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AGENDA ITEM No. #6 (Action Item - Public Hearing)

**PLANNING COMMISSION
MEETING DATE:**

August 17, 2022

SUBJECT:

**Laws Railroad Museum – Visitor Use Railcar Ride Track
Expansion Project**

EXECUTIVE SUMMARY

As the Environmental Review Board for the County, the Inyo County Planning Commission is being asked to consider and potentially certify the Draft Mitigated Negative Declaration (MND) of Environmental Impact pursuant to the California Environmental Quality Act (CEQA) for the Laws Railroad Museum.

PROJECT INFORMATION

Supervisory District:

First

Applicant:

Bishop Museum and Historical Society, Inc. DBA Laws Railroad Museum and Historic Site

Landowner:

The project area is leased from the Los Angeles Department of Water & Power

**Address/
Community:**

Silver Canyon Road in the Community of Laws

A.P.N.:

010-170-10

General Plan:

OSR (Open Space and Recreation)

Zoning:

OS-40 (*Open Space*), 40-acre minimum parcel size

Project Size:

515-acres

Location:	Use:	Gen. Plan Designation	Zoning
North	Vacant	(A) Agriculture	(OS) Open Space
South	Vacant	(A) Agriculture	(OS) Open Space
East	Vacant	(A) Agriculture	(OS) Open Space
West	Vacant	(A) Agriculture	(OS) Open Space

Recommended

Action: Adopt the Mitigated Negative Declaration and certify that the requirements of the California Environmental Quality Act have been met.

Alternatives: Determine the Draft Mitigated Negative Declaration is inadequate and require additional consideration of potentially significant environmental effects and continue the consideration of this Draft Mitigated Negative Declaration to a date certain and provide Staff with specific direction as to any additional information needed.

Project Planner: Cynthia Draper, Assistant Planner

BACKGROUND/OVERVIEW

The Project consists of the restoration of approximately 0.7-miles or 3,700-feet of existing railroad grade and re-laying railroad track for a visitor use railcar. The restoration of the existing RR grade directly south of the Laws Museum grounds will connect to the track currently being used for visitor rides and education. The new track will run to just short of the McNally Return Ditch (aka Laws Ditch) and will not cross it. This will make the total distance of the train car rides approximately 1.25-miles. The rides currently run every other weekend and some holidays and for private events. The project proponent estimates a maximum number of train rides per year after the extension of 300. The project plan is as follows:

1. Restore the existing railroad grade south of the Laws Museum grounds and lay track to the McNally Return Ditch Crossing, approximately .7 miles from the end of tracks on the museum grounds. All work is to be confined within the old 60 foot wide Right of Way (ROW) as delineated by the partial remaining fence line south of the Museum property line.
2. Construct a truck trail on the west side and adjacent to the old track bed to allow access for construction, maintenance, and in case of future emergencies. The trail is to run from the Museum grounds to the McNally Return Ditch crossing.
3. Clear weeds and brush from the historic track bed by hand grubbing and mechanical means where practical.
4. Repair existing track bed as necessary and replace drainage culverts as needed. This work would be done with appropriate mechanized equipment such as a backhoe and small earth moving equipment.

5. Lay track on the historic track bed to the McNally Return Ditch (a.k.a. Laws Ditch) crossing. The method anticipated for building the track will be by constructing building panels of track (commonly called “snap track”) and moving the 33-foot panels into place on the roadbed by loading the panels on to a flat car and moving the flat car along the track to the end where the panel would then be lifted from the car and set in place for connecting to the existing track. This method of laying track is like modern methods of laying segmented rail.

ENVIRONMENTAL REVIEW

As the County's Environmental Review Board, the Planning Commission must review and certify the Mitigated Negative Declaration before the project can begin. An Initial Study was prepared to assess the potential effects of Track Expansion on the environment in the project area. The ISMND has been prepared pursuant to CEQA and includes mitigation measures to reduce potentially significant impacts of the project. These measures contain mitigations to ensure the protection of a special status species Swainson’s Hawk and access to water quality monitoring through established vegetation monitoring sites.

TRIBAL CONSULTATION

Inyo County started the 30-day Tribal Consultation opportunity period according to Public Resource code section 21080.31 by sending out a certified written notices on May 18, 2022, inviting the Tribes to consult on the project. The tribes that were notified are: Big Pine Tribe of Owens Valley, Bishop Paiute Tribe, Fort Independence Indian Community of Paiutes, Lone Pine Paiute-Shoshone Tribe, Timbisha Shoshone Tribe, Twenty-Nine Palms Band of Mission Indians, Cabazon Band of Mission Indians and the Torrez Martinez Desert Cahuilla Indians. None of the Tribes requested consultation.

PUBLIC NOTICE

A Notice of Availability of the Draft Mitigated Negative Declaration was filed with the Inyo County Clerk and published in the *Inyo Register*. The ISMND was posted with State Office of Planning and Research's State Clearinghouse (SCH No. 2022060517). Notice of this public hearing was posted, published and mailed to the surrounding property owners within 300 feet of the subject property. The comment period for the Draft Mitigated Negative Declaration expired on July 22, 2022.

COMMENTS RECEIVED

Comments were received from the City of Los Angeles Department of Water and Power (DWP), and a group of DWP ranch lessees who also use the property. Additional mitigation measure will be included in the Final MND addressing cattle fencing; requirements of the applicant to provide DWP descriptions of construction processes and equipment and Best Management Practices; a requirement for the applicant to obtain approval from DWP on the design of the railroad grade and berm and culverts; and review and approval from DWP on construction equipment and herbicide use requirements. DWP, as the property owner and entity with leasing authority, will ensure all their requested construction related mitigations are met.

RECOMMENDATIONS

Based on the Final Mitigated Negative Declaration, the staff report, and all oral and written comments received, staff recommends that the Planning Commission approve the ISMND and certify that the provisions of the California Environmental Quality Act have been satisfied.

ATTACHMENTS

1. ISMND
2. Comment letters
3. Project Location Map