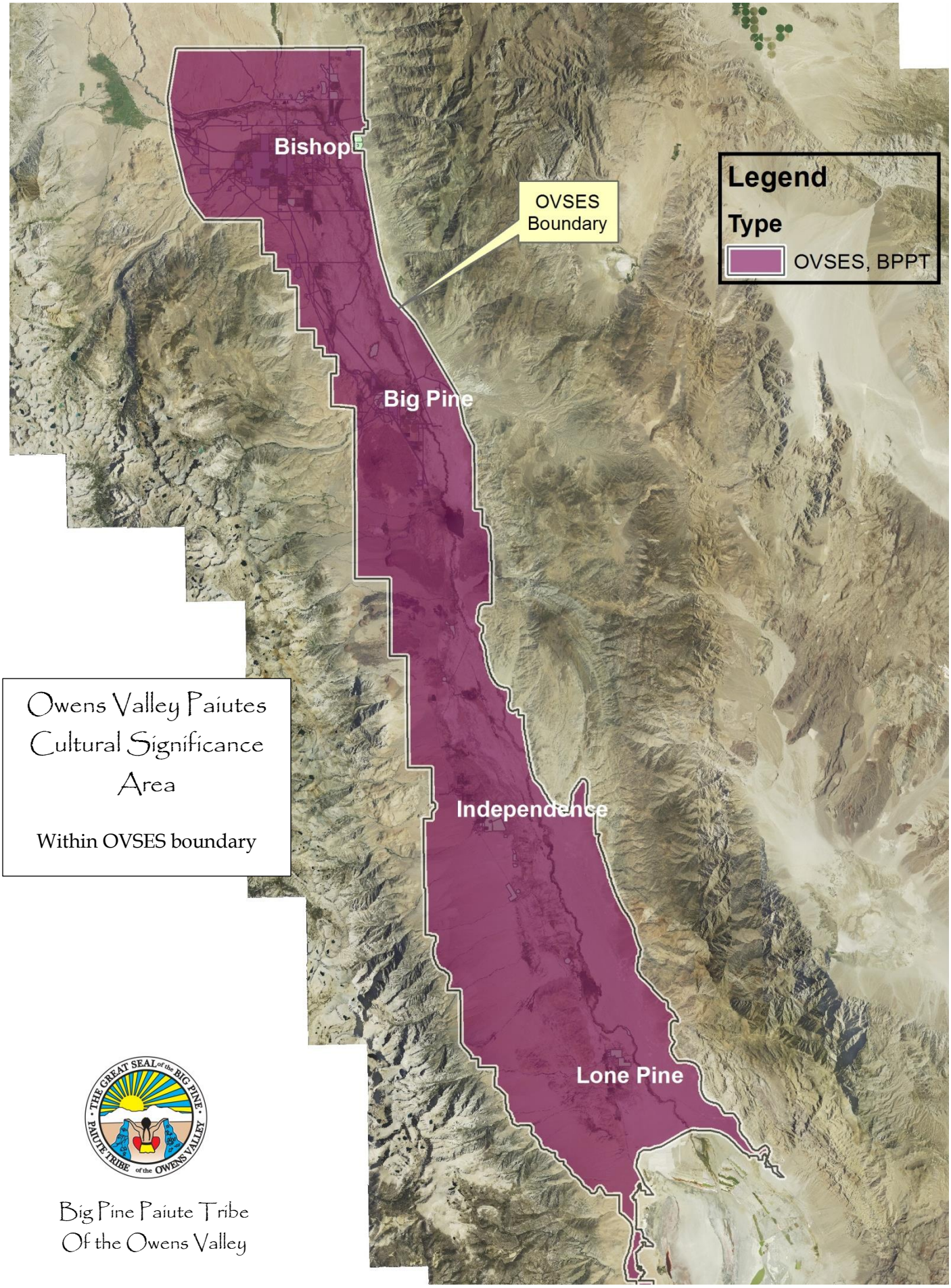
Embedded within our cultural landscape is our creation place described in our traditional religion and combined with songs and stories that describe the past, present and future. The voices of our ancestors resonate throughout the Valley and other culturally sensitive areas keeping our people strong. The abundant cultural resources found here provide the spiritual guidance necessary for our people to keep alive our culture and teach the next generations so our traditional ways will not die.

The people of the Big Pine Paiute Tribe retain these important messages and knowledge of the past, which guide us into the future. Our people are inseparable from this land as it is from us.

Traditionally we must interact with the land helping to keep it in balance. This is done throughout the seasonal cycles. When the land is disrespected and things intrude the landscape, it becomes sick and out of balance bringing untold harm to our people from the adverse impacts to the resources which we rely. We are taught to live in harmony with this land and serve as its voice to help preserve its cultural and religious integrity.

Our traditional songs and stories speak to the importance of respecting the land and the repercussions that will occur if treated otherwise. Relying upon our traditional values and our deep ecological knowledge, our people continue to engage with this landscape that contains our foods, medicines, songs, stories and countless other cultural resources that are still relied upon today.

This fragile cultural landscape has seen many changes since the beginning of time. It continues to rely upon our religious and spiritual connection. We, the Big Pine Paiute people, share its powerful messages to preserve the dignity of this most important yet delicate area. Mahno.



Owens Valley Paiutes Cultural Significance Area

Within OVSES boundary

Big Pine Paiute Tribe
Of the Owens Valley

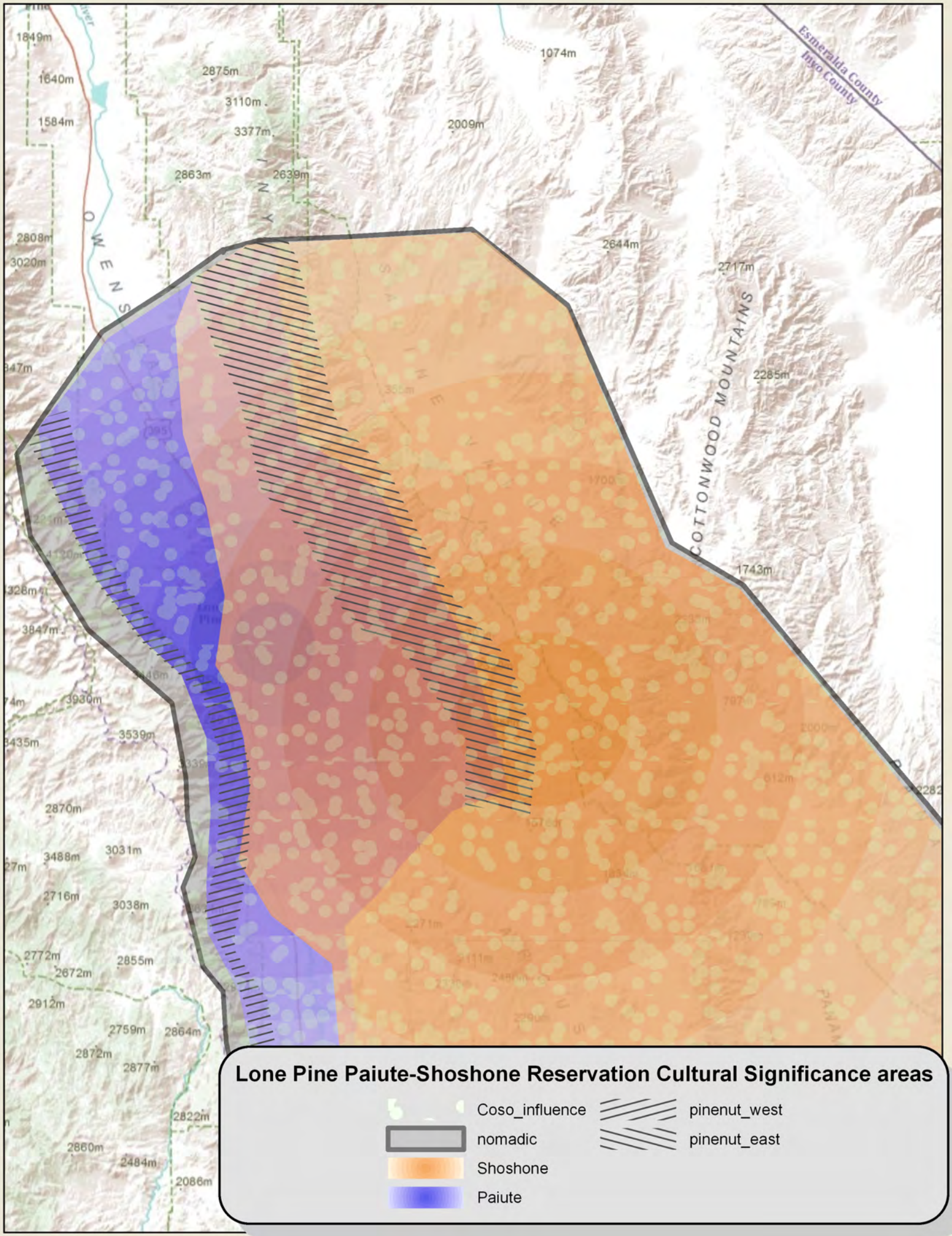
Narrative [submitted by Lone Pine Paiute-Shoshone Reservation on 12.18.2015]

In order to comprehend the extreme significance of the land, water, air, plants, animals, minerals, and other resources to the culture and identity of the people of the Lone Pine Paiute-Shoshone Reservation, one must accept the fundamental understanding that we come from the Earth. We are an extension of the land, water, air, plants, animals, minerals, and resources that allow our lives to exist.

The Community of the Lone Pine Paiute-Shoshone Reservation holds dearly the ancestral ties to the homelands of our people. Those homelands for the people of our Reservation extend north of present day "Shepherds Creek", to south of Haiwee-Coso area, east to Panamint and Saline Valley. These lands were all utilized in a "nomadic" fashion. All of these lands continue to hold the physical evidence of our presence, in spite of the impacts and efforts to break our connection to it. These lands signify the traditions, culture and history of our people.

This document and the attached maps, will illustrate the cultural and ecological significance of ancestral homelands to the Lone Pine Paiute-Shoshone Reservation. Each indicator or parameter engulfs a broad range for the protection and confidentiality of sacred sites. No man-made border or marking on a map can fully grasp or demonstrate the synergistic connection of the life cycle, or the emergent ecological and social properties that make up a given environment to become bound within a fabricated border or boundary. It is clear that the entire valley is not only significant, but sacred. It is truly in need of preservation for the future of all people.

It is difficult to fully interpret the extreme significance of the Coso Hot Springs. There are no words to describe the importance of not just the Springs, but the surrounding area to numerous tribal communities of North America.


Lone Pine Paiute-Shoshone Reservation Cultural Significance areas
Coso_influence
nomadic
Shoshone
Paiute
pinenut_west
pinenut_east
Esmeralda County
Inyo County
COTTONWOOD MOUNTAINS
OWENS
1849m
1640m
1584m
2875m
3110m
3377m
2863m
2639m
1074m
2009m
2644m
2717m
2285m
1743m
2808m
3020m
3847m
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2672m
2855m
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2872m
2877m
2822m
2860m
2484m
2086m

Fort Independence Indian Reservation

P.O. Box 67 . Independence, CA 93526 . (760) 878-5160 . Fax (760) 878-2311

January 7, 2016

Inyo County Planning Department
P.O. Box L
Independence, CA 93526

RE: Cultural Landscape – OVSES

Dear Planning Department,

Thank you for including us in the Owens Valley Solar Energy Study workshops.

We are submitting a Cultural Landscape Statement to be included in the final report. And we are informing you that the entire Inyo County boundary map is culturally sensitive to the Tribe.

We look forward to working with you in the future.

Sincerely,

Karma Henry, Vice Chairman, Fort Independence Paiute Tribe

Re: Cultural Landscape Statement

The Owens Valley is sacred to the Paiute of Fort Independence, it is like our mother, who gave us life. It is spiritual, it is hallowed. It is not easy to put it on paper, but we will try for the sake of moving forward.

The sagebrush, willows, grasses, and all plants that grow in the Owens Valley are sacred to us, they feed and heal our people for thousands of years. We use these plants for food, for medicine. We use these plants for shelter and for tools that we need to live.

All of the animals, rabbit, lizard, deer, coyote and the insects, they provided for us. They are sacred to us. Without the plants, the animals and the land, we would not be.

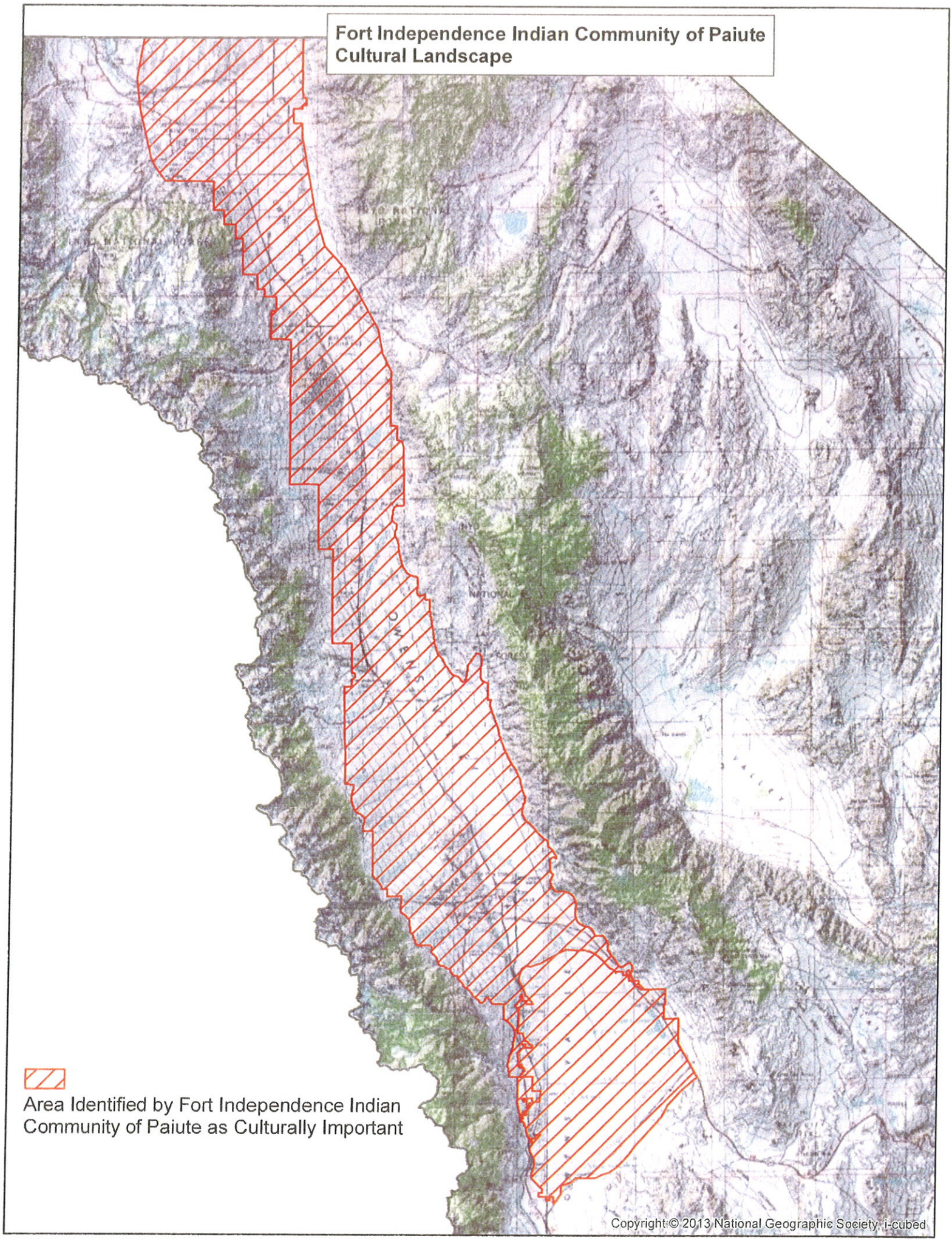
The Paya (Water), this is sacred. Paya is potentially an unrenewable resource, it must be protected.

The rocks, creeks, lakes, lands, these are sacred to us. We lived in the entire Owens Valley, and beyond. This is our home. All of these are inter-connected and without one, none could exist.

Our people are buried here, their spirits speak to us, and they guide us.

In order to keep our culture intact, we must protect her, and all her fauna and flora.

In closing, we, the Fort Independence Paiute state the entire solar study area is sacred to the Tribe.


Fort Independence Indian Community of Paiute
Cultural Landscape
Area Identified by Fort Independence Indian
Community of Paiute as Culturally Important
Copyright © 2013 National Geographic Society, i-cubed

Bishop Paiute Tribe perspective Owens Valley Cultural Narrative

The Nüümü (the People) and NeWe of Paya huu gwaetü (Place where the water flows) have ancient roots in the ecoregion and a continuing stake in its future and have deep respect, cultural and spiritual connections to Mother Earth to whom we are related to, close to, and care deeply for. We have been instructed to assist our Mother Earth and in return she will provide us with bountiful resources without having an adverse effect on those irreplaceable resources.

Our tradition is to never disturb the artifacts of our ancestors. There are areas within the proposed project area that cannot be interpreted and words cannot describe their significance to the Nüümü and NeWe.

It is our hope that the cultural landscape will not be altered and serious consideration should be taken. These features are unique and fixed on the landscape. Boundaries, fences, designations and maps interfere and alter our traditional land uses and the movement within the precious cycle of life. We are all have an important role in the cycle of life. Access to traditional heritage lands is important for sacred and ceremonial use, Sacred lands are designated by the Creator and cannot be "desanctified" or re-established like the churches of other religions.

The Bishop Paiute Tribal community have ancient roots within Paya huu gwaetü (Owens Valley), Pah-yaht toi-ab-be (Sierra Nevada) and Toi-av'-ve (White Mountains), these areas are spirituality strong and are considered sacred. The areas provide continued our natural resources for subsistence and the balance that is needed for spiritual strength. This includes our traditional land use area.

This narrative and recommended map depicts the cultural and ecological significance of the Nüümü ancestral homelands.

Mahno

Thursday, January 7, 2016

George Gholson, Chairman

Earl Frank, Vice-chairman

Eleanor Jackson, Secretary/Treasurer

White Dove Kennedy, Council Member

Dora Jones, Council Member

Josh Hart
Inyo County Planning Department
PO Box L
Independence, CA 93526

RE: Owens Valley Solar Energy Study (OVSES)

Dear Mr. Hart:

The Timbisha Shoshone Tribe of Death Valley is appreciative of the work being done by Inyo County in accepting the knowledge of the original native people residing in Inyo County for the Owens Valley Solar Energy Study (OVSES). We are thankful for the workshops our Tribal Representative, Barbara Durham, Tribal Historic Preservation Officer, has attended where information was shared on the process.

The ancestral lands of the Timbisha Shoshone Tribe extend from the Inyo Mountains east including Coso, Saline Valley, Panamint Valley, Death Valley, and the Hunter Mountain area, to lands in Nevada. The Timbisha Shoshone Tribe is part of the Western Shoshone Nation and has a wide area in the southern boundaries to maintain and protect. Our Tribal lands are within California and Nevada.

We have included a map showing the areas we have concern for, as our ancestors lived and camped along the Owens Lake on the southwestern shores and lands south to the Little Lake area. We believe that the entire Owens Valley should be protected as it is home to five Indigenous American tribes. The Owens Valley was exclusively used and cultivated by the Indigenous Americans long before European settlers came to this area. There are many sacred sites and archaeological sites in the Owens Valley that we all feel a need to protect.

Again, thank you for your time and effort. If you have any questions, please contact Barbara Durham, Tribal Historic Preservation Officer, by email at thpo@timbisha.com or by telephone at (760) 872-3614.

Sincerely,

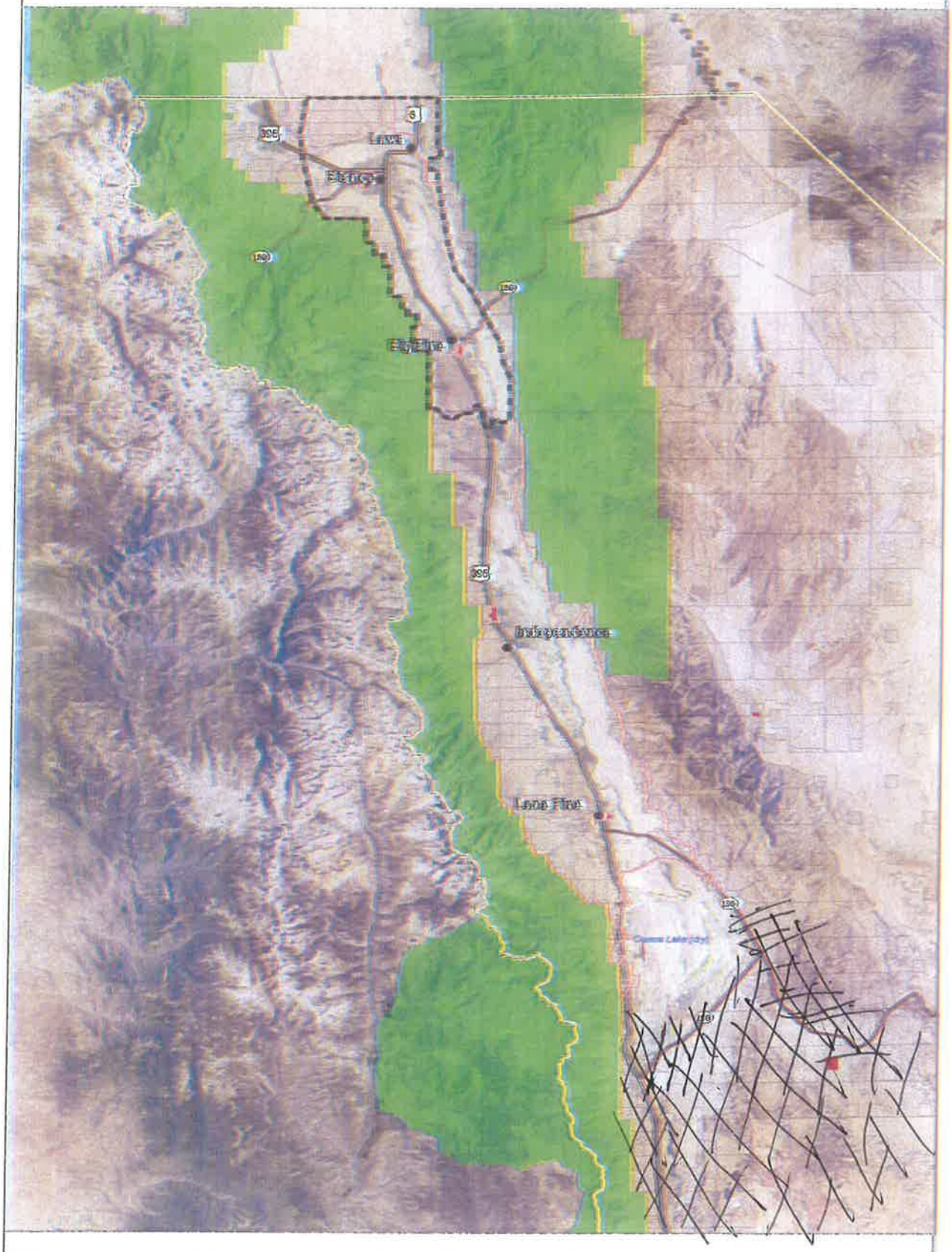
George Gholson,
Honorable Tribal Chairman
Timbisha Shoshone Tribe

cc: Honorable Tribal Council Members
Barbara Durham, THPO

Timbisha Shoshone Tribe – 621 W. Line St., Suite #109 – Bishop, CA 93514
Phone: 760-872-3614 – Fax: 760-872-3670

Ownership
Owens Valley Solar Energy Study

HELIX Environmental Planning



Study Area Boundary
InyoCountyBoundary
OVSA
TribalLands
INFBndry
BLM
US Route
State Route

0 8.5 Miles

Appendix C

Visual Resources

1 INTRODUCTION

This appendix provides a detailed discussion of the results of the visual resources assessment of the OVSES performed by HELIX Environmental Planning, Inc. in 2015. The primary products of this assessment are the Photographic Catalog and interactive online maps available on Data Basin. Information in this appendix is intended to support the interactive information available on Data Basin. Detailed descriptions of the OVSES and Data Basin are provided in the OVSES Report.

1.1 CURRENT STUDY PURPOSE AND CONTENT

This appendix presents the pertinent regulations regarding visual resources from all agencies with jurisdiction in the OVSES, provides a general description of the visual environment of the OVSES, and a discussion of how visual resources are typically analyzed. It provides sample images from the more comprehensive Photographic Catalog that illustrate topographic features and patterns within the OVSES, as well as a prioritized set of criteria to help individuals and agencies site projects within County jurisdiction. All these discussions are presented in the following chapters:

- 2.0, Regulatory Framework
- 3.0, Visual Environment of the OVSES
- 4.0, Analysis of Visual Environment
- 5.0, The Photographic Catalog
- 6.0, Visual Resources Recommendations

2 REGULATORY FRAMEWORK

Project siting is subject to a number of regulations, plans and policies applicable to the protection of visual resources. The following information reiterates some data from the Renewable Energy General Plan Amendment Program Environmental Impact Report. It is provided here for the reader's convenience and to minimize the need for additional review, and also has been additionally supplemented/refined for this document. Programs are categorized as federal, state or local, and are organized alphabetically by agency name within those categories.

2.1 FEDERAL AGENCIES

Most of the land within the OVSES area is under federal jurisdiction; including areas administered by the National Park Service (NPS), the BLM, the U.S. Department of Agriculture, the USFS, and the Bureau of Indian Affairs (BIA). Tribal reservations/lands within the BIA areas include those belonging to the Bishop Paiute Tribe, the Big Pine Paiute Tribe of the Owens Valley, the Fort Independence Community of Paiute, and the Lone Pine Paiute Shoshone Reservation. The following discussion addresses the noted federal agencies with management responsibilities for visual resources within the OVSES study area, and their associated visual resources management programs and policies. These range from policies allowing only

preservation of the existing condition, to policies that require balancing of multiple proposed uses of the land.

2.1.1 Bureau of Land Management

Visual Resource Management System

The BLM is responsible for ensuring that the scenic values of BLM-administered public lands are considered before allowing uses that may have negative visual impacts. The BLM accomplishes this through its Visual Resource Management (VRM) system. The VRM system includes a systematic process for inventorying scenic values on BLM-administered lands and establishing management objectives for those values. The primary components of the VRM system are visual resource inventory (VRI) and VRM class designation. The VRI process provides a method to rate the visual appeal of a tract of land, measure public concern for scenic quality, and determine whether the tract of land is visible from travel routes or observation points.

Based on those findings, BLM-administered lands are designated one of four visual resource inventory classes. Class I is reserved for specially designated areas, such as wilderness areas and other congressionally and administratively designated areas, where decisions have been made to preserve a natural landscape. Class II is the highest rating for lands without special designation. The Bishop Resource Management Plan for Inyo County inventories and classifies BLM lands within the OVSES. These classes represent the relative value of the visual resources, as indicated by the management objectives of each class as defined below:

- Class I objective is to preserve the existing character of the landscape. The level of change to the characteristic landscape should be very low and must not attract attention.
- Class II objective is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen but must not attract the attention of the casual observer. Changes must repeat the basic elements of form, line, color, and texture found in the predominant natural landscape features.
- Class III objective is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention, but should not dominate the view of the casual observer. Changes should repeat the basic elements of form, line, color, and texture found in the predominant natural landscape features.
- Class IV objective is to provide for management activities that require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high.

Currently, no BLM-administered lands in the OVSES have a VRM class designation. BLM-administered lands immediately adjacent to the southern boundary of the OVSES are designated Class III.

National Scenic Byways Program

BLM administers the National Back Country Byways Program, which is a component of the National Scenic Byways Program. BLM-designated Byways within Inyo County include the Saline Valley Road Back Country Byway and the Owens Valley – Death Valley Scenic Byway. Both of these Byways are generally out of the OVSES study area as they trend east and focus on Death Valley visual resources. The Saline Valley Road Back Country Byway extends south and east from an intersection with SR-168 east of Big Pine toward and through Death Valley National Park to a junction with SR-190, and leaves the OVSES a few miles from its western end. The Owens Valley – Death Valley Scenic Byway extends east-west along SR-190 in the OVSES, along the southern edge of Owens Lake.

2.1.2 National Park Service

The NPS Organic Act of 1916 established the NPS "to conserve the scenery and the natural and historic objects and the wild life therein to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." NPS lands are designated and considered visually sensitive resources. Within the OVSES, NPS manages the Manzanar National Historic Site located west of US-395 between Lone Pine and Independence (discussed further in the cultural resources section).

2.1.3 United States Forest Service

There are no USFS-administered lands in the OVSES except field offices in Bishop and Lone Pine and some other isolated lands that are irrelevant to the study.

National Forest Scenic Byway System

The National Forest Scenic Byway system, created in 1987, is administered by the USFS and consists of 138 National Forest Byways. The goal of the National Forest Scenic Byway system is to enhance rural community tourism, by providing access to scenic and historic viewpoints. National Forest Scenic Byways within Inyo County include White Mountain Road and SR-168 (Bishop Creek South Fork and Middle Fork). White Mountain Road is part of the Ancient Bristlecone Scenic Byway, which extends north from SR-168 at Westgard Pass, and generally does not include views of the OVSES. SR-168 extends southwest of Bishop along Bishop Creek, into Inyo National Forest.

2.1.4 Federal Wilderness Areas

In 1964, Congress established the National Wilderness Preservation System and passed the Wilderness Act to provide long-term protection and conservation of federal public lands. Wilderness is defined as:

> …an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain….Federal land retaining its primeval character and influence, without permanent improvements or human

> habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

Approximately 61 percent of the land area of Inyo County is congressionally-designated Federal Wilderness Area, and is managed by three federal agencies: NPS, BLM and USFS. Designated Federal Wilderness Areas with views to the OVSES include:

- John Muir Wilderness and Golden Trout Wilderness to the west of the OVSES area in the Sierra Nevada from the vicinity of Bishop to Owens Lake, managed by the USFS
- Inyo Mountains all along the eastern boundary of the OVSES from the area south of Big Pine and southerly to the vicinity of Owens Lake and SR 136, managed by the USFS, the BLM and the NPS
- White Mountains along the northeast boundary of the OVSES area from within Mono County to the vicinity of Bishop, managed by the USFS and the BLM
- Malpais Mesa to the east of Owens Lake
- Coso Mountain Range northern section from approximately six miles northeast of Olancha, managed by the BLM

None of these wilderness areas overlap the OVSES; however, all afford views into the OVSES. These wilderness areas are discussed in detail in the land use section of the OVSES Report.

2.2 STATE AGENCIES

2.2.1 Office of Historic Preservation

California Historical Landmarks Program

Historical Landmarks are sites, buildings, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. Historical Landmarks are eligible for registration if they meet at least one of the following criteria:

- Is the first, last, only, or most significant of its type in the state or within a large geographic region
- Is associated with an individual or group having a profound influence on the history of California
- Is a prototype of, or an outstanding example of, a period, style, architectural movement or construction or is one of the more notable works or the best surviving work in a region of a pioneer architect, designer or master builder

As such, these landmarks may simply be "markers" to aid in memory of an historic event in the vicinity of a geographic point, or may be associated with a setting that carries value in itself. The extent to

which an historical landmark is a visually sensitive resource is strongly determined by its purpose and setting. A total of 14 locations in the OVSES are designated California Historic Landmarks and are denoted by markers.

2.2.2 Office of Planning and Research

CEQA requires review of any discretionary project relative to potential adverse impacts. Appendix G of the CEQA Guidelines provides criteria for evaluating if those impacts could be significant. Visual resource criteria include:

- Have a substantial adverse effect on a scenic vista
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway
- Substantially degrade the existing visual character or quality of the site and its surroundings
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area

2.2.3 California Department of Transportation (Caltrans)

Source: Caltrans
Date: 2014
Data Basin Link: http://databasin.org/maps/a2ab217801d149b48bfb69cde9fd8101

The California Scenic Highway Program was created in 1963 by legislature to "protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment," and includes state routes identified as scenic by Caltrans. The "eligible" designation applies to a specific segment of the designated highway, and depends on several factors, including the breadth of the landscape that is visible by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon a traveler's enjoyment of the view. Formal designation requires action by the local land use agency (in this case, Inyo County). The designation provides benefits to scenic resources along the highway, some of which include protection from incompatible uses, mitigation of activities within the designated corridor that detract from the highway's scenic quality, and preservation of hillsides.

Within the OVSES area, a 20-mile segment of US 395 between Fort Independence and Fish Springs Road, and a 4-mile segment of SR-168 west of Bishop from Brockman Lane towards Camp Sabrina are designated state scenic highways. All segments of US-395 beyond the above-noted segment, SR-190 from US-395 to Death Valley National Park, and SR-168 from US-395 to the Mono County line, are all identified as eligible (although not designated) scenic highways by Caltrans.

2.3 LOCAL AGENCIES

2.3.1 City of Bishop

General Plan

Incorporated in 1903, the City of Bishop is located on approximately two square miles in the northern portion of Inyo County. Although the City does not have large open spaces within its boundaries, core values of the City are tied to its geographic setting. The City character is largely derived from its location surrounded by open space/forest, and its economy is largely tied to tourism and the visitors who come to enjoy those resources. As such, the City has identified goals and policies that value those resources beyond the City limits.

As noted in the City Conservation/Open Space Element, panoramic views to the Sierra Nevada and White Mountains are specifically called out as dominant scenic features that are visible from numerous locales within the City. Open agricultural lands around the City (largely owned by LADWP) are also identified as a "unique" and scenic.

It should be noted that the City General Plan specifically identifies solar resources as potentially helping its citizens in meeting their heating requirements based on the City receiving "an average of 3,500 hours of solar energy (nearly 9 1/2 hours per day)" and notes that "[c]onsideration should be given to this environmental resource" (Conservation/Open Space Element 1993:16).

2.3.2 County of Inyo

General Plan

The Inyo County General Plan addresses visual resources in its Conservation/Open Space, Circulation, and Land Use Elements.

Section 8.8, Visual Resources, of the Conservation/Open Space Element, contains the following goals and policies to protect visual resources within the County that may be affected by solar arrays:

- Goal VIS-1: Preserve and protect resources throughout the County that contribute to a unique visual experience for visitors and quality of life for County residents.
- Policy VIS-1.1: Historic Character. The County shall preserve and maintain the historic character of communities within the County.
- Policy VIS-1.2: Community Design. The County will encourage and assist in the establishment and maintenance of design themes within existing communities.
- Policy VIS-1.3: Grading Impacts. Man-made slopes should be treated to reflect natural hillside conditions in the surrounding area.

- Policy VIS-1.4: Equipment Screening. Within communities, building equipment shall be screened from public view.

- Policy VIS-1.6: Control of Light and Glare. The County shall require that all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward (i.e., lighting shall not emit higher than a horizontal level) and which are fully shielded. Where public safety would not be compromised, the County shall encourage the use of low-pressure sodium lighting for all outdoor light fixtures.

- Policy VIS-1.8: Renewable Energy Solar Development, Light and Glare, Night Skies. The County shall encourage siting and screening to avoid, minimize or mitigate significant changes to the visual environment from Renewable Energy Solar Facility development during construction and operations including avoiding or minimizing light and glare, and impacts inconsistent with Death Valley National Park's International Night Skies designation.

- Policy VIS-1.9: Economic Impacts from lost Visual Resources. The County shall balance Renewable Energy Solar Facility development opportunities with the potential loss of tourist based economic opportunities from impacts to visual resources.

Section 7.3, Scenic Highways, of the Circulation Element, contains policies to establish, maintain, expand, and protect scenic routes within the County. Of particular import are the following two policies:

- SH-1.1: The natural qualities of designated scenic routes should be protected.

- SH-1.3: The County will work with Caltrans to obtain Scenic Route designations on all portions of U.S. 395 and State Routes 168 and 190. The County should also work with Caltrans to identify and have designated other scenic corridors in the County.

In addition, Section 4.3, Public Services and Utilities, of the Land Use Element, contains the following policy:

- PSU-1.7: The County shall require undergrounding of utility lines in new development areas and as areas are redeveloped, except where infeasible for operational or financial reasons. The County will also work with utility providers to proactively place utilities underground as part of the utilities' ongoing maintenance program.

2.4 SUMMARY OF COMMON REGULATORY ELEMENTS

There are common elements in each of the regulatory programs described above, even where the underlying goals differ. Whereas the NPS has policies supporting protection of visual character, the BLM and USFS are charged with multiple use mandates, that expressly permit resource uses such as logging, mining or solar energy generation. Similarly, the County provides guidelines for the incorporation of many different types of land uses required as a matter of public health and safety (e.g.,

circulation requirements, provision of public services and development of utilities service), as well as recreational and other uses that contribute to enjoyment of life within the County.

The evaluation of these various uses provides for balancing human and natural resource needs and amenities. As noted above, existing conditions (visual setting, ongoing uses, proximity to other uses, etc.) all play a role in the evaluation of whether or not a proposed use might be appropriate for any specific location. The common baseline elements of these evaluative criteria are:

- Avoidance/prioritization of pristine natural areas
- Minimization of notable change
- Inclusion of public input and review

Despite differing underlying goals of the various agencies described in this section, the visual resources management policies of all of them include these basic components. This foundation will be considered in the evaluation of individual projects, regardless of which agency takes jurisdiction over the project.

3 VISUAL ENVIRONMENT OF THE OVSES

Natural topography and man-made development are the constituent elements of the visual environment of a place, and in the context of cultural values determine what are considered **visually sensitive resources**. The natural and man-made elements that form the Owens Valley visual environment are summarized below.

3.1 OWENS VALLEY NATURAL TOPOGRAPHY

Owens Valley is located in the desert region of eastern California, in the southwestern portion of the Great Basin. This includes western Utah, most of Nevada, eastern California, and parts of Idaho and Oregon. The Great Basin comprises a large portion of western North America that is separated from the watersheds of the major rivers of the West, and therefore does not drain to an ocean. The topography of Owens Valley is typical of the Basin and Range physiographic province, which is characterized by northwest-trending mountain ranges separated by long, narrow valleys containing endorheic basins.

Parallel faults associated with crustal extension in the Basin and Range beginning circa 10 million years before present resulted in the uplift of the Sierra Nevada Mountains to the west, and the White and Inyo Mountains to the east, as the intervening block of crust subsided to form Owens Valley (Jayko 2009). Subsequent volcanism along the eastern foot of the Sierra Nevada, along with eruption of the Long Valley Caldera, added extensive volcanic features to the landscape that are especially prominent south of Big Pine, and in the Volcanic Tablelands northwest of Bishop. Seismic activity continues to the present day, with one of the largest earthquakes ever recorded in California occurring in Owens Valley in 1872. Today, the Owens Valley floor ranges from 3,550 to 4,200 feet above mean sea level (amsl), and the surrounding mountain ranges rise as much as 10,000 feet in dramatic escarpments. Fourteen of the

fifteen peaks in California that exceed 14,000 feet amsl flank Owens Valley, including the four highest peaks in the state.

The visual environment of Owens Valley is also affected by the complex geology of the region. The Sierra Nevada is primarily weathered and glacier-polished grano-diorite of silver and gray hues, which glow pink and orange at dawn. The White and Inyo Mountains are primarily meta-sedimentary rocks in a variety of brown, tan, and red hues that reflect the setting sun. Volcanic materials range from dark brown and black of older lava flows to bright red of newer cinder cones. The alluvial fans that form the slopes between the valley floor and the mountain escarpments vary in texture and color from light sandy washes to dark rocky desert pavement. Bluffs of pale pink and tan volcanic tuff occur north of Bishop at the margin of the volcanic escarpment that separates Owens Valley from Long Valley.

The Sierra Nevada intercept most of the moisture moving east from the Pacific Ocean, creating a rain shadow effect, that results in an arid climate in Owens Valley. Because of the dry desert air, the landscape of Owens Valley appears unusually clear and vivid, and distant objects appear as sharp as close ones. Owens Valley is approximately 75 miles long and 4 to 15 miles wide, which creates a dramatic difference between the relative flatness of the valley floor and the sharply rising mountains on either side. In the winter and spring, the abundant snow pack in the Sierra Nevada creates another dramatic contrast between the valley and its surrounding mountains. Unlike other valleys that lie farther east in the Basin and Range, Owens Valley is well watered despite its arid climate. Contrasting with the surrounding desert, the Owens River creates a verdant riparian corridor running the length of the valley, and there are numerous tributary rivers and creeks, springs, and seeps along the sides of the valley that support cottonwood and willow trees, rose thickets, reed beds, cattail and bulrush marshes, and meadows of saltgrass, Baltic rush, and Rocky Mountain iris. Because of the arid climate, vegetation patterns in the valley change very rapidly with small changes in elevation near surface water sources. Dry upland areas away from water are covered with vast expanses of low-growing xeromorphic shrubs and the landscape is not obscured by extensive forest or chaparral. Owens Lake is the terminus of the Owens River, and historically was approximately 110 square miles in size and navigable by steamboats. Currently, Owens Lake is a mosaic of alkali flats, brine pools, and saltgrass.

The natural landscape of Owens Valley is imbued with great cultural significance. Two examples of individual features of spiritual significance to Native people are Crater Mountain, a volcanic butte south of Big Pine, and the Winnedumah-Paiute Monument, a granite monolith visible on the skyline of the Inyo Mountains. Places of spiritual and cultural significance to Native people, including or signified by burial grounds, artifacts, and rock art, are located throughout the valley. The association of the Owens Valley landscape with early European pioneer settlement, its contemporary aesthetic values, the iconic status of the Alabama Hills as a setting for motion pictures, and the rural character of the valley, contribute to the visual significance of the landscape to Europeans as well. There is an artistic tradition of considering the natural landscape to be an important foundation of the American national character, a belief shared by the 20th century photographer Ansel Adams (Spaulding 1995). Several of Adams' best-known images are of the Eastern Sierra Nevada and Owens Valley.

3.2 OWENS VALLEY MAN-MADE DEVELOPMENT

Prior to European exploration and settlement in the valley, native populations inhabited the area for almost 10,000 years. At the time of European contact, populations included Mono (Paiute) peoples in the northern and central portions of the valley, and the Panamint or Koso (Timbisha) in the vicinity of Owens Lake. Native populations hunted, fished and collected pine nuts within the valley and nearby mountain slopes, as well as engaging in some agriculture. Settlements were constructed of native materials such as reeds and willows, and there was negligible human modification of the landscape.

The first recorded European in the valley was Joseph Walker in 1833. John C. Fremont named the valley, a river and the primary lake for one of his guides, Richard Owens, in 1845. Settlers moved into the valley in the early 1860s and homesteaded Paiute lands; raising cattle, sheep, fruit, wheat, and other crops to supply mining towns as far away as Aurora, northeast of Mono Lake. Hostilities broke out between Native people and settlers in 1862, in response to famine among Native people resulting from cattle grazing reducing traditional Native food resources. Camp (later Fort) Independence was established in 1862 and was occupied intermittently until 1877. Numerous mines were established in the Coso, Inyo, and White Mountains and several prominent ruins remain visible today, including the Reward Mine on the lower slopes of the Inyo Mountains.

Owens Lake has been associated with a number of industrial uses including soda works and salt mining. The Cottonwood charcoal kilns on the west shore turned wood harvested in the Sierra Nevada into charcoal that was transported across the lake in steamboats then carried up to the mining town of Cerro Gordo in the Inyo Mountains. Salt mined in Saline Valley and carried over the Inyo Mountains to Keeler by an aerial tram was ferried across the lake in steamboats. Industrial uses of Owens Lake halted when the lake dried as a result of the diversion of the Owens River into the Los Angeles Aqueduct. Ruins of the soda works and charcoal kilns are still visible on the west side of Owens Lake.

Although built elements and the extent of farming differed from the long history of Native American use of the area, the natural character of Owens Valley remained relatively unchanged through the 19th century. This changed in the early 20th century, when the City of Los Angeles began to acquire water rights in Owens Valley.[1] Along with cessation of some mining activities, European farming settlements within the valley were substantially impacted by changes in water rights, which significantly changed the way the valley looks today.

In 1902, Congress passed the Reclamation Act, and planning began on a federal reclamation project in Owens Valley for irrigation of as much as 185,000 acres. This was followed by Los Angeles Water Commission approval of a plan for an aqueduct from Owens Valley to the City of Los Angeles in 1905, and subsequent acquisition of land and water rights in the southern Owens Valley by the City of Los Angeles. Construction of the Los Angeles Aqueduct began in that year and was completed by 1913. The Los Angeles Department of Water and Power (LADWP) began exporting water from Owens Valley by

[1] Numerous publications focusing on Owens Valley water rights and conflicts exist as stand-alone documents. The information provided here summarizes specific actions that resulted in the valley as it is seen today.

diverting water into the Los Angeles Aqueduct at a diversion dam constructed approximately 60 miles upstream of Owens Lake. From the intake point, the concrete-lined aqueduct runs southwest toward the Alabama Hills, then south along the foot of the Sierra Nevada west of Owens Lake to Haiwee Reservoir which is south of the OVSES. In 1925, Los Angeles began purchasing additional lands north of the aqueduct intake, and by 1933 had acquired 85 percent of the valley's residential and commercial property and 95 percent of the valley's farm and ranch land. In 1963, LADWP announced plans to construct a second aqueduct from Owens Valley to Los Angeles, and then reduced irrigated lands in Owens Valley in order to make additional water available for export through the second aqueduct, which was completed in 1970. Litigation and environmental regulation resulted in the adoption of the Long Term Water Agreement in 1990, and subsequent Memorandum of Understanding in 1997 between Los Angeles and Inyo County, by which the two entities cooperatively manage water resources in the valley.

The effects of the acquisition of land for water export by the City of Los Angeles on the visual environment of Owens Valley include man-made features such as the Los Angeles Aqueduct itself; power houses and electrical transmission lines associated with the aqueduct; the diversion dam at the aqueduct intake; impoundments such as Tinemaha Reservoir and Pleasant Valley Reservoir; groundwater monitoring wells; service roads; and constructed wetlands managed for restoration. Another effect is the reduction of irrigated agricultural land in the valley, and the retention of a huge percentage of the valley floor in the hands of a private owner that has shown little interest in the development potential of the land. LADWP lands are undeveloped and, especially in the northern half of the valley, are mostly open for public recreation and/or leased for cattle grazing.

Other man-made elements of the visual environment of Owens Valley include urban development in Bishop, Big Pine, Independence, Lone Pine, Olancha, Keeler, and scattered subdivisions and single residences; Southern California Edison (SCE) hydroelectric powerhouses on Bishop Creek; high voltage electrical transmission lines owned by LADWP and SCE; highways; and airports at Bishop, Independence, and Lone Pine. The California Institute of Technology operates the Owens Valley Radio Observatory, which is an array of dish antenna radio telescopes located on the valley floor east of Big Pine. Some areas north and west of Bishop are disturbed by current and past industrial activities, including aggregate mining and graded water spreading basins. Placement of communication towers, as well as vehicular recreation activities, results in numerous dirt roads visible on the lower slopes and upper alluvial fans of the White and Inyo Mountains.

Most of the man-made visual elements in Owens Valley lack the cultural associations that allow them to be considered visually sensitive resources. A notable exception is the powerful cultural significance of Manzanar National Historic Site. Other historic buildings and ruins, the significance of the Los Angeles Aqueduct as a civil engineering accomplishment, the generally rustic nature of the valley, and the tradition of vehicular recreation, likely attach some cultural significance to urban development, ranch buildings, canals and aqueduct features, and dirt roads for some people; however, most of the man-made visual elements in the valley do not stand, in themselves, as focal or charismatic features of the landscape.

3.3 CURRENT OWENS VALLEY VISUAL STATUS

Today, the OVSES and its surroundings primarily consist of undeveloped land. Lands in the OVSES are mostly grazing and pasture land, in a semi-natural state that resulted from modification of surface and subsurface hydrology; or expanses of alluvial slope unaltered from their natural condition of arid shrubland. Although the extent of wetland, marsh, and riparian woodland in the valley is vastly reduced from natural conditions, the overall visual impression of most of Owens Valley is of a landscape largely untrammeled by man. The current character of the valley floor in the OVSES that consists of seasonally dry alkali meadows; small creeks and ditches lined with willows and cottonwoods; ruderal mesic shrubland; and upland xeromorphic shrubland, does not appear as altered from nature as do irrigated cropland or fenced pastures in typical farm country. The surroundings of the OVSES, above the lowest slopes of the mountains, are entirely pristine and diminished only by foreground obstructions such as electrical transmission lines. The Sierra Nevada, White, and Inyo Mountains bear no trace of human activity visible from the OVSES, although roads and development reach as high as 8,000 – 10,000 feet amsl at Whitney Portal, Onion Valley, Glacier Lodge, Horseshoe Meadows, and Cerro Gordo.

The visual environment of the OVSES is complex, in that it is both emphatically vertical and emphatically horizontal. Owens Valley does not merely provide a platform from which to view the dramatic surrounding mountains, it is also viewed from many overlooks and scenic points on the slopes of the mountains themselves; it functions as a setting for views of some mountains from others, and contains visual elements viewed from the valley for which the mountains serve only as backdrop. Furthermore, despite the apparent relative flatness of the valley in contrast to the 10,000 foot vertical walls on either side, Owens Valley is not entirely flat and elevations change subtly but rapidly with east-west movement, creating views of the valley without noticeably climbing out of it. Thus, visual elements in the OVSES affect views of the surrounding mountains from within the valley, views of the valley from surrounding mountains, views of mountains from surrounding mountains, and views of the valley from within itself. Notable visual elements within the OVSES include the eroded granite boulders of the Alabama Hills, the extensive volcanic field around Crater Mountain, portions of the Volcanic Tablelands, the southern end of Fish Slough, Klondike Lake, Fish Springs, the Owens River, Owens Lake, Manzanar National Historic Site, the PPG Bartlett Plant, and the Los Angeles Aqueduct.

4 ANALYSIS OF VISUAL ENVIRONMENT

When evaluating the potential visual effect of a project, a number of criteria evaluate the extent to which a proposed project would change the existing visual environment in an objective manner. It is important to note that the judgment being made is not whether something is aesthetically pleasing (which varies by individual), but whether there is a measurable level of change from the existing condition of the visual environment, and how that change varies in form, massing and texture. These criteria include such elements as visibility (e.g., open to off-site viewers or shielded by intervening topography, vegetation or structures), the nature of the chosen location (e.g., pristine or disturbed, flat

or full of topographic variation), the perspective of potential viewers (e.g., at grade, from a lower elevation, from an elevated position), etc. As appropriate, criteria identified as important can be quantified, in order to better compare one potential location against another for any specific project analysis.

4.1 THE VIEWSHED

One of the "tools" that is helpful in this analysis is the concept of **viewshed**. A viewshed is the landscape that can be seen under typical atmospheric conditions, from a specified point such as a project site. The viewshed is similar, but not identical, to the visual environment; the viewshed describes the physical limits of the visual environment. The viewshed represents not only what can be seen from the site, but also locations from which a site may be seen (views go both ways). The base viewshed is usually computer-generated, and is modeled from sight lines allowed by topographic relief. Once the base viewshed is generated, it can be modified if field inspection finds that intervening structures or vegetation obstruct sight lines. Given the sparse nature of vegetation and development in most of the OVSES, the base viewshed is expected to correspond in most cases with the actual viewshed for sites in the OVSES.

Once the viewshed is established, it is necessary to identify **key observation points** in order to analyze the visual environment it contains. Key observation points are locations that are either considered "protected" or "acknowledged" views (such as from identified scenic overlooks), areas from which the largest number and/or most sensitive types of viewers would see the project (such as residential developments or recreation areas), and/or potentially locations from which the most typical or worst-case views of the project would be seen (such as adjacent roads). Each key observation point has a unique visual environment, which is a subset of the visual environment of the whole viewshed.

The viewshed of each key observation point is often subdivided into zones based on distance. In the relatively open OVSES, the following subdivisions may be applicable:

- **Foreground View**: Generally 0–1 mile
- **Middleground View**: Generally 1–3 miles
- **Background View**: Generally 3–5 miles or to a mountain ridgeline, where applicable

In general, changes in the foreground view of a key observation point will have the greatest impact on its visual environment, while changes in the background view will have the least impact.

4.2 VISUAL CHARACTER

A potential project will be analyzed relative to descriptions of the existing visual environments of the key observation points, and how the future condition would change those visual environments. Because a viewer experiences the visual environment as a whole and not one object at a time, the viewer's perception of that environment is based on the **visual character** of visible objects and the relationships between them. The fundamental pattern elements used to describe the visual character of objects are

form (in terms of bulk, mass, size, and shape), **line**, **color**, and **texture**. The visual environment is described according to the dominance of these elements.

Project components will often have markedly different visual character than the existing elements of the visual environment. A building will likely differ in form (mass), line, color, and texture from trees in a patch of forest, despite being of similar size and bulk to the patch collectively. The visual character of the building can be made more similar to the existing visual environment by designing the building in irregular modules rather than a single large structure to reduce its mass, and by using exterior colors that match the foliage, exterior elements that break up the lines of the building, and materials that break up the uniform surface of the exterior. An example of the latter is cellular communication towers designed to mimic trees. Although almost always readily distinguishable from surrounding real trees, the towers' impact on the visual environment is greatly reduced over an angular, shiny, steel-gray tower set among trees.

4.3 VISUAL QUALITY

The condition of a visual environment is described in terms of **visual quality**. The visual quality of a viewshed is evaluated according to the vividness, intactness, and unity present in the viewshed. The criteria for evaluating visual quality can be defined as follows:

- **Vividness** is the visual power of landscape components as they combine in memorable visual patterns
- **Intactness** is the visual integrity of the natural and man-made landscape and its freedom from encroaching elements
- **Unity** is the coherence and harmony of visual character of the elements of the landscape

Project components can diminish the visual quality of a visual environment by reducing vividness or intactness by obstructing views or introducing new elements, and/or disrupting unity by introducing elements with incompatible visual character.

4.4 VISUAL EXPERIENCE

The visual experience of the viewer is a combination of the visual environment and the viewer's response to it. Viewer response, or awareness, is composed of two elements: viewer sensitivity and viewer exposure. **Viewer sensitivity** is defined both as the viewers' personal concern for scenic quality, and the viewers' response to change in the elements that make up the visual environment. **Viewer exposure** is the degree to which the viewer is exposed to a visual environment. Viewer exposure varies based on the physical location of the viewer, the distance and position of the viewer in relation to the resource, and the duration and frequency of the view. A viewer's response is also affected by the degree to which he/she is receptive to the visual details, character, and quality of the visual environment.

Most viewers who experience the visual environment of the OVSES fit into one of the following categories: motorists, recreationalists, and residents.

Motorists likely constitute the largest viewer group due to the transportation corridors that traverse the valley (with the primary road being US-395). Approximately 95 percent of the traffic on US-395 within Inyo County originates from outside the County, indicating that US-395 carries a substantial amount of interstate and interregional travel (Inyo County Local Transportation Commission 2009). Other highways and local roadways also contribute to the number of motorists experiencing the visual environment of the OVSES.

Motorists are generally considered to have a low sensitivity to visual changes in the environment because of their limited exposure due to short view durations afforded by traveling quickly along a linear roadway and their focus on the roadway and other vehicles. Given the numerous scenic resources and expansive nature of views within the valley, as well as the presence of designated scenic routes, motorists within the County can be expected to have a higher sensitivity to changes in the visual environment than motorists in other places.

Recreationalists comprise a high percentage of viewers. Individuals come from around the world to hike in the mountains, climb in the hills, sightsee, and fish in the streams. They have a high view exposure given the angle of their view to visual resources (many recreational areas are at higher elevations that provide panoramic and/or birds eye views, and some are at low elevations that provide upward expansive views of visual features), and slower speeds, or even static vantage points as stationary view locations, allow for a long view duration. As a result, recreationalist sensitivity to changes within the visual environment is expected to be high.

Residents in an area are more invested in existing conditions than individuals simply passing through. For residents, the views seen from their communities form part of their world view, and provide context. They also have a potential to experience the longest, and most static, exposure to the view. In general, residents would have a high view exposure and sensitivity to changes from the existing visual condition.

The remoteness of the Owens Valley further affords a unique setting for a “dark” night experience, attracting astronomers, stargazers, and photographers to enjoy clear, dark skies devoid of light pollution. The primary contributors to light pollution within the OVSES are Bishop, Big Pine, Independence, and Lone Pine; however, the relative sky glow effect is very low, allowing dark sky enthusiast to easily observe stars and galaxies not recognized in more urbanized areas. The NASA Earth Observatory uses satellite imagery to detect light in range of wavelength to observe dim signals such as city lights. This imagery is available via Data Basin (http://databasin.org/datasets/d56f5ad12bb44e00a75bb60faa672849) and illustrates the remoteness of the OVSES and its dearth of night light pollution compared with the rest of the country.

5 THE PHOTOGRAPHIC CATALOG

Source: HELIX Environmental Planning, Inc.
Date: 2015
Data Basin Link: http://databasin.org/maps/556c7d15c53c43fa9cd3d62572b8a33d

5.1 FIELD SURVEY

The purpose of the field visual survey effort was to document the availability of views in and of the OVSES, and accurately represent their expansive or constrained nature. The extent to which a view is expansive or constrained is determined by topography and man-made development, and is not affected by seasonal variation. Views of the OVSES are represented by key view locations, which are publicly accessible points from which the visual environment of the OVSES can be experienced on a large spatial scale. Fine-scale visual environments such as a historic building or an unusual rock are not considered key view locations. The field survey was conducted between August 12 and September 16, 2015, and was not intended to capture seasonal variation in scenery such as snow on the mountains, autumn leaves, or spring wildflowers. The visual survey covered the complete OVSES from the Mono County line to the southern end of Owens Lake.

The field survey was conducted by Mr. R. Brad Lewis, California Registered Landscape Architect No. 2657, following initial consultation with County staff. Photographs were taken with a Sony Alpha 3000 digital camera fitted with a 15-28 mm zoom lens. Most photographs were taken in the morning in order to avoid glare and back-lighting of surrounding mountains, and to minimize smoke and haze from wildfires that were burning on the west side of the Sierra Nevada at the time.

Initial results were presented at stakeholder workshops (including agency staff and members of the public) on September 14, 2015 in Lone Pine and on September 15, 2015 in Bishop. Based on comments from stakeholders, 14 key view locations were added to the survey, for a total of 82. Additional key view locations were surveyed on September 15 and 16, 2015. These 82 key view locations are included in the photographic catalog and depicted on the interactive map on Data Basin.

5.2 CREATION OF THE DIGITAL REFERENCE FILE

A digital reference and interface has been created for all the photographs to depict the visual environment of each key view location. Every key view location was recorded in the field using maps and a Global Positioning System (GPS). Photographs from each key view location have been uploaded to an online photo album and have each been linked to a georeferenced location (photo point). Photo points and associated photos can be viewed directly within Data Basin or can be downloaded separately as a KMZ file and viewed through Google Earth software (Note – you may be required to download Adobe Flash Player to view slideshow).

5.3 EXAMPLES OF THE PHOTOGRAPHIC CATALOG

The photographic catalog provides a working tool for interpreting the visual resources of the OVSES. The visual environment of the OVSES is represented by panoramic photographs from 82 key view locations. Examples are provided in Attachment C.1 and discussed here to illustrate the type of information available in the photographic catalog. The photographic catalog is not intended to serve as a comprehensive and detailed description of the visual environment of the OVSES at all spatial scales. Individual parcels and projects should be assessed for visual resources and/or impacts to the visual environment at the appropriate scale.

Photograph **1** is a panorama taken from a vista point on US-395 in Mono County. Although located north of the OVSES, this key view location provides a broad overview that places the OVSES in the context of the eastern Sierra Nevada landscape in general. The foreground is dominated by the volcanic basalt and tuffs that make up the escarpment separating Long Valley from Owens Valley and shows the pinyon-juniper woodland typical of mid-elevations surrounding the OVSES. Wheeler Ridge, Mount Tom, Round Mountain, and Sugarloaf Mountain are visible from right to left, and the Inyo Mountains form the far horizon on the left.

Photograph **6** shows the view into the OVSES from the Mono/Inyo County line in the southern Chalfant Valley. The view is notable for the contrast between the broad expanse of the valley and the abruptness of the surrounding mountains. The highway provides a sense of horizontal scale that reveals the great height of the mountains in the distance. This view also shows the general lack of development visible from the highway in this part of the OVSES.

Photographs **7A**, **7B** and **7C** were taken at the eastern edge of the volcanic tablelands on Pumice Mill Road. The photographs show a pumice mine and the sort of structures and debris typical of historic mining activity in the region. Accumulated industrial materials of indeterminate age (**7A**), as well as rustic structures (**7B**), provide visually interesting contrast to the natural landscape, which, itself, often varies remarkably from surrounding areas (**7C**) at mine sites.

Photographs **15A** and **15B** were taken at the junction of Eastside Road and Redding Canyon Road, east of Bishop. Photograph **15A** shows the shadscale scrub vegetation and flat topography typical of the lower alluvial fans in the northern half of the OVSES, as well as the undeveloped nature of most of the periphery of the OVSES. The landscape is notably homogeneous in color, and lacks any prominent focal points. Photograph **15B** shows the network of off-road vehicle trails in Redding Canyon. Roads such as these are visible on the lower slopes of the White and Inyo Mountains from many places in the OVSES.

Photograph **32** shows an irrigated hay field southeast of Big Pine along Seward Lane. Notable features include the green field, Crater Mountain, and the high Sierra Nevada, as well as the electrical transmission lines obstructing the view of the mountains. Irrigated agricultural land is culturally significant in the OVSES, and although not typically a charismatic visual element, it can be considered a visually significant resource in the context of its cultural importance to the community.

Photograph **35** shows the view looking north, from the hill between Tinemaha Reservoir and US-395, north of E. Elna Road. Tinemaha Reservoir and the Inyo and White Mountains are visible at the right, and the Sierra Nevada, Crater Mountain, and Fish Springs are visible at the left. US-395 and the Owens River flank the center of the photo on the left and right, respectively. The view is notable for the contrast between the green of the Owens River riparian corridor and the agricultural lands around Fish Springs, and the browns and reds of the surrounding uplands. Also notable is the variety of colors represented by the granite of the high Sierra, the volcanic materials of Crater Mountain and newer cinder cones south of it, the chocolate browns of the Inyo Mountains, and the gray-green of the saltbush scrub in the foreground. The photo also illustrates the contrast between flat valley floor and abrupt flanking mountain ranges typical of north-south views in the OVSES.

Photograph **41** depicts the view looking southwest, from Fort Independence Road and Fort Road, east of US 395, just north of Independence. The view is notable for the relatively unobstructed view of the Sierra Nevada, the wet meadow, riparian trees along Oak Creek, and the rustic fence and farm buildings. These features could be considered visually significant resources. The modern travel plaza, gas station, and casino are visible at the right, but diminished by the scale of the mountains in the background.

Photograph **45** shows the view southeast into the OVSES, from Onion Valley Road. The escarpment of the Sierra Nevada is visible on the right, and the Inyo Mountains are visible across the valley on the left. The Alabama Hills are in the center of the view. The foreground shows the big sagebrush scrub typical of the highest elevations on the western edge of the OVSES.

Photograph **56** was taken from Movie Flat Road in the Alabama Hills, looking west toward the Sierra Nevada. Mount Whitney and Owens Peak are visible in the center of the photograph, and portions of the Alabama Hills appear at the far left and right. The view is notable for the unobstructed view of the Sierra Nevada, including Mount Whitney and neighboring peaks, as well as the Alabama Hills. The Alabama Hills are visually similar and geologically related to the granite hills of Joshua Tree National Park. They are also famous as the setting for many movies as well as countless automobile commercials, which continue to be filmed there every year. Because of their iconic cultural status and unusual geology, the Alabama Hills can be considered a visually significant resource.

Photograph **67** shows the view from Bartlett Road and Carroll Creek Road, looking south toward the abandoned PPG Bartlett Plant (and both dirt and paved roads in the vicinity), on the western shore of Owens Lake. The old salt plant is a notable industrial element in the landscape and could be considered a visually significant resource in the context of the industrial history of the OVSES. The photo shows the salt crust on the soil, and greasewood scrub vegetation typical of the margins of the Owens Lake playa. The Inyo Mountains form the horizon at the left and center, and the volcanic Coso Mountains are visible in the far distance at the right.

Photograph **71** shows the view looking toward the Cottonwood Charcoal Kilns from US-395. The photo shows the allscale saltbush scrub typical of the southern half of the OVSES in the foreground, and the flat expanse of the Owens Lake basin in the center of the view. The Inyo and Coso Mountains form the

horizon. The view is notable for the total absence of development. However, closer views of Owens Lake would show the extensive system of dikes associated with LADWP management of the lake for dust control.

Photograph **81** was taken from School Road, west of US-395 near Olancha, at the southern end of the OVSES. The photo shows the view north and east toward Olancha and Owens Lake, and allscale saltbush scrub typical of the southern half of the OVSES. The trees in the community of Olancha indicate the importance of irrigation in the arid climate. The Coso Mountains form the horizon and the Inyo Mountains are visible at the far left.

6 VISUAL RESOURCES RECOMMENDATIONS

This section is intended to provide general guidelines for high-level planning purposes, and to aid in the interpretation of information provided in this report and in Data Basin. Proposed projects must analyze visual impacts individually.

6.1 PROJECTED VISUAL EFFECTS

The complexity of the visual environment of the OVSES described in Section 3.3 makes assessment of project visual effects especially challenging. Low-profile projects, that do not contribute significantly to vertical massing when viewed from the OVSES, can still create significant effects on the visual environment of surrounding viewpoints, by introducing large-scale pattern and color contrasts with the natural landscape when viewed from above.

While electrical transmission towers and lines do not represent new or unique elements in Owens Valley, new towers sited within relatively undeveloped areas with a high level of intactness could create a high degree of visual contrast. For electrical transmission towers, Federal Aviation Administration (FAA) guidelines could require aircraft warning lights that flash white during the day and red at night. These lighting effects would increase tower visibility (during both day and night hours), and could result in new substantial nighttime light sources.

It is understood that it is not possible to seek a total lack of visibility. No location can really be “hidden away” from elevated viewing locations. This is especially the case in the valley, where there are very long views at grade because of minimal or absent vegetation. It is possible, however, to identify areas where it might be better to site projects, and to provide some design guidelines that will promote the compatibility of projects with the existing visual environment. The remainder of this chapter addresses these siting and design guidelines.

6.2 SENSITIVITY RECOMMENDATIONS

This section provides a general discussion of areas in the OVSES that likely either constitute visually sensitive resources, or substantially depend upon them for their value (recommended for avoidance);

areas where significant impacts to visual resources impacts are possible but projects may be compatible with the existing visual environment (areas of concern); and areas with the lowest likelihood for significant impacts to the visual environment (areas of lessened concern). These recommendations are not based on exhaustive, site-specific analysis, and are not intended to serve as project-level analysis of visual impacts.

Areas for which Avoidance is Recommended

Projects wholly within County jurisdiction may be constrained by adjacent uses within another jurisdiction, if the proposed projects could adversely affect the lands, resources, or activities carried out on those adjacent lands to a level resulting in substantial, significant impacts. Applicants, proposing facilities on properties owned or managed by a federal or state agency, would (in accordance with principles and regulations identified in Chapter 2) have to comply with agency-specific analytical requirements.

The following bullet points identify recommended avoidance areas. Careful consideration should also be given to avoiding siting of projects within close proximity to the borders of locations where the managing jurisdiction has identified strong preferences for retention of a pristine or natural setting. These include designated or eligible historic or scenic locations with federal, state or local protections, such as:

- National parks properties
- Designated scenic highways
- Native American cultural landscapes
- Wilderness Areas

<u>National Park Service, National Historic Landmark</u>

The Manzanar National Historic Site is located west of US-395 between Lone Pine and Independence, and is also a National Historic Landmark. The monument was established to preserve the story of the internment of nearly 120,000 Japanese-Americans during World War II.

Although the focus of the facility experience is more “inward” toward the retained features on site, the setting cannot be ignored. A large part of the experience of the internees was one of isolation and being “in the middle of nowhere.” That sense of isolation is also important to the visitor’s ability to understand part of the detainee’s experience and to wholly receive the intended message offered by this landmark. Because the visual environment of Manzanar National Historic Site includes the remoteness of its setting, the undeveloped landscape visible from the site can be considered a visually significant resource.

<u>Alabama Hills Recreation Area</u>

The Alabama Hills Recreation Area is located approximately two miles west of Lone Pine on Whitney Portal Road and Movie Road. Managed by the BLM, the 30,000-acre area has provided the location and background for many movies sited in the “West,” as well as farther afield (such as Star Trek and Gunga

Din). The local landscape consists of large, eroded boulders that stand more or less on end. The rounded contours of the rocks contrast with the sharp ridges of the Sierra Nevada to the west. A number of arches are also present, and are accessible from Whitney Portal Road, Movie Flat Road and Horseshoe Meadows Road. Notable arches include: Mobius Arch, Lathe Arch, the Eye of Alabama, and Whitney Portal Arch. The **BLM** and the **Alabama Hills Stewardship Group** care for this area with the goal of preserving the hills in as close to a natural state as possible for the enjoyment of future generations. Motor touring, photography, rock climbing, exploring natural arches and viewing the swaths of wildflowers that bloom every spring are just a few of the recreational activities afforded by the area.

As indicated, while some activities within the hills may be focused active pursuits such as technical rock-climbing or mountain biking, other activities include horse-back riding, fishing, and scenic drives that require view management. While some views would be directed wholly within the formations, others would be turned toward the distant mountains. The BLM site notes that "photographers come from all over the country to photograph this amazing view, and the Mobius Arch is a bonus." Iconic views of Mt. Whitney and the Sierra Nevada are available through such arches. Views from the Alabama Hills that do not include the Sierra Nevada are considered less sensitive.

Designated scenic highways

A 20-mile segment of US-395 between Fort Independence and Fish Springs Road, and a 4-mile segment of SR 168 from Brockman Lane toward Camp Sabrina, are designated scenic highways. Changes to views from these designated scenic highways could substantially affect the visual environment experienced by travelers along these roadways, and therefore the views from these stretches of highway can be considered visually significant resources.

Native American Cultural Landscapes

There is tribal ownership of lands in the vicinity of Bishop, Big Pine, Lone Pine and Independence. Evidence of past lifeways is visible throughout the valley; and it is understood that every element of the natural setting may be respected as integral to those lifeways. More specifically, some parts of life (e.g., birth, death, rites of passage, creation stories, and cultural mandates or religious ceremonies associated with ensuring that resources needed for survival remain constant), can be critically important. A cultural landscape is one containing a variety of natural and cultural resources that associated people define as heritage resources. Examples can include contemporary settlements, religious sacred sites, concentrations of Native American petroglyphs and pictographs, and massive geological formations. For identification of these, the people themselves must be consulted during project-specific review.

Cultural resources in the OVSES are described in a separate appendix and a separate Data Basin map set. Project siting must include consideration of cultural resources as a separate category of resources. For purposes of visual resources analysis, the visual environment of a cultural resource will depend on the nature of the resource, but may extend to the surrounding area or entire viewshed.

Cemeteries and Graves

Traditional cemeteries surrounded by other development or internal to towns such as Bishop (e.g., the East Line/Pioneer Cemetery) are not considered here. Cemeteries located outside of existing developed areas such as Keeler Cemetery and similar isolated grave sites allude to the isolation of the early settlers of the area. Their location far from developed uses tells its own story, and is part of what makes these locations valuable to the visitor. The remote setting of pioneer cemeteries and grave sites can be considered a visually sensitive resource.

Areas of Concern

Areas described in this section are likely not visually sensitive resources, but may have sensitive visual environments. Projects located in these areas may have potential for significant impacts to the visual resources of the OVSES.

- Adjacent to designated landmarks
- Nature overlooks
- Recreational areas
- Adjacent to developed areas

California Historic Landmarks

A total of 14 locations in the OVSES are designated California Historic Landmarks, and are denoted by markers. Most of these markers are placed in areas where some distracting activity already occurs, such as a road or highway, or are in already developed areas. Some of the markers denote events that occurred near the current marker, on land that has been altered from its historic condition to the extent that all traces of the historic event have been expunged. In general, a historic marker does not denote a defined area that is considered visually sensitive.

Nature Overlooks

These are areas that are generally easily accessible (posted for a pull-off from a paved road). The pull off or overlook itself may be shared with others, and may not provide a quiet setting. The view for which the stop was created, however, focuses on nature, and to the extent that the existing setting can be retained and support an appropriate backdrop for wild animals, it is expected to contribute to the enjoyment of the viewer. This concern is only identified in the direction of line-of-site toward the viewed locale. Areas “behind” or peripheral to the viewer are not considered specifically sensitive.

Tule Elk Overlooks. These are areas where the CDFW has constructed overlooks from which the public may observe tule elk. Although the elk may be the primary draw for viewers, a natural setting is conducive to enjoyment of wildlife viewing, as well as to encouraging the wildlife to use the area.

Recreational Areas

Klondike Lake and the *Lower Owens River*. Klondike Lake is managed by LADWP. It is located approximately two miles north of Big Pine, east of US-395. Before 1986, the alkali sink where the lake is

located was intermittently filled with water from the Owens River, via the Big Pine Canal and the Lyman Ditch. Since then, the Klondike Lake Enhancement/Mitigation Project has provided a more certain supply of water to the lake, allowing for better recreation, as well as waterfowl nesting and feeding habitat. The Mono Lake Committee lists Klondike Lake as one of the best water bird areas in the Eastern Sierra. Other recreational pursuits include swimming, water-skiing, sailing and windsurfing. These kinds of locations encourage some level of passive observation associated with activities such as birding, as well as more active pursuits. The activities described above do not focus attention on the visual environment, and the surroundings of Klondike Lake, as viewed from the lake, are not likely to be considered visually sensitive resources merely because of the presence of Klondike Lake.

The lower Owens River, between Big Pine and Independence, is enjoying restoration undertaken by LADWP as part of a river "re-watering" for the Lower Owens River Project (LORP). Dry since its water was diverted in 1913 into the Los Angeles Aqueduct, water has been flowing again into the riverbed since 2005. Riparian vegetation and wildlife are returning to this reach of the river. Fishing, kayaking, canoeing, birdwatching, hiking, walking, mountain biking (see below), and photography are all possible.

Given the "secondary" importance of off-water views to an active recreationalist, or the focus that might be required of an active birder, and the fact that the views to the surrounding mountains would not be impaired, projects in areas like these are likely not to be found incompatible.

Hiking and Biking. The most famous hiking trail in the County is the trek to the top of Mt. Whitney. This typically takes two days of fairly strenuous hiking, but no technical climbing. (The trail is wide and often crowded, as thousands of people make the trip each summer.) Views can be expansive, but increasingly distant from the valley due to elevation and both competing and intervening view elements. Other popular hiking and biking trails/areas are located in the Buttermilks/Chalk Bluffs and Volcanic Tableland, along the lower Owens River, and the Baxter Pass Trailhead. For all of these areas, the focus on the active physical pursuit, the fact that the recreationalist would be moving through the landscape, with a changing view, and the potential for screening vegetation or geologic formations, etc. would reduce project effects on the visual experience.

<u>Locations Adjacent to Population Centers and Tribal Lands</u>

The City of Bishop and smaller population centers such as Big Pine, Lone Pine, Olancha, etc. have varying levels of development. For instance, the community of Keeler is located on the eastern shore of Owens Lake off SR 136 and is primarily a rural residential community with some industrial uses. Two other communities are located nearby; Cartago and Olancha. Cartago is located along US-395 on the south shore of Owens Lake. This small town primarily consists of rural residential uses on both sides of the highway. A former soda ash plant is also located in the eastern part of town and evaporation ponds and mounds of white material remain visible. Olancha is one of the larger communities within the County and is located along US-395 just south of Cartago. The town contains a mixture of rural residential, light industrial, commercial, and agricultural uses. Residences, warehouses and industrial structures, roadside businesses, and agricultural fields are visible from US-395.

Where existing uses incorporate industrial and/or mixed uses in general, etc., it may be possible to site projects in proximity to existing communities with either fencing or landscape screening. The applicability would be context sensitive and driven by the specific location and size of the proposed project, as well as existing uses.

Historic Resources

Any site developed after European entry into the valley, and older than 50 years, has the potential to be identified as historic. These sites generally either consist of, or are located in proximity to, old roads, trails, mines (separately addressed below) and water. Excluding specific structure or cemetery uses, they are not usually considered visually sensitive, so long as the site itself is not disturbed.

US-395. This highway follows a historic route; however, the route itself is not a visually sensitive resource, as it is now paved. The expansive views across the valley and to the mountains on either side, however, remain substantial elements of the US-395 experience. This is reflected in the portion of the route that is a State designated scenic highway (see separate discussion above).

Fish Slough Road. Fish Slough Road was a main economic link and wagon route connecting Bishop and Laws to Benton Hot Springs and the prosperous mining camps of Bodie and Aurora. Freight and supplies were transported on this route. The road also served as a cattle driveway to and from Adobe Meadows and a northward route for settlers.

Towns Associated with Prior Uses. The town of Manzanar (Spanish for "apple orchard") was founded by Canadian-American water engineer George Chaffey. Located nine miles north of Lone Pine, on the Southern Pacific Railroad line, a post office operated there from 1911 to 1914. The town was a primary shipping point for apples from the surrounding orchards, prior to the diversion of valley water to Los Angeles in the early 1900s. The Manzanar War Relocation Center was located nearby (see separate discussion).

Related to mining in the County, some ore was smelted at mines in the Inyo Mountains, but larger capacity smelters were constructed along Owens Lake, which supported growth of the towns Keeler and Swansea. Chrysopolis, Reward, Black Rock, San Carlos and Bend City were all early mining towns located on the eastern side of the valley. Some stone ruins, wooden structures and mine portals remain.

Laws Railroad Depot served the Carson and Colorado Railroad (C&C Railroad) Company between 1880 and 1959. The site of the Laws depot is now a museum of railroad and mining history, and preserves some historic buildings that have been relocated to the museum grounds from elsewhere in the County.

It is expected that visual sensitivity would vary for these uses. Review should be undertaken relative to the visual experience offered by the site, the extent to which an industrial element might adversely dominate the experience, and the extent to which orientation from the viewer, distance or intervening topography, vegetation, or remaining structures might shield the facility from sight.

Areas of Lessened Concern

Areas described in this section are unlikely to be considered visually sensitive resources or to have sensitive visual environments. Projects located in these areas would have the least likelihood of causing significant impacts to the visual resources of the OVSES.

Ore Mining Areas

Mining operations in the valley started in the mid-1800s. Silver and lead mining peaked in the 1880s, but mining of zinc carried on into the 1900s. These areas have already be disturbed through structure construction, use and ultimate abandonment, roadways to access the facility, associated detritus, etc. Industrial in and of themselves, they are not expected to be visually sensitive unless they have a particular historic association and are located in the valley (see, for example the discussion above for historic towns).

Aggregate Mining Areas

Areas disturbed by aggregate mining feature extensive ground disturbance, and a highly altered landscape. These areas are not in a natural condition, and do not currently provide locations from which to experience the visual environment of the OVSES, or areas that contribute to the value of the OVSES as the visual environment of an outside location. Disturbed lands immediately north of the Bishop airport are typical of these sorts of areas in the OVSES.

Off-road Vehicle areas

These are locations where individuals using off-road motorized vehicles can access unpaved roads or open space areas. This recreational pursuit is active in nature, and focused primarily on the exciting experience of guiding a vehicle over rough and irregular terrain. It is also an activity that produces noise associated with the use of motorized vehicles. As a result, these are not areas identified for contemplative activities, and may result in some visual blight based on damage to native vegetation, and creation of scars across the landscape associated with vehicular use. These areas are considered less sensitive than the uses discussed above. Specific issues would be addressed, however, based on the precise location of the proposed project.

Other Disturbed Areas

Areas disturbed by grading or vegetation clearing, such as abandoned agricultural or industrial land, are often characterized by sparse, weedy, non-native vegetation, unnaturally flat terrain, dry ditches and channels, unauthorized vehicle use, and trash dumping. Like aggregate mining areas described above, these areas do not constitute visually sensitive resources themselves, do not provide attractive locations from which to experience the visual environment of the OVSES, and do not contribute to the value of the OVSES as visual environment of outside locations. Such disturbed areas are common around existing towns such as Bishop (especially west and north) and Lone Pine (north and east), and include the abandoned airfield east of Manzanar.

7 REFERENCES

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ATTACHMENT C.1 – REPRESENTATIVE PHOTOS FROM THE PHOTOGRAPHIC CATALOG

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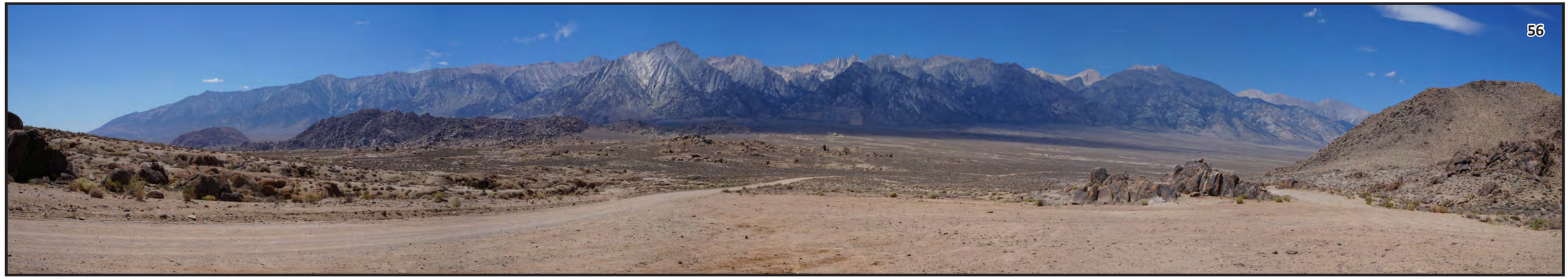
OVSES Attachment C.1– Visual Resources

OVSES Attachment C.1– Visual Resources



OVSES Attachment C.1– Visual Resources

OVSES Attachment C.1– Visual Resources

Appendix D

Land Use

1 INTRODUCTION

This appendix provides additional information on land uses in the OVSES. Information in this appendix is intended to support the interactive online resources available on Data Basin. Detailed descriptions of the OVSES and Data Basin are provided in the OVSES Report. This appendix provides descriptions of current and past land uses as well as land management plans in the OVSES, supplemental information regarding land use information provided on Data Basin, and notes on the intended uses and interpretation of that information. This information is provided in the following chapters:

- 2.0, Inyo County Land Use Setting
- 3.0, Existing Land Uses
- 4.0, Special-status Management Areas
- 5.0, Land Management and Planning
- 6.0, Sensitivity Recommendations

2 INYO COUNTY LAND USE SETTING

Inyo County is a rural county located in the desert region of eastern California. Inyo County has a total land area of approximately 6,545,280 acres (10,227 square miles), and a population density of approximately 1.8 people per square mile. Over half of the land area of the county (5,262 square miles) is contained in Death Valley National Park, and the vast majority of the remainder is administered by the Bureau of Land Management (BLM), the US Forest Service (USFS), or the Department of Defense. Nearly all of the county's approximately 18,400 residents live in the Owens Valley; communities in other parts of the county such as Darwin, Furnace Creek, Charleston View, Valley Wells, Deep Springs, Tecopa and Shoshone have populations of no more than 100 people and most number fewer than 50.

The OVSES is approximately 458,852 acres (717 square miles) in size, and includes all of the county's significant population centers. Census designated places in the OVSES contain approximately 15,000 people, and Native American reservations include approximately 1,300 more. The remainder of the population in the OVSES lives in small private subdivisions and individual farms and ranches. Despite including nearly the entire population of the county, the OVSES remains largely undeveloped, with a population density of approximately 25 people per square mile. The majority of the land in the OVSES is managed either by the City of Los Angeles Department of Water and Power (LADWP) or BLM. A small portion of the OVSES is managed by the State of California or other authorities including the City of Bishop, Native American reservations, the National Park Service (NPS), and private landowners.

2.1 MANAGED LANDS IN THE OVSES

Source: Inyo County, Bureau of Land Management, California State Office, HELIX Environmental Planning, Inc.
Date: 2015

Data Basin link: http://databasin.org/maps/23b1b3f9f1a14d0d9f19e69347b4976f

Managed lands data for the OVSES are provided for display as a layer in interactive maps available on Data Basin. Managed lands are described in this section.

2.1.1 Los Angeles Department of Water and Power

The LADWP-owned land in the OVSES consists of land acquired in the early part of the 20th century to provide water to the Los Angeles Aqueduct, and rights-of-way for the Los Angeles Aqueduct and electrical transmission lines. LADWP owns 48.32 percent of the land in the OVSES, and manages State-owned lands in Owens Lake for dust control. Most of LADWP-owned land in the OVSES is open to the public for recreational uses and/or leased for grazing (LADWP 2013).

2.1.2 Federal

The Federal government manages 34.38 percent of the land in the OVSES through the BLM (33.53 percent), the Bureau of Indian Affairs (BIA; 0.4 percent), the USFS (0.27 percent), and the NPS (0.17 percent). BIA-administered lands in the OVSES consist of Tribal reservations/lands belonging to the Bishop Paiute Tribe, Big Pine Paiute Tribe of the Owens Valley, Fort Independence Community of Paiute, and the Lone Pine Paiute Shoshone Reservation. NPS-administered lands in the OVSES consist of Manzanar National Historic Site.

2.1.3 State of California

The State of California manages and/or has jurisdiction over public lands that total approximately 14.43 percent of land within the OVSES. These lands include the CA State Lands Commission (SLC) and the California Department of Fish and Wildlife (CDFW) as well as the California Department of Transportation (Caltrans).

2.1.4 Private and other Local Jurisdictions

Other land managed under local jurisdictions includes the County of Inyo and the City of Bishop. Land under jurisdiction of Inyo County includes County-owned and private lands. This land accounts for 2.87 percent of total land within the OVSES.

3 EXISTING LAND USES

The OVSES covers a large area, with a variety of existing land uses. Ranching and stock raising account for most of the active land use in the OVSES, though these uses coincide with passive recreation (e.g., fishing, sightseeing) and water resources management, in most places. Agricultural land uses are primarily irrigated hay farming near Bishop and Laws, and south of Big Pine. Transportation land uses include highways and airports. US-395 traverses the entire OVSES north-south; State Route (SR) 168

exists in two disjunct pieces east of Big Pine and southwest of Bishop; SR 136 and SR 190 follow the northeastern and southeastern shores of Owens Lake; and US-6 runs north from Bishop. Bishop airport provides the only commercial air service to the area, and there are small airfields in Independence and Lone Pine. Urban land uses include the City of Bishop, the unincorporated towns of West Bishop, Lone Pine, Independence, Big Pine, Laws, Keeler, Olancha, and Cartago. Active recreational land uses include Keough Hot Springs, recreational vehicle camping in the Alabama Hills, hunting, fishing, off-road vehicles, rock climbing, hiking, and parks. A variety of water bodies are located within the OVSES, including Tinemaha Reservoir, Calvert Lake, Twin Lakes, Klondike Lake, and Diaz Lake. Manzanar National Historic Site and the Alabama Hills Recreation Area are located in the western portion of the OVSES, between Lone Pine and Independence. Industrial and commercial land uses include the Los Angeles Aqueduct, and associated pump stations, dams, and electrical transmission lines, aggregate mining; motion pictures and television commercials filming in the Alabama Hills; hydroelectric power generation on Bishop Creek; and abandoned uses such as ore mining and salt works. The California Institute of Technology operates the Owens Valley Radio Observatory, an array of dish antenna radio telescopes northeast of Big Pine. Environmental land uses include restoration and mitigation areas, managed wetlands, waterfowl and fisheries habitats, and the aquatic resources managed under the Lower Owens River Project (LORP; discussed in detail in section 5.3).

3.1 ADJACENT LAND USES

Adjacent land to the west of the OVSES consists almost entirely of land administered by the Inyo National Forest. This land is rugged and undeveloped, with primitive camping areas and wilderness trailheads. The unincorporated communities of Rovana, Round Valley, and Mustang Mesa are located adjacent to the northwest of the OVSES. Some minor agricultural uses, and the Pleasant Valley Reservoir, are also located in the northwestern portion of the County, west of the OVSES. Mono County is located north of the OVSES. Land within Mono County adjacent to the OVSES is undeveloped, with the nearest developed land use, consisting of the unincorporated community of Chalfant Valley, located over 4 miles north of the OVSES's northern boundary. Land to the east of the OVSES consists of undeveloped lands in the White and Inyo Mountains, with rugged terrain. These lands are administered by Inyo National Forest and BLM, and include some designated wilderness areas.

3.2 GENERAL PLAN LAND USE DESIGNATIONS

Source: Inyo County
Date: 2013
Data Basin Link: http://databasin.org/maps/5a125c0e74e14284926db75319d24d8f

The Inyo County General Plan designates land uses in the OVSES including Residential, Commercial, Industrial, and Other General Plan land use designations. Residential land use designations in the OVSES include Residential High Density (RH), Residential Medium Density (RM), Residential Very Low Density (RVL), Residential Low Density (RL), Residential Medium-High Density (RMH), Residential Rural Medium Density (RRM), Residential Rural High Density (RRH), Residential Ranch (RR), Residential Estate (RE), and

Rural Protection (RP). Commercial land use designations within the OVSES include Heavy Commercial (HC), Retail Commercial (RC), and Central Business District (CBD). Industrial land use designations within the OVSES include General Industry (GI) and Light Industry (LI). Other land use designations within the OVSES include Tribal Lands (TL), State and Federal Land (SFL), Open Space and Recreation (OSR), Agriculture (A), Public Service Facilities (PF), and Natural Resources (NR).

3.2.1 Residential

According to the US Census, population decreased 0.7 percent from 18,546 to 18,410, between 2010 and 2014. In addition to population decreases, private nonfarm employment also decreased 2.4 percent in Inyo County between 2012 and 2013. Most housing units in Inyo County are single-family detached except for Bishop that has a far greater percentage of housing units in multi-family structures than other communities. The Inyo County General Plan from May 2013 states that the County shall encourage expansion while planning to concentrate new growth within and contiguous to existing communities (e.g., Bishop, Big Pine, Independence, Lone Pine) and expand existing infrastructure as needed.

3.2.2 Commercial

Commercial land use in OVSES is predominately CDB. This designation entails commercial uses, such as small retail sale and personal service shops; offices; food services; travel and transportation services, such as hotels/motels and gas stations; entertainment centers; recreational facilities; and medical centers. Most of the commercial activity within each town is primarily centered around Highway 395 and is geared towards accommodating year-round tourism. In light of recent population decreases and loss of jobs, the City of Bishop plans to promote development by improving tourist attractions, as a means of reinvigorating the local economy. The Inyo County General Plan update, currently in progress, includes the goal of providing commercial land uses that adequately service the existing and anticipated future needs of the community and surrounding environs.

3.2.3 Industrial

Current industrial land use in the OVSES involves mainly natural resource acquisition, such as water and power. LADWP owns and manages the Los Angeles Aqueduct, with facilities and other industrial components in the OVSES. The Aqueduct Intake is located south of Tinemaha Reservoir and east of Aberdeen in the middle section of the OVSES. Along the aqueduct are roughly 100 water pump structures in nine water well field zones. The Alabama Spillway Gates, named for the adjacent Alabama Hills that lie directly to the west, re-direct water into Owens Lake in the event of Aqueduct overflow. LADWP has constructed water spreading basins in an extensive area between the South McNally Canal and Jean Blanc Road. A LADWP facility in Independence, as well as a museum, feature historical photographs and diagrams of the Aqueduct and the associated features.

Historically, industrial land use in Owens Valley was predominately mineral extraction. Mines were established throughout the valley, mainly for gold with smaller amounts of silver, lead, and copper. In the OVSES, most established mines are located in or along the Alabama Hills. Sharp Mine, located on

the extreme northern end of the Alabama Hills was a major source of gold ore in the area. Luella Mine (Abe Lincoln Mine), located northwest of Lone Pine along the eastern slope of the Alabama Hills, consists of several tunnels where gold, chrysocolla, hematite, pyrite, and quartz could be found. These minerals are also found in the Alabama-Mohawk Mine on the northern end of the Alabama Hills. Sunrise View Mines, also located on the eastern margin of the Alabama Hills, contain pockets of high-grade gold ore in quartz. High-grade gold ore in quartz is also found in the Washington Mine along Lone Pine Creek. December Mine, in the Alabama Hills range, contains not only gold but also chalcopyrite, galena, and pyrite. Other mines near the OVSES include Reward Mine and Monte Carlo Mine. Reward Mine, located east of Manzanar, was a major source of gold ore. Monte Carlo, just south of Reward Mine on the eastern edge of the OVSES, was a major source of silver.

Owens Lake was a major source of soda ash and other salts used in a variety of industries: glass making, paper, food additives, laundry products, medicine and more. Natural Soda Products Company opened a plant on the south shore of the lake in 1912 that was destroyed in a fire in the 1920s. Shortly after the loss of the soda plant, Natural Soda Products Company rebuilt a plant on the dry lakebed that flooded in 1937. A soda ash mine and processing project at Owens Lake has been proposed and is pending approval.

Mineral extraction and processing is not as prolific in Owens Valley as it once was, when gold and silver were more abundant. Active mining facilities now process mostly sand and gravel along with perlite, kaolin, barite, and pyrophyllite. Granite Construction currently operates the Five Bridges Road aggregate extraction facility, north of Bishop.

3.2.4 Open Space and Recreation

Recreation activities in the OVSES include hiking, scenic driving, and biking; boating and swimming, fishing; birding, wildlife viewing, and hunting; off-highway vehicle riding; camping and picnicking; historic and cultural tourism; volunteer stewardship and environmental education. LADWP-owned land in the OVSES is open to the public for many of these recreational uses. BLM-managed land, such as the Alabama Hills Recreation area, is also available to the public for an array of recreational uses. Inyo County Park and Recreation provides and maintains fifteen parks and campgrounds. Most of the campgrounds are located along creeks, stocked with trout for year-round fishing opportunities. Other local attractions include the Manzanar National Historic Site and the Lone Pine Film History Museum, both of which are considered attractions of national interest.

3.2.5 Agriculture

Agriculture in the OVSES is primarily pastureland for livestock grazing. Cattle ranching became the dominate use of agricultural land in the Owens Valley after the building of the Los Angeles Aqueduct. As water became less readily available, growing fruits and vegetables became less economically feasible.

Field crops are second in agricultural production, with alfalfa being the principle cultivated crop grown as livestock fodder. LADWP leases non-irrigated lands for grazing, but at a substantially lower lease

price than irrigated land. Because of the generally low lease rates for both irrigated and non-irrigated LADWP land and the existence of large areas of Federal grazing land surrounding Owens Valley, livestock-raising can be a profitable enterprise today in Owens Valley. Other forms of agricultural production in the valley include nursery crops, fruit and nut crops, vegetable crops, livestock and poultry products, and honey from apiary production.

Nearly all of the agriculture in Owens Valley is on LADWP-owned land. A few remaining parcels of non-LADWP land, including Indian lands around Bishop, are irrigated to produce forage crops. Some private citizens also raise vegetables, which they sell to local food markets.

Abandoned agricultural land occurs throughout the OVSES, where farming ceased after the acquisition of land and water by the City of Los Angeles. Vegetation in these abandoned agricultural areas is predominately ruderal and characterized by saltgrass (*Distichlis spicata*) and rubber rabbitbrush (*Ericameria nauseosa*). These lands are currently not associated with active land use, or are grazed infrequently when forage is available.

3.2.6 Public Service Facilities

Public Service Facilities in developed areas include fire and police stations, schools, City and County offices, and maintenance yards. Land outside of these areas designated for Public Facilities use includes airports at Bishop, Lone Pine, and Independence; municipal water and wastewater treatment facilities; cemeteries; and equipment yards.

3.2.7 Natural Resources

Natural resources land uses throughout the OVSES are principally managed by LADWP and BLM, in coordination with Inyo County. Natural resources such as lakes, rivers, streams, and mineral resources are strictly managed for recreational and economic potential in order to maintain and enhance the environmental value of the area.

4 SPECIAL-STATUS MANAGEMENT AREAS

Source: Bureau of Land Management, CA Department of Fish and Wildlife, Conservation Biology Institute
Date: 2010-2015
Data Basin link: http://databasin.org/maps/538e1c2a25d34f6495cf2813572fe1f7

A number of areas within the OVSES have special management designations based on the sensitivity of resources contained within them. These areas are depicted on the Special-Status Management Areas map available in Data Basin, and are described in detail in this section.

Protected natural areas in the OVSES include public conservation lands managed by federal, state, and regional agencies, and private lands managed as preserves. These areas provide habitat for native plants and animals, as well as recreational opportunities and aesthetic value. The protected lands in the OVSES are presented below.

4.1 AREAS OF CRITICAL ENVIRONMENTAL CONCERN

Areas of Critical Environmental Concern (ACEC) is a conservation ecology program administered by the BLM. ACECs are BLM lands where special management is needed to protect and prevent irreparable damage to important historical, cultural, scenic values, fish and wildlife, and natural resources; or to protect life and safety from natural hazards. Designated critical habitat and ACEC boundaries generally, but not always, coincide with legal boundaries. ACECs have special site-specific management prescriptions in order to protect the specific resource for which the ACEC was designated. Development on ACECs may be allowed, if such development does not impact the resource for which the ACEC was designated.

4.1.1 Fish Slough ACEC

Located along Fish Slough at the extreme northern edge of the OVSES, the 36,000-acre Fish Slough ACEC includes designated critical habitat for the federally-threatened Fish Slough milk-vetch (*Astragalus lentiginosus* var. *piscinensis*). Fish Slough encompasses an array of plant communities including wetlands, alkali meadows, and uplands. It also has one of the richest wetland floras in the Great Basin, with over 120 wetland taxa described.

4.1.2 Crater Mountain ACEC

Crater Mountain ACEC is located on Crater Mountain, which is a volcanic butte south of Big Pine. Crater Mountain ACEC preserves an area of historic and pre-historic cultural importance.

4.2 ECOLOGICAL RESERVES

The County contains areas that have been set aside in perpetuity to preserve functioning natural ecosystems, act as refuges for species, and maintain ecological processes. Reserves in the California ecological reserve system are primarily the responsibility of the CDFW, although CDFW may partner with other agencies, universities, non-profit organizations, and the public to achieve management goals of mutual interest. The only reserve within the OVSES is Fish Slough Ecological Reserve.

4.2.1 Fish Slough Ecological Reserve

Fish Slough Ecological Reserve is located within the extreme northern edge of the OVSES, in Fish Slough. This is an approximately 190-acre reserve administered by CDFW and the BLM, near the County border with Mono County.

4.3 DESIGNATED CRITICAL HABITAT

USFWS published a final critical habitat designation for Fish Slough milk-vetch in June 2005. The designation includes 8,007 acres of federal-, LADWP-, and state-owned lands in Fish Slough, in Mono and Inyo Counties. Critical habitat designations affect only federal actions and actions on private lands that include federal funding.

4.4 WILDERNESS STUDY AREAS

The BLM manages 530 Wilderness Study Areas (WSA) containing almost 12.8 million acres located in the western states and Alaska. The Federal Land Policy and Management Act (FLPMA) of 1976 directed the BLM to inventory and study its roadless areas for wilderness characteristics. To be designated as a Wilderness Study Area, an area had to have the following characteristics:

- Size – roadless areas of at least 5,000 acres of public lands or of a manageable size;
- Naturalness – generally appears to have been affected primarily by the forces of nature;
- Opportunities – provides outstanding opportunities for solitude or primitive and unconfined types of recreation.

In addition, Wilderness Study Areas often have special qualities such as ecological, geological, educational, historical, scientific and scenic values.

The congressionally-directed inventory and study of BLM's roadless areas received extensive public input and participation. By November 1980, the BLM had completed field inventories, and designated about 25 million acres of Wilderness Study Areas. Since 1980, Congress has reviewed some of these areas and has designated some as wilderness and released others for non-wilderness uses. Until Congress makes a final determination on a Wilderness Study Area, the BLM manages it to preserve its suitability for designation as wilderness.

4.4.1 Fish Slough WSA

The 15,300-acre Fish Slough WSA is located at the extreme northern edge of the OVSES, and extends into Mono County. The eastern three-fourths of the WSA is inside the Fish Slough ACEC, and the WSA is primarily intended to protect the watershed recharge area of Fish Slough. BLM has recommended a non-wilderness designation for the WSA.

4.4.2 Volcanic Tablelands WSA

The 12,500-acre Volcanic Tablelands WSA is located in the northwest corner of the OVSES, and extends into Mono County. The Volcanic Tablelands are an area of alternating layers of rhyolite and tuff deposited during eruptions of the Long Valley Caldera, approximately 700,000 years before present. The WSA was studied for values of solitude and unconfined recreation. BLM has recommended a non-wilderness designation for the WSA.

4.4.3 Crater Mountain WSA

The 7,069-acre Crater Mountain WSA is located on and around Crater Mountain, which is a volcanic butte south of Big Pine. The area is characterized by volcanic cinders and lava, and sparse desert scrub vegetation.

4.4.4 Symmes Creek WSA

The Symmes Creek WSA comprises 8,077 acres of BLM and USFS land, southwest of Independence, on the lower alluvial fan of the Sierra Nevada. The WSA is mainly flat, and slopes to the east. The BLM evaluation of the WSA found the area to have low wilderness value, due to noise from US-395, and a lack of visual screening from developed lands in the Owens Valley.

4.4.5 Independence Creek WSA

The 6,458-acre Independence Creek WSA is located west of Independence, on the lower alluvial fan of the Sierra Nevada. The WSA is mainly flat and slopes to the east. The BLM evaluation of the WSA found the area to have low wilderness value, due to noise from US-395, and a lack of visual screening from developed lands in the Owens Valley.

4.4.6 Southern Inyo WSA

The 36,900-acre Southern Inyo WSA is east of Lone Pine, and extends beyond the OVSES boundary, into the Inyo Mountains. The WSA includes two peaks over 11,000 feet, and adjoins other BLM and USFS roadless areas. The vast majority of the WSA containing wilderness values is outside of the OVSES.

4.4.7 Cerro Gordo WSA

The 14,079-acre Cerro Gordo WSA is not within, but is adjacent to, the OVSES, approximately 1 mile east of Owens Lake. BLM assessment of the WSA included public hearings, at which Inyo County and other entities opposed designating the WSA as wilderness, because of potential mineral and geothermal resources.

4.5 STATE WILDLIFE MANAGEMENT AREAS

State Wildlife Management Areas are lands administered by the CDFW to protect and enhance habitat for wildlife species, and to provide for wildlife-associated public uses. The lands may be owned by the state, or may be managed under agreements with other public agencies. These areas provide habitat for a variety of plant and animals species, including many listed as threatened or endangered. Management methods of the wildlife areas depend on the resources and purpose of the area.

4.5.1 Cartago Wildlife Area

State Wildlife Management Areas near the OVSES include the Cartago Wildlife Area. This wildlife area is approximately 218 acres in size, and is located along the southwestern shore of Owens Lake, approximately 0.5 mile east of US 395. The wildlife area is characterized by freshwater wetland, and springs that provide habitat for waterfowl, wading birds and shorebirds including western snowy plovers, white-faced ibis, and rails. The area is open for waterfowl, dove, quail, and rabbit hunting, and provides opportunities for bird watching and photography.

4.6 NATIVE AMERICAN RESERVATIONS AND COLONIES

Native American Reservations and Colonies are designated areas of land managed by a Native American Tribe, under the US Bureau of Indian Affairs. There are 4 reservations within the OVSES: the Bishop Colony managed by the Bishop Paiute Tribe; the Big Pine Reservation managed by the Big Pine Paiute Tribe of the Owens Valley; the Fort Independence Reservation managed by the Fort Independence Community of Paiute; and the Lone Pine Reservation managed by the Lone Pine Paiute-Shoshone. Tribes and tribal lands are considered sovereign, and are not subject to local or state authority, except through special compacts such as those governing tribal gaming.

4.7 NATIONAL HISTORIC SITES

National Historic Sites (NHS) are protected areas of national historic significance managed by the National Park Service. Established first as National Historic Landmark in 1985, and later as a National Historic Site in 1992, Manzanar preserves and interprets the legacy of the Japanese American incarceration in the United States during World War II. Located west of US-395 between Lone Pine and Independence, the site is mostly open space containing roads, old foundations, and a few standing buildings. The overall condition of the site is disturbed native allscale saltbush scrub.

5 LAND MANAGEMENT AND PLANNING

5.1 INYO COUNTY/LOS ANGELES LONG TERM WATER AGREEMENT (LTWA)

Source: Los Angeles Department of Water and Power (LADWP)
Date: 1984-87
Data Basin link: http://databasin.org/datasets/8d006cb57b694e308f12d1acdc0af00f

LTWA link: http://www.inyowater.org/documents/governing-documents/water-agreement/

During the 1980s, the County and LADWP collaborated to develop a cooperative water management plan and in 1991 entered into the Inyo County/Los Angeles Long Term Water Agreement (LTWA). The overall goal of the LTWA is to manage ground and surface water resources, in order to provide a reliable

supply of water for export to Los Angeles and for use in Inyo County while maintaining healthy groundwater dependent vegetation communities found in Owens Valley.

The LTWA contains management strategies for avoiding long term groundwater mining from aquifers of Inyo County, as well as avoiding or minimizing impacts to vegetation as a result of groundwater pumping or changes in surface water management practices. Vegetation is used as the principal indicator of environmental quality associated with ground and surface water activities in Owens Valley. As part of this effort, vegetation in Owens Valley has been classified based on the dominant species documented on vegetation inventories conducted by LADWP between 1984 and 1987. As contained in the LTWA, approximately 227,000 acres of vegetation on the valley floor have been classified as follows:

A. TYPE A CLASSIFICATION. This classification is composed of vegetation communities with evapotranspiration, approximately equal to average annual precipitation. Species in these communities include big sage (*Artemesia tridentata*), allscale (*Atriplex polycarpa*), and Mojave indigo bush (*Psorothamnus arborescenes*), among others. This classification includes approximately 150,347 acres.

B. TYPE B CLASSIFICATION. This classification is comprised of scrub dominated communities, including rabbitbrush and Nevada saltbush communities with evapotranspiration greater than precipitation. This classification includes approximately 10,390 acres.

C. TYPE C CLASSIFICATION. This classification is composed of grasslands/meadow vegetation communities with evapotranspiration greater than precipitation. The communities comprising this classification exist because of high groundwater conditions, natural surface water drainage, and/or surface water management practices in the area, i.e., conveyance facilities, wet year water spreading, etc. Species in this classification include saltgrass (*Distichilis spicata*), alkali sacaton (*Sporobolus airoides*), and Mexican rush (*Juncus mexicanus*), among others. This classification includes approximately 42,013 acres.

D. TYPE D CLASSIFICATION. This classification is composed of riparian/marshland vegetation communities with evapotranspiration greater than precipitation. The communities comprising this classification exist because of high groundwater conditions, natural surface water drainage, and/or surface water management practices in the area, i.e., conveyance facilities, wet year spreading, etc. Species in this classification include common reed (*Phragmites australis*), cattail (*Typha latifolia*), and hardstem bulrush (*Schoenoplectus acutus*), among others. This classification includes approximately 5,580 acres.

E. TYPE E CLASSIFICATION. This classification is composed of areas where water is provided to LADWP-owned lands for alfalfa production, pasture, recreation uses, wildlife habitats, livestock, and enhancement/mitigation projects. This classification includes approximately 18,830 acres.

Type A classification is not affected by groundwater pumping or by changes in surface water management practices since such vegetation survives on available precipitation. Areas of Type B, C, and D classification will be managed for groundwater pumping and changes to surface water to avoid

causing significant decreases in live vegetation cover, and to avoid causing a significant amount of vegetation comprising these classifications to change to vegetation in a classification type which precedes it alphabetically. Type E classification is lands supplied with water. These lands will be supplied with water and will be managed to avoid causing significant decreases and changes in vegetation.

5.2 1997 MEMORANDUM OF UNDERSTANDING

1997 MOU Link: http://www.inyowater.org/documents/governing-documents/mou/

A Memorandum of Understanding (MOU) was established in 1997 between LADWP, the County, CDFW, SLC, the Sierra Club, and the Owens Valley Committee to resolve conflicts over LADWP actions in Owens Valley concerning groundwater pumping operations and related activities from 1970 to 1990. The MOU establishes a management approach for the Owens Valley ecosystem that emphasizes sustainable use (i.e., use of natural resources) through time without causing environmental degradation and incorporate multiple resource values, including water supply for the City of Los Angeles, Inyo County, habitat preservation, enhancement, and restoration; recreation; livestock grazing; agriculture and other activities. To date, the primary plans related to the implementation of the objectives and directives contained in the MOU are the Lower Owens River Project (LORP) and the Owens Valley Land management Plan (OVLMP). Together, these two plans encompass nearly all City of Los Angeles-owned property in Owens Valley and Inyo County.

5.3 LOWER OWENS RIVER PROJECT (LORP)

LORP Link: http://www.inyowater.org/projects/lorp/

The Lower Owens River Project (LORP) is a large-scale restoration project being implemented by the LADWP and Inyo County, for the purpose of (1) releasing water to the Lower Owens River to enhance native and game fisheries and riparian habitats along 62 miles of the river; (2) providing water to the Owens River delta to maintain and enhance various wetland and aquatic habitats; (3) enhancing a 1,500-acre off-river area with seasonal flooding and land management to benefit wetlands and waterfowl; and (4) maintaining several off-river lakes and ponds.

The LORP encompasses 77,647 acres of high desert land in and around a 62-mile reach of the lower Owens River. It includes the area on both sides of the Owens River, near the towns of Lone Pine and Independence, between the Los Angeles Aqueduct intake to the north, and Owens Dry Lake to the south. The land is owned by the City of Los Angeles and managed by LADWP.

A series of constructed and managed wetlands are within the approximately 1500-acre Blackrock Waterfowl Management Area (WMA), in the northwest end of the LORP. Water levels are adjusted seasonally to maintain key habitats, particularly for waterfowl.

The Delta Habitat Area encompasses approximately 900 acres where the river meets the northern part of Owens Lake, forming a series of wetlands and shallow pools of water. The Delta wetlands are key habitats for wading and shorebirds, and are reportedly becoming a popular area for bird watching.

A series of off-river lakes and ponds occur along the 1872 earthquake fault scarp. They include popular fishing areas, such as Lower Twin Lakes, the Coyote/Grass lakes complex, Upper and Lower Goose Lakes and Billy Lake. These lie mostly within the Blackrock WMA.

Additional planning efforts that support the mission of the LORP include the LORP Implementation Plan, the LORP Ecosystem Management Plan, the Lower Owens River Recreation Plan and the Owens Valley Land Management Plan.

5.4 OWENS VALLEY LAND MANAGEMENT PLAN (OVLMP)

OVLMP Link: http://www.inyowater.org/wp/wp-content/uploads/2013/11/Owens-Valley-Land-Management-Plan-Final.pdf

The Owens Valley Land Management Plan (OVLMP) provides management direction for resources on all City of Los Angeles-owned lands in Inyo County, California, excluding the LORP area. Resource management issues include water supply, habitat, recreation and land use. The OVLMP provides a framework for implementing management prescriptions through time, monitoring the resources, and adaptively managing changed land and water conditions.

OVLMP goals, objectives, and management strategies have been shaped by the geographic and geopolitical characteristic of the Owens Valley. The resource management priorities are derived from the 1997 MOU, and are intended to build analytical, institutional, and empirical understanding about the resources and how they will be managed in the future.

The OVLMP is an overarching resource management plan, which will complement the LORP plans for monitoring and managing resources from Pleasant Valley Reservoir to Owens Lake. The city of Los Angeles is the primary land owner with over 310,497 acres. Within the OVLMP area, the city owns approximately 250,000 acres, including the LORP area.

5.5 OWENS LAKE MASTER PLAN

Master Plan Link: http://www.inyoplanning.org/projects.htm;

In March 2010, LADWP initiated a broad collaborative process to develop this Master Plan as a framework to manage the diverse resources of the lake, while continuing to control dust. A Planning Committee was established that represented interest in dust control, water conservation, habitat, cultural resources, public access, education, recreation, agriculture, and business. This approach was taken so that the master Plan could address all resources at the lake. In 2014, the Master Plan was converted to the Master Project.

5.6 OWENS LAKE MASTER PROJECT

Master Project Link:
https://www.ladwp.com/cs/idcplg?IdcService=GET_FILE&dDocName=OPLADWP050832&RevisionSelectionMethod=LatestReleased

The Owens lake Master Project has been developed by the LADWP and other stakeholders to develop an environmentally friendly solution for dust control on Owens Lake. This solution considers California's environmental challenges inside and outside of Owens Valley, such as endangered species, water supply, water reliability and habitat creation, throughout the State. The master Project will enhance the design and effectiveness of Owens Lake dust control, through a combination of water conservation, dust control, and habitat management. This new design will utilize a mix of tillage, vegetation, water, gravel, roads, and bring to control dust, while preserving and creating habitat for diving waterbirds, shorebirds, waterfowl and the public.

5.7 LADWP HABITAT CONSERVATION PLAN

HCP Link: http://www.fws.gov/Carlsbad/HCPs/LADWP/LADWP_draft%20HCP_Executive_Summary.pdf

This Habitat Conservation Plan (HCP) is for the Los Angeles Department of Water and Power (LADWP) to guide operation and maintenance activities on its lands within Mono and Inyo Counties. It has been developed by the LADWP, as part of the Section 10(a)(1)(B) Endangered Species Act requirements, to address potential incidental take of listed species. The HCP covers approximately 314,000 acres of City of Los Angeles non-urban land holdings in Mono and Inyo Counties. LADWP manages these lands and has developed a low-effect, habitat-based HCP to protect habitat for species of special concern, candidate species, and federal and state threatened and endangered species, while allowing LADWP to continue its ongoing water gathering, water distribution, power production, and power transmission activities, and allowing the continuation of other land uses. These other land uses include habitat enhancements for covered species, livestock grazing, agriculture, recreation, fire and weed management, and road maintenance and closures.

5.8 OWENS LAKE HABITAT MANAGEMENT PLAN

OLHMP Link: http://inyo-monowater.org/wp-content/uploads/2011/09/HabitatMgmtPlan_OwensDryLake_LADWP.pdf

The Owens Lake Habitat Management Plan (OLHMP) was developed in 2010 by the LADWP for the Owens Lake Dust Mitigation Project (OLDMP). The overall goal of the OLHMP is to avoid direct impacts to native wildlife communities that may result from the OLDMP. Potential Project-related direct impacts sources include those associated with equipment and vehicular, foot traffic, collision with infrastructure, entanglements, poisoning, epizootic disease, and the compounded impacts of predation. The OLHMP applies to all emissive areas subject to dust control measures on lands owned by either the City of Los Angeles or the State Lands Commission.

Under the OLHMP, implementation of the OLDMP must include the following conditions:

- Achieve no net loss of riparian or aquatic baseline habitat functions and values or total acres of these habitats
- Manage 1,000 acres in perpetuity for shorebirds and snowy plover, in consultation with CDFW
- Maintain 152 acres of shallow flood habitat for shorebirds, or mitigate for any loss in consultation with CDFW
- Develop and manage deep water habitat in perpetuity for use by focal migratory waterfowl
- Maintain a baseline of 272 snowy plovers
- Maintain in perpetuity a minimum of 523 acres of habitat specifically for snowy plover
- Employ Habitat Shallow Flood or Habitat Restoration methods on 17.5 acres of dust control area within the Cartago Springs Wildlife Area

5.9 OWENS DRY LAKE SOLAR DEMONSTRATION PROJECT (DEMO PROJECT)

The LADWP has conducted extensive wind tunnel testing to study the effectiveness of solar installations as a possible method of dust mitigation on the dry bed of Owens Lake. The studies showed that solar in combination with other dust mitigation measures can be an effective means of dust mitigation. The Owens Dry Lake Project will be the final test to verify the economics and feasibility of using solar as a means of dust mitigation and solar energy production on the Owens Lake bed.

5.10 DESERT RENEWABLE ENERGY CONSERVATION PLAN

DRECP Link: http://www.drecp.org/

The Desert Renewable Energy Conservation Plan (DRECP) is a multi-jurisdictional regional planning effort to conserve and manage plant and wildlife communities in the Colorado and Mojave Deserts of California while facilitating the timely permitting of compatible renewable energy projects. The DRECP was established in May 2010 through an agreement between the California Energy Commission (CEC), CDFW, BLM and US Fish and Wildlife Service (USFWS) to guide renewable energy development in tandem with a multispecies conservation plan. It is being developed under the California Natural Community Conservation Planning Act, the federal Endangered Species Act, and the FLPMA, and is being prepared by the collaboration of state and federal agencies with input from local governments, environmental organizations, industry, and other interested parties. The DRECP includes the development of solar thermal, utility scale solar photovoltaic (PV) cells, wind and other forms of renewable energy and associated infrastructure (such as electric transmission lines) necessary for renewable energy development. The southern portion of the OVSES lies within the DRECP.

6 SENSITIVITY RECOMMENDATIONS

This section provides a brief discussion of recommendations for interpreting the land use information provided in this report, and the interactive material available on Data Basin. The potential for project impacts to sensitive resources in an area is usually affected by current or past land uses, and development in an area is subject to determinations of consistency with applicable management plans and policies. The general guidelines presented here are not based on exhaustive, site-specific analysis, and are not intended to serve as project-level analysis of consistency with management plans and policies.

6.1 AREAS FOR WHICH AVOIDANCE IS RECOMMENDED

The following areas are most likely to have significant land use constraints on development:

- Special-status management areas including Areas of Critical Environmental Concern, Wilderness Study Areas, Ecological Reserves, Designated Critical Habitat, State Wildlife Management Areas, National Historic Sites, and Native American Reservations
- Areas in Owens Lake subject to the requirements of the OLHMP
- Lands designated for open space and recreation uses in the Inyo County General Plan
- “Lands supplied with water” (Type E Management Areas) under the LTWA

6.2 AREAS OF LESSENED CONCERN

The following areas are least likely to have significant land use constraints on development:

- Areas currently associated with urban or industrial land uses
- Areas heavily disturbed by past industrial, stock-raising, or agricultural land uses

7 REFERENCES

County of Inyo. 2013. Inyo County General Plan. Accessed online December 10 2015 at http://www.inyoplanning.org/documents/Chapter2-LandUse.pdf

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Appendix E

Public Outreach

1 INTRODUCTION

This appendix provides information on the public outreach process undertaken in support of development of the OVSES online database and associated technical reports. Information in this appendix details coordinated efforts by Inyo County with the public, City of Los Angeles Department of Water and Power (LADWP), and the five federally-recognized Native American tribes within the County, as well as the feedback received from those efforts. Public input has been a critical component in developing a complete dataset and user-friendly platform that serve the needs and interests of the end user. Key issues and concerns raised during public meetings have been considered and addressed to the extent practicable while meeting the overarching objectives of the OVSES. This information is provided in the following chapters:

- 2.0, Public Outreach Process
- 3.0, Tribal Coordination Meetings
- 4.0, Other Agency Coordination Efforts

2 PUBLIC OUTREACH PROCESS

The OVSES is an outcome based process driven by its users to aid in future planning efforts. Gathering data from a wide selection of publicly available resources has been an essential component in populating Data Basin with information specific to Inyo County and the Owens Valley. Public involvement has been sought via attendance at general public meetings and presentations to local community groups. During the development of the OVSES, the County conducted a total of 8 public workshops in the city of Bishop and the town of Lone Pine (see Table 1). Every effort has been made through advertising, press releases, and email to ensure the widest possible range of public participation. The workshops are summarized below, and more detailed minutes are available upon request.

The workshops were designed for the public to receive detailed information about the study and participate in the planning process. Attendees were encouraged to sign-in and furnished with comment cards and agendas (see Table 1). Each workshop consisted of a presentation describing the purpose of the study and the current status of the data gathering component. Presentations were followed by a question and answer session that allowed participants to provide their opinions and contribute to the development of the study. Oral comments were recorded during each session and integrated into the study to the maximum extent practicable. Supplemental information including maps, photographs, and Data Basin tutorials were also made available during each workshop.

Table 9. Workshop Dates and Participants

Date/Location	Workshop Participants			
June 2, 2015 *Bishop City Hall Council Chambers*	Jonan Wilson Roberta McIntosh Jan Sudomier Sydney Quinn	Bernadette Johnson Mary Roper Les Inafuku Steve Nelson	Charles James Rick Pucci Sally Manning Jon Klusmire	Rick Delmas Jon Patzer Nancy Masters Mark Tillemans
June 3, 2015 *Statham Hall, 138 Jackson Street, Lone Pine*	Andrew Wickman Judy Wickman Deb Murphy April Zrelak	Earl Wilson Edie Trimme Julie Anne Hopkins Al Carrasco		
September 14, 2015 *Statham Hall, 138 Jackson Street, Lone Pine*	April Zrelak Mary Roper Nancy Masters Jeff Burton	Jonathan Penman-Brotzman		
September 15, 2015 *Bishop City Hall Council Chambers*	Perfer Vestal Earl Wilson Jon Klusmire Don McGhie	Sally Manning Greg Loveland Steve Nelson Julie Anne Hopkins	Amanda Parsons Jora Fogg Supervisor Griffiths Mark Tillemans	
December 9, 2015 *Statham Hall, 138 Jackson Street, Lone Pine*	Darrel Odum April Zrelak Earl Wilson Mark Tillemans	Mike Prather Andrew Wickman Judy Wickman Beth Sison	Mark Roper Nancy Masters	
December 10, 2015 *Bishop City Hall Council Chambers*	Rick Pucci Philip AAnaya Dan Totheroh Nate Reade	Rob Klieforth Sally Manning Alysa Berkathel Steve Nelson		
January 6, 2016 *Statham Hall, 138 Jackson Street, Lone Pine*	Darrel Odum Earl Wilson Deene Anderson Kath Bancroft	Tim Fox		
January 7, 2016 *Bishop City Hall Council Chambers*	Earl Wilson Deb Murphy Bernadette Johnson Sally Manning	Jeff Griffiths Mark Tillemans		

2.1 INFORMATION MATERIALS

To help facilitate public participation, a series of maps, photographs, and Data Basin tutorials were made available for the public to review and comment. Comments about specific maps and data were carefully reviewed and addressed to correct any errors, omissions, or inaccuracies and then presented at the following meeting. This information reflects important datasets developed specifically for the OVSES.

2.1.1 Land Cover and Habitat Types

Data Basin Link:
http://databasin.org/uploads/documents/a8848a9f165a49e49e5404e686971f8d/download/

The Land Cover and Habitat data layer and map served as a centerpiece to this data collection effort and after multiple iterations has been refined to a comprehensive vegetation map of the OVSES. These data have been reviewed by both the public as well as local experts to improve their accuracy and utility.

2.1.2 Inyo County Managed Lands

Data Basin Link:
http://databasin.org/uploads/documents/9ae3fff27eda4f2bbc1c2b31e002128f/download/

This map depicts managed lands throughout the County in relationship to the OVSES. This dataset is a compilation of county parcel data and estate data through the BLM and has been reviewed by the affiliated public agencies.

2.1.3 Photo Point Locations

Data Basin Link:
http://databasin.org/uploads/documents/c50cafd5c0bb4a489a922a72e0c67d95/download/

This map documents the availability of views in and of the OVSES which are considered to be representative of the visual experience throughout the Owens Valley. The map has been reviewed by the public and suggested the incorporation of additional photo points which were added to the final iteration.

2.1.4 Special Status Management Areas

Data Basin Link:
http://databasin.org/uploads/documents/dc897ee8ab1e4c2e9e353692b3b1ebbb/download/

This map is a compilation of several datasets that describe areas with a special management status. The content on this map has been provided at the request of both the public and various stakeholders, and is considered to be an important piece in guiding future planning decisions.

2.2 SUMMARY OF KEY QUESTIONS AND CONCERNS

The overarching intent of the OVSES is to create a tool for accessing data that informs the public and decision makers in future planning processes. The OVSES is not a project under CEQA, and therefore does not require a discretionary action or approval. Specific questions and concerns raised about the development of this tool have been carefully considered and incorporated to the extent practicable. Questions or concerns related to specific projects have not been addressed because they are outside the scope and intent of this study.

The OVSES was an intensive data gathering effort that investigated biological resources, historic and cultural resources, land use, and visual resources. Although the study considered as many available datasets as possible, it is not possible to include every dataset that exists into one study and still maintain a user-friendly functionality and organization. Datasets were chosen based on their relevance and usability and further customized for the purpose of this study. While every effort was made during this process to ensure the quality of the data, some datasets may require the individual user to determine how applicable the data are to his/her purposes. The OVSES provides data to inform higher level planning decisions and does not consider details at the project level.

Data provided on Data Basin are available to the public for review and in most cases can be downloaded. In the event some of these data contains errors or omissions, please notify the County with the suggested corrections.

3 TRIBAL COORDINATION MEETINGS

In addition to the public workshops (see Table 2), the County conducted a series of coordination meetings with the five federally-recognized Native American tribes in the County to seek input on the OVSES process and to elicit a more comprehensive understanding of the cultural landscape from the tribal perspective in light of Public Resources Code Section 21074. Meeting invitations were sent to the tribes in and around the OVSES: Lone Pine Paiute – Shoshone Reservation; Fort Independence Indian Community of Paiutes; Big Pine Paiute Tribe of the Owens Valley; Bishop Paiute Tribe; and, the Timbisha Shoshone Tribe. During the coordination meetings, the tribes were asked for input, including spatial depictions of the cultural landscape from the individual tribe's perspective, and narratives describing the current status of the tribe and its relationship to the cultural landscape. Input received from the tribes was incorporated into the discussion of cultural resources, and is reproduced verbatim, in **Appendix B – Cultural Resources**. The County continues to work closely with the tribes to help preserve culturally sensitive areas and inform them of ongoing planning efforts.

Table 2. Summary of Tribal Outreach Meetings

Date	Coordination Meeting
June 4, 2015	Independence
July 20, 2015	Independence
September 14, 2015	Independence
November 12, 2015	Independence
December 10, 2015	Independence
January 6, 2016	Independence

4 OTHER AGENCY COORDINATION EFFORTS

Throughout the development of the OVSES, additional agencies and public entities provided guidance and input including the National Park Service, Bureau of Land Management, California Department of Fish and Wildlife, California Native Plant Society, and the City of Los Angeles Department of Water and Power (LADWP). The County has coordinated directly with the LADWP (including but not limited to conference calls on June 3rd, 2015 and on July 16th, 2015) to inform them of current planning efforts and to obtain additional data that could be used to further the OVSES.

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Native American Tribes

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Fort Independence Indian Community of Paiutes
Big Pine Paiute Tribe of the Owens Valley
Bishop Paiute Tribe
Timbisha Shoshone Tribe

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