

**SCREENING FORM FOR LOW-EFFECT HCP DETERMINATIONS  
LOS ANGELES DEPARTMENT OF WATER AND POWER'S LAND MANAGEMENT  
AND OPERATION AND MAINTENANCE ACTIVITIES,  
INYO AND MONO COUNTIES**

**I. Project Information**

**A. Project Name:** Habitat Conservation Plan for Los Angeles Department of Water and Power's Land Management and Operation and Maintenance Activities on Its Land in Inyo and Mono Counties, California

**B. Affected Species:** The Los Angeles Department of Water and Power (LADWP) is including seven species as Covered Species in this Habitat Conservation Plan (HCP or Plan). They are: Owens/Long Valley speckled dace (*Rhinichthys osculus ssp.*), Owens tui chub (*Siphatales bicolor snyderi=Gila bicolor snyderi*), Owens pupfish (*Cyprinodon radiosus*), Yellow-billed cuckoo (*Coccyzus americanus*), willow flycatcher (*Empidonax traillii*), Bell's vireo (*Vireo bellii*), and greater sage-grouse (*Centrocercus urophasianus*). Of these, the Owens tui chub, Owens pupfish, southwestern willow flycatcher (*Empidonax traillii extimus*), and least Bell's vireo (*Vireo bellii pusillus*) are listed as endangered under the federal Endangered Species Act and the western distinct population segment of the Yellow-billed cuckoo (*Coccyzus americanus*) is threatened.

**C. Project Size:** The Plan Area is in Inyo and Mono Counties and encompasses about 314,000 acres of LADWP land and approximately 450 miles of waterways, including 200 miles of the Owens River and its tributaries.

**D. Brief Project Description Including Minimization and Mitigation Plans:**

- **Purpose:** The LADWP Low Effect Habitat Conservation Plan (HCP) provides the basis for issuance of a section 10(a)(1)(B) incidental take permit (ITP) to LADWP. Permit issuance is necessary to authorize the incidental take of the federally endangered Owens tui chub, Owens pupfish, least Bell's vireo, and southwestern willow flycatcher and federally threatened western yellow-billed cuckoo associated with the new and ongoing land management and ongoing operation and maintenance activities (Covered Activities) by LADWP on their land in Inyo and Mono Counties.

LADWP is seeking a permit to authorize incidental take for those instances when implementation of Covered Activities result in incidental take of Covered Species. In accordance with section 10(a)(1)(B) and implementing regulations of the Endangered Species Act, LADWP has prepared an HCP and submitted it and an application for an ITP to the U.S. Fish and Wildlife Service. LADWP has applied for an incidental take permit so it may continue existing and implement new land management activities, continue existing operation and maintenance activities, and comply with the requirements of the federal Endangered Species Act.

LADWP has developed a habitat-based HCP for its Covered Activities. Through implementation of the HCP, LADWP would conserve seven Covered Species, which

include federally and state-endangered, threatened, and special status species. LADWP would receive incidental take for those federally listed species it cannot avoid, while allowing LADWP to continue to implement its Covered Activities.

- **Need:** During the past few years, the presence of the five listed species was confirmed during habitat and species surveys conducted by staff from LADWP, California Department of Fish and Wildlife (CDFW), and others. The presence of these species and implementation of conservation measures (including measures required by other authorities) on LADWP land have contributed to the recent expansion of numbers of individuals and available habitats for these species. LADWP is concerned that their ongoing activities associated with land management, operation, and maintenance are likely to result in take of these listed species. Although LADWP implements measures to avoid take of these and other species when conducting their activities, the avoidance measures may not always be successful, especially as the number of individuals and area of available habitats for listed and special status species increases.

- **Proposed Project:** LADWP's ongoing land management and operation and maintenance activities include: water gathering; water distribution; hydroelectric power production; power transmission; irrigated agriculture; livestock grazing; recreation, fire, and weed management; road maintenance and closures; habitat enhancements and creation for Covered Species; and monitoring of natural and cultural resources (e.g., vegetation surveys, bird surveys, forage utilization surveys, vegetation mapping, etc.). In addition, LADWP proposes to implement additional habitat enhancement and habitat creation activities.

- For water gathering and distribution, LADWP performs routine maintenance on and operation of facilities in the Plan Area including about 187 flumes and measuring stations, 190 water intake and diversion structures, more than 60 sand traps or sediment basins, and 30 spillgates.
- For power production and transmission, LADWP operates and maintains 5 dams and their reservoirs, 8 hydroelectric power plants, and about 700 miles of transmission and distribution lines.
- For irrigated agriculture, LADWP provides water to lessees on about 22,100 acres. Of these, about 2,000 acres are for crops (e.g., alfalfa) and the remaining acreage is irrigated pasture used for livestock grazing.
- For livestock grazing, LADWP manages 64 grazing leases (cattle, sheep, horses, and mules) on 232,000 acres within the Plan Area through implementation of grazing management plans.
- Most of the Plan Area is open to the public for recreation. Outdoor recreational activities on LADWP land include picnicking, fishing, hiking, biking, off-highway vehicle use, sightseeing, hunting, and bird watching. No camping is allowed. LADWP implements a Recreation Plan for the Plan Area that includes rules for recreational users to follow, monitoring requirements for natural and cultural resources for damages caused by recreational use, and appropriate corrective action for halting the damage to and improving the condition of natural resources.
- LADWP maintains and uses about 1,300 miles of paved and unpaved roads in the Plan

Area. LADWP has no plans to pave any unpaved roads and does not repave paved roads. Redundant roads or roads not needed for LADWP land management and operation and maintenance activities may be closed and rehabilitated.

- LADWP identifies, documents, treats, and monitors weeds within the Plan Area. LADWP trains its staff to identify weed occurrences while conducting operation and maintenance activities. Staff also conducts surveys for weeds, typically from March through October, to document the extent of a weed occurrence. Weeds may be treated to ensure water gathering and power production activities are not impeded or to promote multiple-use according to LADWP's land management plans. LADWP monitors the treated areas for several years to ensure the weed eradication is successful.
- LADWP creates firebreaks around some communities usually by annually mowing or grading existing firebreaks, and may use prescribed fire to reduce fuel load, reduce biomass, and control woody plant encroachment on some LADWP land.
- LADWP uses many of the activities described above (e.g., fencing, road closures, etc.) for habitat enhancement and habitat creation. In addition, LADWP implements specific habitat creation and enhancement activities including providing additional water supply (e.g. 1600-acre-foot mitigation projects, enhanced flows to promote burn area recovery and riverine health), planting and seeding native species, rotational flooding and burning of wetlands, and supplying Lower Owens River Project (LORP) water. An example of rotational flooding and burning of wetlands is at the four-unit Blackrock Waterfowl Management Area. Here LADWP supplies wetlands with water at one or more units until the ratio of open water to invasive emergent vegetation (i.e., cattail (*Typha* spp.) and tule (*Schoenoplectus* (= *Scirpus*) *acutus* var. *occidentalis*)) is less than 1 to 1. Then LADWP shifts water to create wetlands at another unit, dries the wetland unit choked with cattails and tules, and burns the choking vegetation so the wetland unit can be flooded again. Without LADWP's management activities, these wetlands would become choked with emergent vegetation and would eventually become upland habitat.
- LADWP conducts extensive monitoring of biological and cultural resources throughout the Plan Area including fisheries monitoring (e.g., trout surveys), vegetation surveys, bird surveys, forage utilization surveys, vegetation mapping, monitoring to avoid disturbance to historic and prehistoric resources, monitoring for compliance with best management practices, etc.
- In the implementation of its ongoing land management and operation and maintenance activities, LADWP implements numerous avoidance and minimization measures.
- LADWP proposes to implement new habitat enhancement and creation activities that would mitigate the impacts from LADWP's operation and maintenance activities, so there is no net loss of habitat below baseline conditions.

- **Project Duration:** The requested permit duration is 10 years with the option to renew.

- **Covered Lands:** The permit would address Covered Activities that may occur on up to 314,000 acres of land managed by LADWP in Inyo and Mono Counties, The land is located from north of Mono Lake to Owens Dry Lake.

- **Species Occupation and Baseline:** Owens tui chub: Three populations (Hot Creek head waters, Owens Gorge, and ponds at White Mountain Research Center) are located within the Plan Area. Owens pupfish: Two populations occur on LADWP land within the Plan Area at Fish Slough and Artesian Well 368. Yellow-billed cuckoo: this species is known to occur at Baker and Hogback Creeks. Southwestern willow flycatcher: this species occurs in the Mono Basin and in the Owens Valley at several locations along the Owens River and tributaries. Least Bell's vireo: along the Owens River near Big Pine. In addition, Owens/Long Valley speckled dace, and greater sage-grouse occur in the Plan Area. Both are species of concern. Owens speckled dace occurs in irrigation ditches associated with Bishop Creek; McNally ditch near Laws; lower Horton, North Fork of Bishop, Rock, and Pine Creeks; C-2 return Ditch in Round Valley; and Fish Slough. Long Valley speckled dace occurs at Whitmore Springs and Becky's pond. For Greater sage-grouse, there are two breeding areas on LADWP land, Long Valley and Parker.

- **Avoidance, Minimization, and Mitigation Measures:** To avoid/minimize the take of Covered Species, LADWP already implements numerous measures. These include: training employees, contractors, agents, and representatives to implement the minimization and mitigation measures; confining the footprint of surface disturbance to the smallest area possible; avoiding activities in riparian and aquatic habitats during the breeding/spawning season whenever possible, conducting pre-activity surveys if work needs to be done during nesting/spawning season and establishing appropriate buffers; maintaining equipment to prevent hazardous materials spills; locating spill containment kits with appropriate equipment; locating stage and storage areas outside waterways, wetland and riparian habitats; using existing roads to access sites; if existing roads or tracks are not present, access sites by foot; cleaning equipment and vehicles with pressure washers before travelling between waterways; inspecting any displaced water and vegetation for fish and immediately and carefully rescuing stranded fish using nets, buckets, or similar effective means to return them to a waterway; replacing facilities with similar facilities; not grading on banks of waterways; cutting bank vegetation to maintain roots and promote bank stability and water quality; removing undesirable species; removing obstacles to maintain water flow in waterways; implement pasture condition assessments and modifying management based on results; limiting dragging or mowing of irrigated pastures to once a year and in late summer or fall; excluding livestock grazing along Baker Creek and in Mono Basin; elsewhere implementing grazing management plans and modifying management based on results; installing and using let-down fences and alternative fence design criteria in sage-grouse habitats; removing unnecessary fencing in areas determined to be a high risk for sage-grouse; placing food supplements and stock water wells outside riparian habitats; prohibiting development of large recreation areas, overnight camping outside developed campgrounds, off-road vehicle travel, dumping, or firewood gathering in riparian areas; prohibiting firewood gathering or wood cutting in sage-grouse habitats; cleaning up trash and illegal dump sites; implementing a recreation plan that requires management of public access (installing barriers and walk-throughs especially along and near the Owens River to restrict vehicle access and creating designated parking areas), public education, coordination with law enforcement, seasonally closing areas in Long Valley to protect sage-grouse, closing

and/or rerouting roads away from riparian and aquatic habitats; installing sanitation facilities; not paving unpaved roads; not repaving paved roads; using fill material for roads from on-site materials or from existing borrow areas free of weeds; closing redundant and unnecessary roads; if herbicides are used, following label directions; using appropriate methods to remove weeds based on the ecological sensitivity of the site; employing staff that are certified in the treatment of noxious weeds; for fire management, mowing existing fire breaks and disturbance corridors; implementing the fire Risk and Control Management Plan that protects riparian and sage-grouse habitats during active fire and post-fire activities; monitoring for woodland encroachment into sage-grouse habitat.

To mitigate the take of Covered Species LADWP would continue to implement numerous measures including: preparing a mitigation plan before removing any riparian woody vegetation with diameter at breast height equal to or greater than 4 inches and by planting a replacement-to-impact ratio of 3:1 if necessary from a local source; increasing foraging habitat for Covered Bird Species; removing beaver dams if beaver activity is causing excessive flooding, restricting flow significantly, or inhibiting the development of diverse riparian vegetation types; physically separating riparian and upland pastures to better manage for vegetation in riparian pastures; restoring habitat on closed roads by ripping and reseeding with native plant species; surveying for weeds during the growing season and enhancing habitat by removing non-desirable plant species; participating in the Inyo County Saltcedar Control Program; implementing prescribed fire to improve wildlife habitat; promoting post-fire recovery of Covered Species habitats by adjusting flows, grazing and recreation management; increasing aquatic and wetland habitats in the Lower Owens River; increasing habitat for riparian obligate birds at Freeman Creek, Well 355, Aberdeen Ditch, North of Mazourka Canyon, Homestead, Well 368, Diaz Lake, Warren Lake, and Baker and Hogback Creeks; increasing habitat for Covered Fish Species at Well 355, North of Mazourka Canyon, Homestead, and Well 368 (Owens pupfish); enhancing flows on Owens River that promote revegetation of riparian forest and shrub communities; implementing revegetation activities using native species; implementing rotational flooding to recycle nutrients and creating aquatic habitat; implementing the Yellow-Billed Cuckoo Enhancement Project at Baker and Hogback Creeks.

LADWP would work to implement new populations of Covered Fish Species at up to 32 sites as modified from LADWP's Recoverability Document. In addition, LADWP has a land management policy of not promoting urban or agricultural development on most of its lands, thus providing some protection from large-scale loss of wildlife habitats.

- **Monitoring:** LADWP would monitor natural resources and implement adaptive management in response to the monitoring results to achieve the landscape, community, and species goals in the HCP. With adaptive management, if the monitoring results differ from the expected outcome, this uncertainty will be considered and avoidance, minimization, and mitigation measures would be modified to achieve the goals of the HCP's conservation strategy.

Monitoring activities include: mapping vegetation community types and land uses using remote imagery to determine changes in amount and arrangement of habitats; monitoring for changes in habitat linkages and fragmentation of habitats; using wildlife cameras to document presence/use of habitats and linkages by Covered Species; monitoring water flows to determine location, timing, and connectivity of aquatic habitats; surveying for 5 years after invasive plant treatment to ensure plant removal is effective; collecting data to monitor hydrologic function and stream flow; monitoring the frequency, intensity and location of wildfire to determine appropriate management actions; monitoring the effects of livestock grazing on vegetation including range trend, pasture condition, and utilization; monitoring the impacts of recreation activities on habitats; monitoring Covered Species directly or through species-habitat models; monitoring changes in habitat quality using species habitat models; and monitoring vegetation and use of habitat at Baker and Hogback Creeks by Yellow-billed cuckoos.

- **Reporting:** LADWP will document the results of the monitoring in its annual report. The annual report will be delivered on July 1 for the previous calendar year. Annual reports will identify adaptive management recommendations if biological goals and objectives are not being met. LADWP will share its monitoring information with other regional restoration and management programs. In addition, LADWP agrees to meet annually or more frequently if necessary with USFWS to review progress in implementing the HCP.
- **Funding:** LADWP has adequate resources to fulfill all commitments described in the HCP. After the LADWP's Board of Water and Power Commissioners adopts the HCP, this action means that LADWP will provide continual funding for implementation of the HCP for the term of the ITP as part of its annual budgeting for operation and maintenance. The Board of Water and Power Commissioners approves LADWP's annual budgets based on estimated labor and expense requirements. Adaptive management actions that require funding each year will be included in these budgets. Estimated number of person days per year to implement the conservation portion of the HCP is 680 days.

**II. Does the HCP fit the following low-effect criteria?** *The answer must be "yes" to all three questions below for a positive determination. Each response should include an explanation.*

**A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP prior to implementation of the minimization and mitigation measures?**

Yes. LADWP is proposing to continue its land management and operation and maintenance activities. Thus, there would be little to no change from implementation of existing activities. These activities already include required avoidance, minimization, and mitigation measures for Covered Species and their habitats in the Plan Area. While there are six federally listed, proposed, or candidate species that occur in the Plan Area, there is no documentation that LADWP's ongoing land management and operation and maintenance activities have resulted in the take of a federally listed, proposed, or

candidate species.

LADWP is applying for an ITP because they believe that their ongoing land management and operation and maintenance activities will result in increased quality and quantity of habitats for and numbers and locations of the five listed species included in the Covered Species. Increased presence of listed species in the Plan Area likely means that LADWP's ongoing land management and operation and maintenance activities may result in the take of the listed species included in their HCP. However, the take would be minor to negligible because of implementation of required avoidance and minimization measures, and because the amount of take would be small when compared to the benefits derived from the increased numbers and locations of the five listed species in the Plan Area. Therefore, the impacts from these ongoing activities to federally listed, proposed, or candidate species and their habitats would be minor or negligible.

LADWP is proposing to implement new habitat enhancement and creation activities at up to 32 locations for Covered Fish Species, Habitat enhancement and creation activities taken by LADWP will have minor or negligible effects on listed, proposed, or candidate species because these sites are in areas of degraded habitat that currently do not support listed species. These activities would have minor beneficial effects to Covered Fish Species by contributing to their conservation.

**B. Are the effects of the HCP minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.) prior to implementation of the minimization and mitigation measures?**

Yes. LADWP is proposing no change to their ongoing land management and operation and maintenance activities; that is, with the exception of the new habitat enhancement and creation activities at up to 32 locations for Covered Fish Species, the proposed action maintains the status quo. Therefore, the effects of the ongoing portion of the Covered Activities would be negligible to none.

Regarding the implementation of new habitat enhancement and creation activities, these projects would benefit Covered Species as LADWP will be creating and/or enhancing habitats.

Although the Los Angeles Aqueduct and facilities pertinent to it are eligible for listing on the National Register of Historic Places, the ongoing operation and maintenance activities would not adversely affect these facilities. Their continued presence and function are necessary for the LADWP to implement its mission.

**C. Would the impacts of this HCP, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects not result, over time, in cumulative effects to environmental values or resources, which would be considered significant?**

Yes. LADWP's ongoing mission (to deliver reliable, safe drinking water to the City of Los Angeles) is met through implementation of its land management and operation and

maintenance activities that ensure that much of the Owens Valley will continue to be left in an undeveloped state ([https://www.ladwp.com/ladwp/faces/ladwp/aboutus/a-water/a-w-losangelesaqueduct?\\_afrc.ctrl-state=1av7gtf776\\_21&\\_afrcLoop=325363941485777](https://www.ladwp.com/ladwp/faces/ladwp/aboutus/a-water/a-w-losangelesaqueduct?_afrc.ctrl-state=1av7gtf776_21&_afrcLoop=325363941485777)). Because of these requirements, we anticipate no change to land management practices in the reasonably foreseeable future. LADWP has described these land management activities in the Owens Valley Land Management Plan along with avoidance, minimization, and mitigation measures and habitat enhancement and creation activities. They apply these activities and measures to all LADWP land in Inyo and Mono Counties. These activities and measures ensure negligible to no change in environmental resources or values in the reasonably foreseeable future.

**III. Do any of the exceptions to categorical exclusions apply to this HCP? (Form 516 DM 2.3, Appendix 2)** *If the answer is “yes” to any of the questions below, the project cannot be categorically excluded from NEPA. Each “no” response should include an explanation.*

**Would implementation of the HCP:**

**A. Have significant adverse effects on public health or safety?**

No, implementation of this HCP will not have a significant adverse effect on public health or safety. Implementation of the HCP will likely improve public health and safety by reducing the number and frequency of fires on lands within the HCP area and improve water quality. In implementation of its land management and operation and maintenance activities, LADWP complies with applicable Federal, state, and local health and safety requirements.

**B. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, national natural landmarks, sole or principal drinking water aquifers, prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas?**

No. There are no known historic or cultural resources in the Plan Area on LADWP land that would be affected by the HCP implementation as no new development is proposed other than small areas of habitat enhancement or creation. Activities at existing county parks on LADWP land are not included in this HCP. Riparian areas used by the public for outdoor recreation (e.g., picnicking, fishing, etc.) would benefit by reducing or eliminating stream bank erosion and improving water quality and vegetation density and cover. There are no designated refuges, wilderness areas, or wild and scenic rivers in the HCP area. Drinking water aquifers would be improved. Prime farmlands would not be affected by the proposed action. Wetlands would be affected during the implementation of operation and maintenance activities (e.g., clearing vegetation around control gates), but these impacts would be negligible as they would not occur every year, would be limited to the smallest footprint possible (control gate 100 square ft or .0023 ac) using existing routes of access, and are ongoing maintenance activities. Floodplains would benefit from implementation as bank stabilization would improve, and erosion and sediment load would be reduced from improved management of the watershed from implementation of land management activities and avoidance, minimization, and mitigation measures. No new construction is proposed in floodplains or wetlands. There

are no designated ecologically significant or critical areas or areas on the National Register of Natural Landmarks that would be affected by implementation of the HCP. No new adverse effects to habitats for migratory birds are planned.

**C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?**

No. LADWP has worked with several local environmental and outdoor groups, ranchers, and county officials during the development of this HCP. The purpose of the HCP is to allow LADWP to continue to provide safe drinking water and power to the City of Los Angeles while enhancing and maintaining habitats on LADWP land in Inyo and Mono Counties through implementation of land management and operation and maintenance activities and associated avoidance, minimization, and mitigation measures and habitat enhancement and creation activities.

**D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?**

No. LADWP is not implementing any action that is experimental, unique, or of an unknown environmental risk. LADWP will continue to implement its ongoing land management and operation and maintenance activities including avoidance, minimization, and mitigation measures and habitat enhancement and creation activities with associated monitoring. If monitoring data indicate that changes in activities are needed, LADWP would implement these changes through the adaptive management process.

The new land management activities that LADWP is proposing in the HCP are additional habitat enhancement and habitat creation activities that would result in up to 32 sites for new populations of Covered Fish Species at 32 sites as modified from LADWP's Recoverability Document.

**E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?**

No. LADWP would continue ongoing land management and operation and maintenance activities with associated avoidance, minimization, and mitigation measures and proposes to implement habitat enhancement and creation activities at up to 32 locations identified in their Recoverability Document. The activities and measures have been implemented previously or have been described in documents coordinated with the public and identified as mitigation. The avoidance, minimization, and mitigation measures and habitat enhancement and creation activities have/ would mitigate the detrimental effects of ongoing operation and maintenance activities.

**F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?**

No. The HCP covers all LADWP land in Inyo and Mono Counties (except land under commercial leases) using a landscape approach. We are not aware of similar actions in the Plan Area that are proposed or being conducted that, when considered with LADWP's Covered Activities, would rise to the level of significance.

**G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?**

No. Although the Los Angeles Aqueduct and facilities pertinent to it are located on LADWP land in the Plan Area and are eligible for listing on the National Register of Historic Places, LADWP's ongoing operation and maintenance activities would not adversely affect these facilities. Their continued presence and function are necessary for the LADWP to implement its mission. In addition, we coordinated with cultural resources staff for the USFWS who "made the determination that this is an undertaking of the type that has no potential to cause effects on historic properties."

**H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species or have significant impacts on designated Critical Habitat for these species?**

No. The amount of take and the impact of the take on the Covered Species that include species listed under the ESA are anticipated to be so minor as to result in negligible effects. Overall, the implementation of the HCP would enhance and maintain habitat for the Covered Species. The Service has designated critical habitat for two species within the Plan Area, the Owens tui chub (in the Owens Gorge and at the headwaters of Hot Creek) and Fish Slough Milk-Vetch (at Fish Slough). For the milk-vetch, improved grazing management at Fish Slough will avoid livestock use within known populations during the reproductive period. No new activities are proposed in Owens Gorge or the headwaters of Hot Creek. Continued implementation of land management activities should result in improvements to the watershed and aquatic habitats by reducing erosion and sedimentation.

**I. Have adverse effects on wetlands, floodplains, or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?**

No. The HCP's Covered Activities include the operation and maintenance of existing water distribution, hydroelectric power production, water storage, and transmission facilities and habitat enhancement and creation activities. Some or all of these facilities are located in floodplains. No new development projects are proposed in floodplains or wetland other than habitat enhancement and creation activities. These would have beneficial effects. No new activities are proposed that would adversely affect floodplains or wetlands. Management of floodplains would be improved through implementation of recent land management activities (e.g., livestock grazing and outdoor recreation plans, etc.). The Fish and Wildlife Coordination Act is not applicable because there is no Federal nexus other than the ITP application.

**J. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment?**

No. LADWP would continue to obtain all applicable permits for the Covered Activities prior to implementation (e.g., 1600 streambed alteration agreement from CDFW, etc.)

**K. Have a disproportionately high and adverse effect on low income or minority**

**populations (EO 12898).**

All Covered Activities have been evaluated for their compliance with EO 12898 to ensure environmental justice. There are no minority or low-income populations within the Plan Area on LADWP land. The Covered Activities would not be implemented on Federal, State, tribal, or private land or land managed by local governments/agencies other than LADWP. Because the Covered Activities would not pose a disproportional risk to low income persons or their environment and do not include locating any new facilities or contain any new ground disturbing activities (other than the 32 new habitat enhancement and creation locations for Covered Fish Species), we do not anticipate that implementation of the HCP would result in adverse or disproportionate environmental impacts to persons of any race, income, or culture.

**L. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007).**

No. No Federal lands are within the Plan Area. Most of LADWP's land in Inyo and Mono Counties is open for public access.

**M. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112).**

LADWP implement avoidance, minimization, and mitigation measures to prevent /reduce the introduction/persistence/spread of weeds and invasive species. These measures include washing vehicles and equipment between use at different waterways, and identifying, documenting, treating, and monitoring weeds within the Plan Area using treatment methods that follow applicable State and Federal regulations. Once weeds have been treated, LADWP conducts monitoring surveys for several years to ensure that the treatment has been successful.

#### **IV. ENVIRONMENTAL ACTION STATEMENT**

Based on the analysis above, the Habitat Conservation Plan for Los Angeles Department of Water and Power's Operation and Maintenance Activities on Its Land in Inyo and Mono Counties, California qualifies for a categorical exclusion as defined in the U.S. Fish and Wildlife Service's *Habitat Conservation Planning Handbook*. Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1; 516 DM 6, Appendix 1; and 516 DM 8.5(C)(2).

Other supporting documents:

- Habitat Conservation Plan for Los Angeles Department of Water and Power's Operation and Maintenance Activities on Its Land in Mono and Inyo Counties, California
- Owens Valley Land Management Plan
- Lower Owens River Plan
- Conservation Strategy for the Southwestern Willow Flycatcher on City of Los Angeles

Department of Water and Power Lands in the Owens Management Unit

- Conservation Strategy for the Bi-State Distinct Population Segment of Greater Sage-Grouse on City of Los Angeles Department of Water and Power Lands, North and South Mono Lake Habitat Units, Mono County, California
- Draft Conservation Strategy for the Yellow-billed Cuckoo on City of Los Angeles Department of Water and Power Lands in Inyo and Mono Counties, California
- Recovery Attainability of Threatened and Endangered Species on City of Los Angeles Land in Inyo and Mono Counties.

Concurrence:

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Assistant Field Supervisor  
Palm Springs Fish and Wildlife Office

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Date

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Field Supervisor  
Carlsbad Fish and Wildlife Office

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Date

DRAFT