

January 10, 2002

Mr. Clarence Martin
Los Angeles Department of Water and Power
300 Mandich Street
Bishop, CA 93514

Subject: Comments on the Lower Owens River Project Draft EIR/EIS

Dear Mr. Martin,

I appreciate the opportunity to comment on this very important project. The LORP has enormous potential benefits. However, there are many statements in the Draft EIR/EIS which call into question the successful implementation of the project and which could result in significant project impacts that would not be mitigated. Please consider my comments on the following issues:

235-1 **Pump station and Delta flows:** A 150 cfs pump station violates the Inyo-LA 1991 Water Agreement. A larger pump station won't allow enough water to reach the Delta and may help LADWP to pump more groundwater from the valley. LADWP should select the 50 cfs pump station and 9 cfs annual average delta baseflows. This option allows the maximum amount of water flow to the delta under the agreements and approaches current flows. This is needed to meet the delta habitat goal of maintaining existing and new delta habitats for waterfowl and to comply with the Water Agreement.

235-2 **Lack of commitment to monitoring, adaptive management and mitigation measures:** Monitoring and adaptive management are absolutely essential to the success of the LORP, but the DEIR/EIS repeatedly states that funding limitations may prevent their full implementation. To meet its obligations, LADWP should select funding option 2, which is the only option that adequately funds the LORP. However, option 2 should be restated to say LADWP would fund all of Inyo County's shortfall not "*some or all of Inyo County's shortfall*," as it does in the draft document (p.2-8). Additionally, option 2 lacks funding for mitigation measures PS-2 and V-2. A commitment to fully fund these measures should also be included in funding option 2. In light of LADWP's tremendous financial resources, the project should not be compromised by lack of funding.

235-3 **Lack of funding for noxious weed control:** All of the LORP areas and habitat goals are at risk if saltcedar and other noxious weeds are not controlled. The spread of saltcedar presents a serious problem in the Owens Valley and the LORP Draft EIR/EIS must realistically address this problem. The document states that new saltcedar growth resulting from the LORP would be a significant Class I impact, but defers control of this problem to the separate pre-existing Inyo County saltcedar control program that has unsecured funding (mitigation measure V-2). If the LORP is truly to be "one of the most environmentally significant river habitat restorations ever undertaken in the United States," as Mark Hill, LADWP consultant, states it is, then it must include provisions for guaranteed funding for

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control of saltcedar and other noxious weeds in order to avoid significant impacts and meet the project goals.

235-4 **Recreation plan:** There is no recreation plan in the DEIR/EIS, nor is there a description of current and anticipated recreational uses of the LORP area. The document should contain a thorough assessment of current and potential recreational use in the LORP area and a plan to manage that recreation in order to protect natural habitats and cultural resources.

235-5 **Impact To Brine Pool Transition Area:** The Class I impact to shorebird habitat in the brine pool transition area, identified in Draft EIR/EIS Table S-1, can and must be avoided. This is an area that is used by thousands of ducks and geese and tens of thousands of shorebirds. It is in an area that has been recognized by the National Audubon Society as a Nationally Significant Important Bird Area and is part of the U.S. Shorebird Conservation Plan. This is a very important wildlife habitat. The existing flows to this transition area have been released by LADWP for many years. Have they been in violation of the existing court injunction that they say would prohibit mitigation of this impact? If the current flows are allowable, it is inappropriate to argue that maintaining those flows under the project is not feasible. LADWP can and must avoid this impact by maintaining existing flows and by not allowing this area to dry up in late spring and summer as currently happens. Additionally, if LADWP insists that this impact is unavoidable, they have an obligation under CEQA to explore mitigation alternatives that are feasible.

235-6 **Source of additional water to supply the LORP:** The Draft EIR/EIS fails to disclose whether or not LADWP will attempt to recover the additional 16,000 acre-feet/year of water that the project will require beyond the current releases. Where will the additional 16,000 acre-feet/year of water that the LORP will require come from? Will there be increased groundwater pumping? Will there be new wells drilled? Will it come from existing aqueduct supplies? What will be the impacts of the need for 16,000 acre-feet/year more water? The DEIR/EIS should clearly disclose LADWP's intention to replace or not replace the 16,000 acre-feet/year with groundwater pumping. The document fails to recognize the inadequacy of current pumping management to attain the vegetation protection goals of the Long Term Water Agreement. The Draft EIR/EIS therefore greatly underestimates the likelihood of potential future impacts due to any groundwater pumping associated with the LORP.


235-7 **Grazing:** Understory impacts as a result of current grazing are severe in riparian habitats in much of the LORP area. In many places there is no understory and there are no young willows or cottonwoods. Several habitat indicator species such as the yellow-breasted chat are dependent on habitats with trees and a dense understory in the riparian zone. Unless the diversity of habitat provided by understory growth significantly improves, the habitat goals for the river system will not be met. Monitoring for understory development as described on p. 2-78 will not be conducted unless the need for it is determined in some unspecified future time by unspecified means. Whether or not this important monitoring function is needed should not be left to some future decision. There should be a clear commitment to conduct this monitoring, as the need for it is obvious. Protocols for this monitoring data collection and analysis should also be included in the EIR/EIS.

235-8

Additionally, individual grazing lease management plans are not provided in the document and LADWP has denied requests by reviewers to see them. Without these critical documents and with no evaluation of the present lease condition and trend presented in the Draft EIR/EIS there is no way to compare change over time when evaluating whether the goals of the project are being met. There is no way for commenters to evaluate proposed management, monitoring and the need for mitigation. This is inadequate.

As one of the most significant river habitat restorations in the country, the LORP represents an unprecedented opportunity if the Los Angeles Department of Water and Power properly implements the project. I hope the Final EIR/EIS will reflect a real commitment to make the project live up to its full potential.

Sincerely,


347 Winubel Lane
Bishop CA 93514

January 9, 2002

Mr. Clarence Martin
Los Angeles Department of Water and Power
300 Mandich Street
Bishop, CA 93514

Dear Mr. Martin,

I am writing to comment on the Lower Owens River Project Draft Environmental Impact Report and Environmental Impact Statement.

I appreciate the great potential of the LORP. However, the DEIR/EIS fails to describe essential components of the project and presents project alternatives that directly violate the 1991 Long Term Water Agreement and the established project goals. Some of my concerns include:

236-1 1) Size of the pump station and delta flows: A 150 cfs pump station violates the Inyo-LA 1991 Water Agreement. LADWP has not justified using a larger pump station that is three times larger than the water agreement allows. A larger pump station won't allow enough water to reach the Delta and may help LADWP to pump more groundwater from the valley. LADWP should select the 50 cfs pump station and 9 cfs annual average delta baseflows. This option allows the maximum amount of water flow to the delta under the agreements and approaches current flows. This is needed to meet the delta habitat goal of maintaining existing and new delta habitats for waterfowl and to comply with the Water Agreement.

236-2 2) Funding: Monitoring and adaptive management are absolutely essential to the success of the LORP, but the DEIR/EIS repeatedly states that funding limitations may prevent their full implementation. To meet its obligations, LADWP should select funding option 2, which is the only option that adequately funds the LORP.

236-3 3) Recreation plan: There is no recreation plan in the DEIR/EIS, nor is there a description of current and anticipated recreational uses of the LORP area. The document should contain a thorough assessment of current and potential recreational use in the LORP area and a plan to manage that recreation in order to protect natural habitats and cultural resources.

Mr. Martin, the LORP is a valuable project, and I want it to work. I urge LADWP to abide by the terms of the Water Agreement and the goals of the project, thoroughly describe all management plans to the public, choose the least environmentally damaging alternatives, and guarantee adequate funding.

Thank you for your consideration of my comments.

Sincerely,



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C. E. MARTIN

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Mark Belles
9318 Willard Street
Rowlett, Texas 75088

Mr. Clarence Martin
Los Angeles Department of Water and Power
300 Mandich Street
Bishop, California 93514

16 November 2002

Dear Superintendent,

237-1

Thank you for the Draft Environmental Impact Report/Draft Environmental Impact Statement for the Lower Owens River Project. Please retain my name on the mailing list for this process. If available I would like to receive a CD of the final document and record of decision.

Congratulations on an excellent plan. I am extremely gratified to see the progress made on this project and hope that the Los Angeles DWP will continue to find creative ways to mitigate impacts to the sources of water for the County. As a native of Torrance, California, I take special interest in these matters.

I agree with Inyo County that the original plan called a maximum pumping capacity of 50 cfs. This was intended to limit the extraction of water from the river to allow seasonal flows to continue downstream. On the other hand, I also recognized the benefits of the dust control program, so I suggest the following operational compromise. Go ahead with the 150 cfs pumping capacity plan, but require that any capacity above the 50cfs maximum be used *solely for dust control*.

Thank you for the opportunity to comment. I look forward to visiting the lower Owens river after the project in completed.

Mark M. Belles

James R. Kahn, M.D.

Diplomate, American Board of Dermatology
5144 Hill Road East
Lakeport, CA 95453

Telephone (707) 263-8955
Fax (707) 263-8340

January 5, 2003

Mr. Clarence Martin
Los Angeles Department of Water and Power
300 Mandich Street
Bishop, CA 93514

Dear Mr. Martin,

I am writing to comment on the Lower Owens River Project Draft Environmental Impact Report and Environmental Impact Statement.

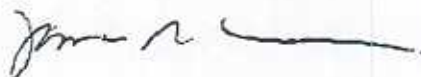
I appreciate the great potential of the LORP. However, the DEIR/EIS fails to describe essential components of the project and presents project alternatives that directly violate the 1991 Long Term Water Agreement and the established project goals. Some of my concerns include:

- 238-1 1) Size of the pump station and delta flows: A 150 cfs pump station violates the Inyo-LA 1991 Water Agreement. LADWP has not justified using a larger pump station that is three times larger than the water agreement allows. A larger pump station won't allow enough water to reach the Delta and may help LADWP to pump more groundwater from the valley. LADWP should select the 50 cfs pump station and 9 cfs annual average delta baseflows. This option allows the maximum amount of water flow to the delta under the agreements and approaches current flows. This is needed to meet the delta habitat goal of maintaining existing and new delta habitats for waterfowl and to comply with the Water Agreement.
- 238-2 2) Funding: Monitoring and adaptive management are absolutely essential to the success of the LORP, but the DEIR/EIS repeatedly states that funding limitations may prevent their full implementation. To meet its obligations, LADWP should select funding option 2, which is the only option that adequately funds the LORP.
- 238-3 3) Recreation plan: There is no recreation plan in the DEIR/EIS, nor is there a description of current and anticipated recreational uses of the LORP area. The document should contain a thorough assessment of current and potential recreational use in the LORP area and a plan to manage that recreation in order to protect natural habitats and cultural resources.

Mr. Martin, the LORP is a valuable project, and I want it to work. I urge LADWP to abide by the terms of the Water Agreement and the goals of the project, thoroughly describe all management plans to the public, choose the least environmentally damaging alternatives, and guarantee adequate funding.

Thank you for your consideration of my comments.

Sincerely,



November 26, 2002

TO: Mr. Clarence Martin
Los Angeles Department of Water and Power
300 Mandich Street
Bishop, CA 93514

Andrew Morin
P.O. Box 24
Lone Pine CA 93545-0024

FROM: Andrew D. Morin
PO Box 24
Lone Pine, CA 93545

SUBJECT: Comments on Draft EIR & EIS, Lower Owens River Project

Dear Mr. Martin,

239-1

First, I want to congratulate the whole team that has worked for so long to get the process to the point that the draft EIR & EIS represents. As far as I can tell, it's a job well done and as a Lone Pine area resident, I want to thank you.

I do have some comments regarding the draft in general, and also a few comments specific to a couple of the more contentious items in the draft, and then also about some of the project's potential impacts, including one that isn't addressed in the EIR/EIS.

From my standpoint, there is nothing in this report that says to me that the project can't now go forward as planned. The team, and as the lead agency, LADWP in particular, has done an admirable job in reviewing and assessing the LORP implementation, and the depth and quality of the draft EIR/EIS reflects this. The plans for habitat restoration and protection are excellent, e.g., the increased management of adjacent cattle leases, including the construction of fences to protect wetlands habitat from domestic stock degradation, as are project mitigation measures such as removal and restoration of vehicular access roads developed for debris removal. The plan is also strong in the fact that it's window of implementation last many years and all the attention isn't loaded totally on the front end. I think as a result, the Owens Valley is going to get a river back and that is going to attract a lot of attention, both from wildlife, and from visitors of a more domesticated variety.

Pump Back Station Capacity

239-2

Regarding some of the drafts specifics, the most contentious item is obviously the capacity of the pump station. After considering the issue at length, I think that it's actually a non issue, which might disappoint some people. I think the real problem comes from the fact the LADWP didn't propose the correct capacity initially, and because of the back ground of old valley/LA animosity combined with lack of trust, people think that LADWP's request for a larger capacity may represent some sort of potential skullduggery on the part of the city. I don't think it's anything of the sort.

The city needs the 150 cfs capacity because it has agreed to put up to 200 cfs into the river, and other than that water that the city is required to release to the delta, or is needed to

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fulfill the city's dust mitigation project on Owens Lake Bed, the city has every right to take back all the water it puts into the river. By reducing the size of the pump back station those who are in favor of larger volumes of river flow, would actually be doing themselves a disfavor because a smaller capacity station would reduce the DWP's ability to facilitate larger flows in the river. A larger pump back station provides more flexibility for flow management, and on that grounds alone, should be approved. There's nothing that I found in the entire EIR/EIS that actually concludes that the larger capacity pump back station would have a negative effect on the environment or on any parts of the project.

River Delta and Owens Lake Bed Dust Control Project

239-3

Another contentious issue appears to be management of the delta. It seems like one potential oversight in the EIR/EIS is that it didn't take into account the large area of shallow flood irrigation that LADWP has installed on the northeast side of Owens Lake Bed, which now covers a large enough area that it actually abuts a portion of the delta on south east. The flood irrigation project has been a great success; I can see Keeler from my house and it has now become obvious that the dust storms that once pummeled the Keeler townsfolk have greatly diminished; kudos for a job well done to DWP, Great Basin APCD, State Lands, Barnard Construction Company, and everyone else who has been implementing the dust control project. I believe that success in implementing the lake bed dust control project is bound to continue with implementation of the Lower Owens River Project.

Regarding the delta, having a massive shallow flood irrigation area adjacent to a portion of the delta will, at a minimum, increase water levels in the area. If the shallow flooding is permitted to terminate in the delta, then any concerns regarding the delta getting enough water to maintain its potential for supporting biological diversity should be alleviated. Of course the status of the delta's health should be continuously monitored, and I think all participants in the project are reasonable and know that the numbers selected for various flow regimes in the LORP are not set in stone and should be reviewed regularly as to their efficacy in meeting the project's goals.

The Nile River Virus, Mosquito Abatement, Domestic Stock, and Water Quality

239-4

I think that one of the things that the LORP is going to demonstrate is that once the flow regime is up and operating, the water quality in the Lower Owens River is going to be found to be very good, perhaps even better than that in the aqueduct. One of the great things about the lower Owens River, is that it will flow through a nearly pristine desert and riverine environment which will greatly limit the amount of pollution that enters the water. There is however a potential high level water quality impact that may be caused by the implementation of the LORP, and which if I were the City of Los Angeles I would be very concerned about: the use and application of large amounts of pesticides into and around the river's wetlands in order to control mosquito populations in light of the Nile River Virus spread across the U.S.

Controlling mosquito populations with the use of pesticides has always been a haphazard affair at best. One of the main difficulties in using pesticides to control mosquito populations is the difficulty inherent in trying to determine a proper application concentration, particularly if you're trying not to kill everything else in the biosystem as

239-4

well. But the main problem with use of pesticides to control mosquitoes is that you have to keep up the spraying. Which means with pesticides, there is no point when the problem is "solved," you just have to keep using the pesticides. With the result that there is no way to avoid the chemicals from in one way or another contaminating the environment, which in this case is the water supply for the City of Los Angeles.

There is a way to limit mosquito populations that does not rely on the use of chemicals: limit the amount of warmer brackish water that is available for mosquitoes to breed in, and you limit your mosquitoes populations. The fact that the LORP is going to increase the amount of river related wetlands does not mean the project has to increase the mosquito population too. As part of the project implementation, riverine wetlands should be cleaned of debris that keeps water from circulating and flushing properly. Do this mechanically now, and then once every three to four years or so, and you'll manage to reduce significantly the breeding ground for mosquitoes. The net result of using mechanical rather than chemical methods to combat mosquito populations, and having a free flowing river where previously was brackish water, may in fact combine to result in far fewer mosquitoes than prior to project implementation.

239-5

One other item on water quality: your single greatest source of bacteriological contamination into the river water is from domestic cattle. I think that eventually the LADWP will find that fencing off the river channel in those areas that lie adjacent to cattle grazing leases would permanently reduce the water's bacteriological count, particularly of the E-coli that cattle are know to carry and excrete. Given that the river travels through a primarily sandy soil, fencing the river channel from cattle would also significantly decrease the amount of erosion along the lower portion of the river, which in turn would reduce the amount of particulate joining the river's flow and thus in LA's water supply.

Human Impact

239-6

Fibally, I think that the one impact the EIR/EIS doesn't address is the impact of a large increase in human visitation to the river. As I said, the Owens Valley is going to get a river back, and I don't think it's going to go unnoticed. People will want to float down the river, people will want to fish the river, people will want to camp by the river too, signs or no signs.

What the EIS/EIR doesn't address is the fact that we can expect a large increase in the number of visits to the river when the lower 62 miles begin flowing. And the question is this: do you sort of just let it happen and adopt a laissez faire management style and hope that places don't become shooting ranges and/or unofficial camping sites without proper toilet facilities? Increased opportunity for recreating is going to bring increased recreationists, I guarantee it. And LADWP, as the owner and administrator of the effected land, would be wise to prepare for, rather than just let happen, the increase in visitation. Just having signs that read Day Use Only is probably not going to provide enough management of what could potentially become a major issue in the not too distant future.

We know that people will want to use the river and its environs recreationally and that there will be a large increase in the number of visitors to the river and its environs once the re watering has begun in earnest. I would suggest that the Draft EIR/EIS be amended to

239-6

include a section that covers the potential impacts, and mitigation measures if any, of an expected increased in human visitation to, and recreational use of, the river and its environs. I don't believe covering this issue needs to slow the implementation of the LORP down, but I do think that it is important to consider the potential impacts that increased recreation use of the area will have and to provide at least an outline of some sort of management plan. I would be interesting in helping to formulate that plan.

Thank you for sending a copy of the EIR/EIS to me for my comments, I hope that I have been of some assistance in helping the LORP become a reality. If these is any other questions, comments, or assistance that you may need, including helping you to quickly develop a EIS/EIR section that covers recreational use impacts of the river and its environs, please don't hesitate to contact me at the address above.

Sincerely,



Andrew D. Morin

December 23, 2002
Mr. Clarence Martin
Los Angeles Department of Water and Power
300 Mandich Street
Bishop, CA 93514

Comment Letter No. 240

Dear Mr. Martin:

We applaud the Los Angeles Department of Water and Power (LADWP) for taking the necessary steps to restore the Lower Owens River by returning a steady flow of water from the Los Angeles Aqueduct to the Owens River as well as spreading additional water into basins to create wetlands habitat.

As delineated in the November 2002 draft Environmental Impact Report, the Lower Owens River Project (LORP) restoration approaches are scientifically sound, and will significantly enhance and restore the river's ecosystem.

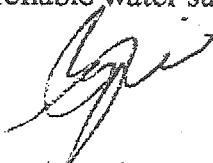
However, one issue that remains outstanding is the size of the pump-back station. We strongly support the 150 cubic-feet-per-second pump station as proposed by the LADWP in the draft EIR.

Inyo County and the Environmental Protection Agency advocate installing a smaller (50 cfs) pump station, Option 2 in the EIR. This option would allow higher seasonal habitat flows to flow past the pump station to the Owens Lake Delta and beyond. However, scientific evidence presented in the EIR shows that most of the higher habitat flows would quickly pass through the Delta and end up in the brine pool in the middle of Owens Lake, providing little benefit to the project or public.

A larger pump station (150 cfs), described as Option 1, which is preferred by the LADWP, would capture excess flows before they pass to the brine pool and deliver the water onto Owens Lake for dust mitigation, or to Los Angeles for much-needed public use. LADWP has identified its first priority for this excess water as the dust control project, with flows above capacity to be diverted to the Los Angeles Aqueduct. Scientific evidence shows that the Delta habitats will flourish through conservative water allocations and advanced water management techniques. The proposal provides water to the Delta during key periods for wetland needs and wildlife. The 150 cfs pump station would simply recover water that is not necessary to achieve environmental goals in the LORP Delta habitat area.

In the arid west, we must realize the necessity of wisely using water resources to balance the needs of the environment with water demands of a growing population. The LORP, as proposed with the 150 cfs pump station option, will achieve this balance and provide for a restored ecosystem that will offer tremendous recreational opportunities to the general public, while continuing to maintain a reliable water supply to Los Angeles residents and businesses.

Sincerely,
Mr. R. Paul Policarpio
General Manager
Cabrini Villas Homeowners Association
9600 Cabrini Drive
Burbank, CA 91504
(818) 504-9600 email: poli9600@aol.com



240-1

Mr. Clarence Martin
Los Angeles Dept. of Water & Power
300 Mandich Lane
Bishop, Ca. 93514

Dear Mr. Martin

241-1

I have a comment regarding the Lower Owens River Project. The pumpback station should be 50 cfs and no larger. You need to honor the original agreement.

Sincerely,



Jeanne Walter
P.O. Box 253
Bishop, Ca 93515

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BISHOP ADMINISTRATIVE OFFICE