

Tom & Jo Heindel  
P.O. Box 400, Big Pine, CA 93513  
760.938.2764 tjheindel@aol.com

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

14 January 2003

Dear Mr. Martin,

I am a retired teacher from Big Pine and have owned a home there since 1972. I spend a great deal of time birding on LADWP property and appreciate the opportunity to do so. I am thankful that this land is not open for development.

131-1

The Lower Owens River Project (LORP) has great potential to benefit the people who live in the Owens Valley, those who recreate here, and the creatures who live in or pass through the valley ecosystems. When one envisions how it could be, it borders on overwhelming the emotions. To achieve this great potential will require tremendous wisdom on the part of our decision makers. They must be guided by a vision of the immediate future, the near future, and the long-term future. History will not treat kindly those bean counters that lacked vision; those who gave away what could have been. Human populations are growing exponentially and the need for open spaces and undeveloped areas for recreation are greatly under-appreciated at present. The Los Angeles area continues to grow at an alarming rate, about 1 million per year in the state, and the importance of the Owens Valley as an area of recreation can only increase. Tourism, already the biggest industry in the valley, can only grow while other endeavors will become less important. How tourism develops is intimately tied to the LORP and the successful implementation of key features.

131-2

Another and equally important aspect of the LORP implementation relates to the natural history of the valley. Mankind, and LADWP qualifies here, has been both good and bad for the valley. The good is that we still have open, undeveloped land upon which to recreate. The bad is that because of water gathering activities the river has been robbed of its water and left dry causing organisms to desert the area, or die off, due to the lack of proper habitat. Some of these creatures are threatened and endangered species. These man-caused activities, in fact, are what caused them to be threatened and endangered species. The problem relates to the importance of riparian habitat and how stressed and limited that habitat has become. What LADWP did in drying up a river and springs and draining a lake, among other things, would be unthinkable in the more enlightened world today. This irrefutable damage must be repaired and, in fact, is a legal requirement that LADWP must meet.

131-3

The LORP has some great concepts and features as well as some major flaws. It is filled with terms such as "if feasible," or "if funding is available." Monitoring is one of the most important parts of the LORP to insure the success of the entire project. Anything less than full support, financial and philosophical, of monitoring, is a major flaw and dooms the LORP to failure. A small portion of the annual LADWP public relations budget would cover all the monitoring costs and bring far more positive public relations than colorful brochures and posters.

131-4

There appears to be a complete lack of commitment in dealing with invasive, non-native plants such as tamarisk and peppergrass. The approach to tule control is less than serious. We do not need a bigger and better version of Buckley Ponds, which are constantly choked with tules and offer very limited wildlife or recreational value.

131-5

LADWP dried up the river and Owens Lake and now they want to dry up the transition to the brine pool on the lakebed, which will very negatively impact shorebirds. They admit this is a significant impact but they claim they cannot do anything about it. Hogwash! The court injunction that prohibited them from allowing aqueduct water on the lakebed was modified when they were ordered to abate the dust on the lake. Another exemption to the court injunction could be made to insure that wildlife, including threatened and endangered species would be protected.

131-6

The pumpback station must remain at the 50 cfs that LADWP and the other MOU parties agreed to. The effort by LADWP to unilaterally change the pumpback station to 150 cfs is the type of behavior that make those who deal with them feel that LADWP is untrustworthy.

131-7

Maximum effort must be made to restore the riparian habitat along the river insuring a dense continuous stand of cottonwood and willow over low ground cover. This will encourage the return of habitat indicator

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ADMINISTRATIVE OFFICE

131-8 species and others, such as Least Bell's Vireo that used to be fairly common along the Owens River but have been extirpated from there.

LADWP is required by law to rewater the river they dried up. It is ludicrous that that County should have to pay a penny for this restoration. The County did not dry up the river...LADWP did. Option 2 for financing the LORP, including monitoring, is the only reasonable approach and should be selected.

131-9 A recreation plan is critical. LADWP wants to do as little as it has to throughout the LORP and that is not good enough. The hands-off approach that characterizes past monitoring is not adequate for the problems that will occur due to increased human pressure resulting from new areas in which to recreate. Look at Klondike Lake on Memorial Day, 4<sup>th</sup> of July, or Labor Day to see the double-digit numbers of campers that lack toilet facilities to witness environmental abuse. A well-thought out recreational plan must be provided and implemented before the tourists descend.

This is an unprecedented, landmark effort with few guidelines and it is time for decision makers, LADWP management, Inyo County Water Department and Supervisors to do it right. This is history in the making and all those involved will be remembered. I hope that it will be for their intelligence, not their ignorance.

Sincerely,

*Thomas S. Heindel*



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

1/8/03

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:

132-1

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.

132-2

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.


132-3

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,



SARAH CV HENDRICKSON  
102 ALTA VISTA DR  
GRASS VALLEY CA 95945

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FLUORIDE MANAGER  
BISHOP ADMINISTRATIVE OFFICE

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:

**133-1 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.

**133-2 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.

**133-3 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.

133-4 **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.

133-5 **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.

133-6 **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.

133-7 **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.

133-8

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,

A handwritten signature in cursive script that reads "Julie L. Hess". The signature is written in black ink and is positioned above the address.

408 S Pa Ha Ln  
Bishop, CA 93514



Monday, January 6, 2003

LA DWP  
300 Mandeville Lane  
Bishop, CA 93514

Re: LORP Draft EIR/EIS  
Impact to shore birds in the Brine  
Pool Transition Area.

I am concerned about the impact to shorebird habitat on the LORP. I hope that significant impacts to shorebird habitat in the brine pool area (delta outflow) will be avoided. This area is used by thousands of ducks, geese, & shore birds. This is an area that has been recognized by the National Audubon Society as a National Important Bird area. This is a very important wildlife habitat for these birds especially in this age of declining wildlife habitat. I hope

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BISHOP ADMINISTRATIVE OFFICE

134-1

that CADWP will maintain the  
water flows & not allow this area  
to dry up, especially in the late spring  
and summer.

Thank you for your time.

Charlotte Harberson

HCR 79 Box 16

Mammoth Lakes CA 93546

cc: Inyo County Board of Supervisors

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424 Mountain View Drive  
Swall Meadows, CA 93514  
January 8, 2003

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

Comment Letter No. 135

Dear Mr. Martin,

I am writing to comment on the Lower Owens River Project Draft Environmental Impact Report and Environmental Impact Statement. I am very concerned that the DEIR/EIS fails to fully analyze critical elements of the project. I am also concerned that the documents present project alternatives that **DIRECTLY VIOLATE** the 1991 Long Term Water Agreement and the established project goals.

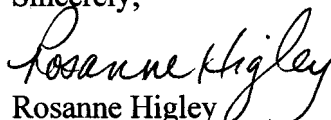
I share the concerns expressed by the California Native Plant Society and the Owens Valley Committee, and other interested citizens. Some of my concerns include:

- 135-1 1) Size of the pump station and delta flows: A 150 cfs pump station violates the Inyo-LA 1991 Water Agreement, an unacceptable alternative. LADWP has not justified using a larger pump station of this size in any way. A larger pump station will not achieve the goal of reducing pollution and rewatering the Delta habitat. I support the 50 cfs pump station and 9 cfs annual average delta baseflows which allow the maximum amount of water flow to the delta under the agreements and approaches current flows. It is essential to me that the plan meets the goal of maintaining existing and new delta habitats for waterfowl and complies with the Water Agreement.
- 135-2 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. I also support the extra benefits of students studying the river/delta along with the scientists as an valuable learning experience
- 135-3 3) Recreation plan: The river and lake have historical recreational and social values, yet 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,

  
Rosanne Higley

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JAN 13 2003

AQUEDUCT MANAGER  
CHIEF ADMINISTRATIVE OFFICE

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:

- 136-1 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.
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- 136-3 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,

*Raunundo T. Huerto*  
483 So. Barlow  
Bishop, CA 93514

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AQUEDUCT MANAGER  
BISHOP ADMINISTRATIVE OFFICE

Robert A. Hudson  
P.O. Box 164  
Independence, CA 93526  
01-07-03

Clarence Martin, LADWP  
300 Mandich St.  
Bishop, CA 93514

Dear Mr. Martin:

137-1

I am writing about the LORP. It is a great challenge that is underway for the City of Los Angeles to undertake to bring back the riparian area of the Lower Owens River..I trust that funding for management and monitoring will be forthcoming as the project evolves over the years. I think it is very important to continue the CFS of at least 9 to continue to the end of the Delta to provide continuing habitat for the Ducks and Snow Geese and other birds of the marsh to have food and shelter during both winter and summer. I also think the City should stay with the 50CFS pump initially agreed upon. I trust too..that a recreation plan will be incorporated into the LORP..This is especially important for the local economy that would benefit greatly from increased recreation use of the rewatered Owens River. After seeing your recent brochure on the LORP..I am convinced that both Los Angeles and the Department of Water and Power are serious about making it work for all concerned and to make up for the lowering of water tables due to pumping in the past to fill the 2nd aqueduct. Thanks for considering my comments..

137-2

137-3

Sincerely,  
*Robert A. Hudson*  
Robert A. Hudson

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JAN 10 2003  
AQUEDUCT MANAGER  
SHOP ADMINISTRATIVE OFFICE



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

Hunt  
x392  
Big Pine 93513

Dear Mr. Martin,

My purpose in writing you is to comment on the Lower Owens River Project Draft Environmental Impact Report and Environmental Statement.

My interest in the LORP is twofold. As a resident of Big Pine I served on the Land and Water Committee to help determine how the Water Agreement would best meet the needs of our community. As such I am keenly concerned that we all live up to the terms of the 1991 Long Term Water Agreement. I am also a math and science teacher at Big Pine School. My 7<sup>th</sup> grade students are studying the rewatering of the Lower Owens River. LORP provides my students a unique opportunity to examine the scientific, political and economic elements of the environmental mitigation process. I have several concerns.

138-1

1) Your proposal of a 150 cfs pump station is in direct conflict with what DWP agreed to in writing in the MOU outlining the Lower Owens River Project. A larger pump back station will deprive the existing delta of sufficient water to maintain current delta habitats for waterfowl and to comply with the water agreement. It is also apparent that DWP is attempting to turn the LORP mitigation project into a water extraction project. The only purpose of a larger pump back station is to mine more water not to mitigate effects of the second aqueduct. DWP should select the 50 cfs pump station and the 9 cfs annual average delta base flows.

138-2

2) Provide adequate funding, without proper funding there is no effective mitigation. Monitoring and adaptive management are essential to the success of the LORP. The Water Slide was paid for many years ago. The whole operation is a cash cow. Accept responsibility for the profound damage caused by your actions both historic and current. Funding option 2 is the only option that adequately funds the LORP.

We live in a culture in which the lowest common denominator is self-interest. Now is the time for DWP to step up to the plate and do what is best for the environment not what it can get away with. Set a good example. Abide by the terms of the water agreement and the goals of the LORP, choose the least damaging alternatives and provide sufficient funding to meet those goals.

Thank you for listening to my perspective.

Sincerely,  
*William A. Hunt*  
William A. Hunt

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JAN 15 2003



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:

139-1

**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.

139-2

**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.

139-3

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

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BISHOP ADMINISTRATIVE OFFICE

139-4 **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.

139-5 **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 hundreds 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.

139-6 **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.

139-7 **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.

139-8 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

139-8

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,

A handwritten signature in black ink that reads "Barry K. Hutten". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Barry K. Hutten  
Post Office Box 686  
Mammoth Lakes, CA 93546

January 10, 2003

Clarence Martin  
Los Angeles Dept. of Water & Power  
300 Mandich Street  
Bishop, CA 93514

Dear Mr. Martin:

I am writing to you regarding the Lower Owens River Project Draft Environment Impact Report and Environmental Impact Statement.

I have concerns that the original agreement goals established in 1991 might not be implemented as written. These concerns include:

140-1

I is my understanding that a pump, three times the size designated in the plan is being proposed. This will take water that should reach the delta. It seems like LADWP may be trying to take even more of our ground water. We need to meet the delta habitat goal of maintaining existing and new delta habitats for waterfowl and to comply with the water agreement.

140-2

I have heard that funding levels may prevent full implementation. The monitoring and adaptive management is absolutely essential to the success of the LORP. Please insist that LADWP implement option two.

140-3

Further the residents of Owens Valley wish to have a description of current and anticipated recreational uses of the LORP area. We need an area that protects natural habitats and cultural resources.

I urge LADWP to abide by the terms of the water agreement and the goals of the project.

Thank you for your consideration of my comments.

Sincerely,



Charles Irvine, Concerned Resident and Wildlife Biologist  
419 Arboles Drive  
Bishop, CA 93514

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AQUEDUCT MANAGER  
BISHOP ADMINISTRATIVE OFFICE



*J. Mendoza Iwens* 6918 Hedgewood Drive Rancho Palos Verdes CA 90275

January 14, 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:

- 141-1 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 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.
- 141-2 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.
- 141-3 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,

J. Mendoza Iwens

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AQUEDUCT MANAGER  
BISHOP ADMINISTRATIVE OFFICE

*Ralph Iwens 6918 Hedgewood Drive Rancho Palos Verdes CA 90275*

January 14, 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:

- 142-1 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 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.
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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,

*Ralph Iwens*

Ralph Iwens

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AQUEDUCT MANAGER  
BISHOP ADMINISTRATIVE OFFICE

Lisa Jaeger  
1417 Birchim Lane  
Bishop, CA 93514

January 13, 2003

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

Dear Mr. Martin:

I appreciate the opportunity to comment on the Lower Owens River Project. The LORP could have some positive benefits. However, there are many statements in the Draft EIR/EIS which make the successful implementation of the project questionable and which could result in significant project impacts that would not be mitigated. Please consider my comments on the following issues:

143-1

Pump station and delta flows: LADWP should select the 50 cfs pump station and 9 cfs annual average delta baseflows. This alternative 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. The larger pump station is not needed to fulfill 50 cfs requirement of the 1991 Water Agreement.

143-2

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 these measures will only be adopted if funding is available. LADWP should select funding option 2 to meet its obligations. This is the only option that adequately funds the LORP. Option 2 should be restated to say LADWP would fund Inyo County's entire shortfall not some as it states 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. LADWP has tremendous financial resources. The project should not be compromised by lack of funding.

143-3

Funding for noxious weed control: if saltcedar and other noxious weeds are not controlled, all of the LORP areas and habitat goals are at risk. The spread of saltcedar is a serious problem in the Owens Valley and the LORP Draft EIR/EIS must 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 to succeed in its habitat goals, then it must include provisions for guaranteed funding for control of saltcedar and other noxious weeds.

143-4

Shorebird habitat: The impact to shorebird habitat in the brine pool transition area must be avoided. This is an area that is used by thousands of ducks and geese and tens of thousands of shorebirds. This is an important wildlife habitat. The existing flows to this area have been released by LADWP for many years. 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.

LORP is a valuable project. It represents an unprecedented opportunity if the Los Angeles Department of Water and Power properly implements the project. I urge LADWP to abide by the terms of the water agreement and the goals of the project, choosing the least environmentally damaging alternatives, and guaranteeing adequate funding.

Sincerely,

  
Lisa Jaeger

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AGJEDUCT MANAGER  
BISHOP ADMINISTRATIVE OFFICE

*faxed 1/14/03  
873-0266*



Dr. Robert Jellison  
2476 Dixon Lane  
Bishop, CA 93514

January 14, 2003

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

RE: Lower Owens River Project DEIR and EIS

Dear Mr. Martin,

The LORP has the potential to be a truly significant environmental restoration project that will partially mitigate impacts due to increased groundwater pumping beginning in 1971. However, the DEIR/EIS fails to describe essential components of the project and as noted by the EPA, the Sierra Club and Owens Valley Committee presents project alternatives that directly violate the 1991 Long Term Water Agreement and the established project goals of the LORP.

144-1 Specifically the 150 cfs pump station violates the Inyo-LA 1991 Water Agreement. LADWP has not justified using a pump station that is three times larger than the water agreement allows. The MOU and Water Agreement were predicated on the guarantee that large spring habitat flows would necessarily bypass the 50-cfs pump-back station. All MOU parties agreed these were essential to maintain, enhance, and create new habitat in the delta region.

144-2 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.

144-3 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.

Thank you for your consideration of my comments.

Sincerely,



Robert Jellison

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JAN 15 2003

WATER JUNCTION MANAGER  
SHEPHERD ADMINISTRATIVE OFFICE





Sherman Jensen  
Wetland/Riparian Ecologist  
Box 123  
Smithfield, UT 84335  
ShermJensen@sisna.com

January 13, 2003

To: Clarence Martin/LADWP

My comments address parts of chapter 6.0 Delta Habitat Area in the Draft EIR for the Lower Owens River Project. My comments reflect an understanding developed through ongoing study of the aquatic and wetland habitats in the Delta and through participation in developing the Draft EIR. I contributed to major revisions of the project design with respect to establishing flow regimes to maintain and enhance existing aquatic and wetland resources in the Delta. I have conducted detailed mapping of these resources for four periods (1993, 1996, 1999 and 2000). I have also evaluated the long-term trends of these resources from aerial photos dating back to 1944. I have studied wetland/riparian resources for over 20 years and am an acknowledged expert on the subject.

General comments that address Impact Assessment #2 discussed in section 6.3.2 are:

145-1 **The impact assessment does not address the proposed Delta water management, as specified in section 6.2.2.** Rather, the impact assessment addresses a previously proposed Delta water management that was abandoned in early summer 2002 in favor of an improved plan to maintain existing aquatic and wetland habitat, as specified in section 6.2.2. The abandoned plan entailed a base flow of 5.3 cfs and 4 seasonal pulse flows, totaling an average annual flow of 7.1 cfs. The Impact Assessment #2 that was written to address the abandoned plan was not materially modified to address the currently proposed Delta water management.

145-2 The proposed Delta water management specified in section 6.2.2 calls for base flows to be established on a seasonal basis to meet the water requirements of existing aquatic and wetland habitats. Base-flows will be established such that water overflows the Delta to the brine pool, thus ensuring that storage and evapotranspiration demands of existing habitats are met. The total of base-flow and 4 seasonal pulse flows will be within the 6-9 cfs average annual flow specified in the MOU.

145-3 Why is Impact Assessment #2 still addressing 5.3 cfs base flow and 7.1 cfs average annual flow? This is not what is proposed!

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- 2 **The impact assessment compares average annual flows for the 1986/2001 period with abandoned proposed flows as a basis for impact assessment.** The assessment ignores that most of the 1986/2001 flow was in the winter when plants were dormant and evaporation low, and that summer flows in June, July and August when water demands were high were frequently less than 1 cfs. Yet this comparison served as a “reasonable basis for postulating and adverse effect based on a substantial net reduction in flows to the Delta”. This is not reasonable to me.

145-4 Although it was acknowledged in Impact Assessment #2 that a large fraction of the flows for the 1986/2001 period “pass to the brine pool” and thus may not contribute to aquatic and wetland habitat, the assessment suggests unsubstantiated hypotheses of other “benefits that may not be obvious” (page 6-37). For example, it is suggested that “maintaining water levels in the Delta channels can provide positive groundwater pressure in areas adjacent to channels, thereby increasing the height and volume of fresh water to support wetland plants in adjacent areas”, yet Dr. Ron Ryel is cited as predicting only a 1 foot difference in water surface elevation if inflows were increased from 5 to 50 cfs. The difference in water surface elevation expected for the 6-9 cfs range is insignificant relative to groundwater pressure.

It is also suggested that the large fraction of water discharging to the brine pool is somehow necessary to maintain the area of aquatic and wetland habitat. This might be correct if aquatic and wetland habitats “drain” to the brine pool, as would be the case for a free-flowing river. But extensive perennial water and wetland habitat are present throughout the Delta Habitat Area, even during periods when there is no outflow to the brine pool. This suggests that aquatic and wetland habitats “overflow” rather than “drain” to the brine pool. Although overflow from the Delta Habitat Area is a good indication that the storage and consumptive water uses of existing habitat have been met, I see no reason to believe that excessive overflow is necessary to maintain the area of aquatic and wetland habitat, especially during winter months.

This leads me to ask what are the seasonal benefits of excessive water overflowing to the brine pool?

3. **I believe that the Impact Analysis #2 is based on a misunderstanding of how the Delta works.** The mechanisms for maintaining habitats listed in section 6.3.2.3 do not include any mention of the fundamental processes responsible for the long term expansion and dynamics Delta habitats. It is obvious that water surfaces have been rising since at least 1944 in response to both beaver and organic matter accretion in the Delta, as was discussed in sections 6.1.3 and 6.3.1. Shifting dunes have lent an important dynamic influencing the distribution of habitats. The extent of wetlands was shown to have increased at a steady rate of about 60 acres per year since 1993. These mechanisms are not directly related to
- 145-5

the average annual flow to the Delta Habitat Area that was the sole basis for Impact Analysis #2.

145-5 Average annual flows to the Delta Habitat Area (Table 6-7) for the 1986/2001 period (11.6 cfs) were about half that for the 1927/86 period (23.8 cfs), yet the area of wetlands have more than doubled just since 1993. The conclusion “that there is a reasonable basis for postulating and adverse effect based on a substantial reduction in flows to the Delta” (page 6-37) is unfounded.

4. **The information presented in APPENDIX E (Hydraulic Modeling Analysis of Delta Flow Alternatives) is incomplete.** The last correspondence presented in Appendix E is an email from John Gray suggesting the modeling effort was “severely compromised” and requesting additional analyses. The ideas in the June 15th email were subsequently expanded in a memo prepared by John Gray (Modeling memo.doc) that is not included in Appendix E. Dr. Ryel’s response to John Gray’s memo (Response to Modeling Memo.doc, Hec Methods1.doc, and spreadsheets containing additional analyses) were also not included in APPENDIX E. The information contained in APPENDIX E is incomplete and misleading as to the final results of the modeling effort.

145-6

145-7

To summarize, Impact Analysis #2 does not address the proposed Delta water management. Potential impacts are based on a meaningless comparison of total annual flow and a misunderstanding of how the Delta works. Hence, the conclusions of Impact Analysis #2 may not be valid.

Comments relating to specific text in Chapter 6 follow:

145-8 **Figure 6-11:** This figure showing the extent of vegetation types in 2000 is incorrect. Most (or maybe all) the area marked as “water” is playa; some of the area marked as alkali scrub is playa.

145-9 **Page 6-21 (3<sup>rd</sup> paragraph; 2<sup>nd</sup> sentence):** This sentence implies that 1999 mapping constitutes baseline conditions. But it was stated on page 6-15 (5<sup>th</sup> paragraph) that baseline conditions will be based on mapping to be conducted at the time of project implementation.

145-10 **Page 6-22 (2<sup>nd</sup> paragraph; 2<sup>nd</sup> sentence):** The Keeler gate is about 4.5 miles above the pump station.

145-11 **Page 6-29 (Section 6.3.2.1; 1<sup>st</sup> paragraph):** It states “for the purposes of this analysis, Delta baseflows are assumed to be an average of 7.1 cfs, with daily flows of 5.3 cfs plus the four seasonal pulse flows and potential additional flows due to seasonal habitat flows that are bypassed to the Delta.” But this is not what is proposed. The rationales given for the assumption are: 1) it was what was initially proposed in Memorandum 8; 2) it is within the range of 6-9 cfs specified; and 3) it will be the starting point for flow determinations. Yet it has been shown

145-11 that estimates of ET from which initial flows proposed in Memorandum 8 were estimated are flawed. Given that the project entails release of up to 9 cfs if monitoring determines that it is needed to maintain existing wetlands, why assume 7.1 cfs? The 5.3 cfs starting point may only be in effect for 14 days and is certainly not a valid measure for impact analysis. Thus none of the rationale support the assumption of 7.1 cfs average flow and 5.3 cfs base flow. This impact analysis evidently does not address the proposed project.

145-12 **Section 6.3.2.1:** This section compares average annual flows to the Delta for the 1986/2001 period with the “assumed” 7.1 cfs flow for the project. But average annual flows mean little if high flows come in the winter when plants are dormant and low flows come in the summer when consumptive use is highest. Average winter flow (October through May) for the period at the Keeler gage, most of which overflows to the Brine Pool, is about 60% higher than average summer flows (see Table 6-7). Minimum flows were less than 1 cfs in June, July and August, when consumptive use is highest. Impact assessments based on comparison of average annual flow with an arbitrarily assumed project flow are not valid. It should also be noted that the average summer flow (April through September) at Keeler gage for the 1986/2001 period, corrected for 0.35 cfs/mile loss over the 4.5 mile reach, is 7.3 cfs, which is within the 6-9 cfs proposed flow range.

145-13 **Section 6.3.2.3 (under Mechanisms for Maintaining and Enhancing Wetland and Aquatic Habitat):** The listed mechanisms are not mechanisms, but rather statements that spreading the flow over a larger area will enhance conditions. There is no discussion of the timing of flow relative to the confines of 6-9 cfs stipulated in the MOU. Other important mechanisms that have influenced the dynamics of Delta wetlands (e.g. beaver, organic matter accretion, shifting dunes) are not mentioned.

145-14 **Page 6-36 (4<sup>th</sup> paragraph, 3<sup>rd</sup> sentence):** It is not correct to state “under the proposed initial release regime, there would be a lower baseflow year-round...” It is more likely that flows will be lower in the winter when evapotranspiration is low and higher in the summer when water demand is high.

145-15 **Page 6-36 (5<sup>th</sup> paragraph):** How could the volume of water in the root zone be reduced if flows are managed so that the Delta overflows to the Brine Pool, as stipulated in the water management plan? Under existing conditions, most flow comes in the winter when plants are dormant and not transpiring. Again, drawing conclusions of impacts based on average annual flows is not valid. Also, it should be noted here that much of the existing winter discharge overflows to the Brine Pool and provides little benefit to dormant vegetation.

145-16 **Page 6-37 (3<sup>rd</sup> paragraph):** The proposed flow regime was designed specifically to maintain existing aquatic and wetland habitat. It must be assumed that if water is overflowing to the Brine Pool then the needs of existing aquatic and wetland



145-16 habitat are being met. Postulating a negative impact based on a reduction from the existing average annual flow, most of which comes in winter and overflows to the brine pool, is unreasonable.

145-17 **Page 6-37 (6<sup>th</sup> paragraph):** It is annoying that this critical argument that is a lynch pin to URS interpretations is not mentioned until near the end of the impact assessment chapter. It was noted that a large fraction of flows to the Delta pass through to the brine pool, thus not all of the flows may contribute to aquatic and wetland habitat. URS suggests other benefits that may not be obvious that appear to be based on the assumption that existing aquatic and wetland habitat “drain” to the brine pool. But observations show that aquatic and wetland habitats “overflow” to the brine pool – open water and saturated wetland habitats are evident during periods when there is no outflow to the brine pool. For example, extensive saturated wetland and open water are evident on the 1993 aerial photos (Figure 6-9), but water is not draining to the brine pool. It is evident that if drainage to the brine pool is occurring, then the water storage and ET demands of existing wetlands are being met.

145-18 **Section 6.8 Mitigation Measures:** The only mitigation measure calls for LADWP to make adjustments to the amount and timing of base flows and pulse flows up to the 9 cfs to reduce any possible impacts to aquatic and wetland habitats. But this is exactly what the proposed plan states it will do! Base flows will be adjusted to maintain outflow from the Delta, thus insuring adequate water for maintenance of existing aquatic and wetland habitats. Both base and pulse flows may be adjusted based on long term monitoring.

Thank you for the opportunity to comment on the DEIR. I hope that my comments will contribute to a better understanding of the Delta Habitat Area and effective long term management to maintain and enhance its values.

Respectfully,

  
Sherman Jensen

January 13, 2003

Clarence Martin  
Los Angeles Department of Water & Power  
300 Mandich Street  
Bishop, CA 93514

Dear Mr. Martin,

My name is Lana Johns, and I have lived in the Owens Valley since 1974. I am an active partner, with my family, in Four J Cattle Corporation. This family owned ranch has been in the Owens Valley since 1967, and has the Twin Lakes Lease that is involved in the Lower Owens River Project (LORP). I would like to submit the following comments on the LORP.

2002 Lower Owens River Project EIR

The stated purpose of the LORP is to provide a habitat restoration project in the Owens Valley as mitigation for impacts caused by groundwater extraction by the LADWP from 1970 through 1990. This plan's success will depend on adaptive management practices. This will require monitoring as the plan is implemented, and adjustments made, when possible, to minimize any adverse impacts.

Page 11-5

146-1

I support Release Regime 1, which allows for gradual release of base flows and deferred seasonal habitat flows. This alternative would allow flexible management practices, and gives management time to determine needed adjustments to maximize the goals of the LORP.

146-2

I support the alternative for a 150cfs pump back station. The larger pump back station would give LADWP the ability to reclaim excess water that can be released on the Owens Lake, or returned to the aqueduct.

146-3

The goals of the LORP are to create an ecosystem restoration project "while providing for the continuation of sustainable uses including recreation, **livestock grazing, agriculture**, and other activities." A 150cfs pump back station would give LADWP more flexibility in controlling the seasonal habitat flows in the delta area. Livestock grazing would be adversely affected by flooding that resulted from a 50cfs pump back station. The lack of ability for the DWP to reclaim excess water flows at the site of the pump back station could effect the policy of allowing stock water to be available in ditches.

146-4

Page 2-3

Section 2.1.5 assures the public that the LORP cannot be used for the construction of new wells, the increased pumping of existing wells, or any changes in the LADWP's surface-water management practices in the Owens Valley.

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BISHOP ADMINISTRATIVE OFFICE

Page 2-5, Page 2-68

146-5

Section 2.2.1: I believe it is important that LORP is implemented only by the LADWP and Inyo County, and no other MOU signatories are involved. I also support the statement in section 2.8.3, that "LADWP will be solely responsible for funding and for conducting the monitoring and reporting lease conditions on its leases which are located... within the LORP area."

Page 2-2

146-6

Item 21 should be changed from grazing management plans to land management plans. Individual grazing management plans are being developed between the LADWP and affected leaseholders. These plans should not be subject to public review. There should be field evaluations done for the first three years, then every three years until the desired riparian conditions are attained. Utilization rates mentioned in the draft EIR are unnecessary and may become arbitrary.

146-7

Agriculture grazing has a long and historic role in the management of the environment of the Owens Valley. One of the goals of the LORP is to continue livestock grazing. My concern of the LORP is, I do not wish it to become a project promoting the overgrowth of non-native noxious plants, and become solely a marsh for migratory birds. The LORP must maintain flexible management practices that include controlled burning, mechanical removal of muck, mechanical removal of salt cedars, needed beaver damn removal, and practical grazing monitoring. A recent study conducted by the Colorado State University and the USDA's Natural Resource Conservation Service states "ranches had the healthiest grasslands, the fewest number of weeds, and the least amount of bare ground.... Regretfully, the protected areas and the ranchettes were the weediest." They further concluded ranchers "do several important things, with the most important being tying down rural landscapes and protecting native biological diversity, even more so than protected areas." (Western Livestock Journal, October 21, 2002) Livestock grazing is an important part of maintaining the health and diversity of the environment of the LORP.

Page 6-19

146-8

I do not support a pulse flow during November and December of 30 cfs for five days. This is suggested for wintering migratory birds, but would have an adverse affect on the ability to graze the delta area.

146-9

Page 2-83

Temporary elimination of livestock grazing after a wildfire is unacceptable.

146-10

Page 2-57

I would like to see water released in the Drew Slough area. There needs to be consistent seasonal habitat flows to maintain optimal range conditions, and control the spread of noxious weeds that will be a problem with only occasional flooding.

Page 2-66



146-11

The future management proposal for the Twin Lakes lease, is to establish riparian fencing to protect young willow development. This fencing will be detrimental to grazing, and will not affect the establishment of willows. The cattle are not present on the lease after early spring.

146-12

Page 2-61

The yellow-billed cuckoo and the willow fly-catcher are mentioned as rare infrequent visitors to the Owens Valley. These birds are rarely seen, and I do not feel this warrants a section in the LORP.

Thank you for the opportunity to comment on the LORP.

Sincerely,



Lana Johns  
2333 Sunrise Dr.  
Bishop, CA 93514



January 13, 2003

Los Angeles Department of Water & Power  
 300 Mandich  
 Bishop, CA 93514

Dear Mr. Martin,

My name is Mark Johns. I am managing partner of Four Cattle Corp., holder of the Twin Lakes lease of the LORP. It is our View that sustaining agriculture should be a key goal of the LORP. We would like to submit the following Comments:

- 147-1 1) Support 150csf pump back station. It is important for the DWP have the flexibility that the larger pump back station allows. It is preferable to a smaller station, because it allows for more water to be salvaged from larger flushing flows, and other times when there is excess water. Comments made by OVC concerning the size of the pump back station have been extremely misleading. These comments are very unproductive and do little to help complete this project. Section 2.1.5 protects The Owens Valley from the development of additional wells to supply the LORP. We feel any excess water released in the Delta is wasted.
- 147-2 2) Support Alternative Initial Release Regime 1. (Pg. 11-5) Introducing base flows in a gradual manner is a common sense approach to water releases. As someone who is directly affected by rewatering, it is important to maintain the integrity of the river channel to avoid damage due high initial flows.
- 147-3 3) Grazing Management plans (Pg 2-2 item 21) should be changed to Land Management plans as per Ecosystems Management Plan, chapter 4. Prepared by Ecosystems Sciences Aug. 2002. Section 2.3.10 addresses this.
- 147-4 4) Control Burning is mentioned as last resort tool in land management in the EIR. Control burning is an important tool in grazing management. It should be utilized extensively to control noxious and undesirable vegetation. Adaptive management should allow for using control burning. We suggest a yearly burning program to improve vegetation and control wildfires.
- 147-5 5) Utilization rates mentioned throughout the document are unnecessary in the Grazing Management of the LORP. Field evaluation will be conducted annually, and these observations will establish any upward or downward trends. Adjustments can be made to maintain optimum range conditions.
- 147-6 6) Twin Lakes Lease Section 2.8.2.1  
 Initially fencing along the river channel will drastically reduce the forage base for this lease. Since grazing occurs in the non-growing season it should not affect the development of young willow. Willow growth seems to occur regardless, as long as water is present.  
 Drew Slough is located within The Twin Lakes Lease. It is also part of the Blackrock Waterfowl Habitat area. On page 2-51 it is stated that Drew Slough will not be flooded at any time, unless needed to create additional flooded areas to achieve the 500 acre MOU requirement or to better meet MOU habitat goals amongst the four management units. It is our concern that sporadic flooding of Drew Slough will create problems with noxious plants, especially salt cedar. Management of this area should be reconsidered. We recommend a seasonal habitat flow to enhance optimal range conditions.

Sincerely,  
 Mark Johns



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JAN 13 2003

AQUEDUCT MANAGER  
 SHOP ADMINISTRATIVE OFFICE

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:

148-1) 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.


148-2) 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.

148-3) 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,

  
2349 EDINBURG  
BISHOP, CA.  
93514

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JAN 10 2003  
AQUEDUCT MANAGER  
SHOP ADMINISTRATIVE OFFICE

Jeremiah Joseph  
P.O. 83  
Lone Pine, CA 93545

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

Subject: In the matter of the Lower Owens River Project Draft EIR/EIS

Dear Mr. Martin,

First of all I would like to thank you for your time to read the comments I have to bring you. There are numerous statements in the Draft EIR/EIS that call into question the successful implementation of the project with the ability to result in significant project impacts that would not be mitigated. The Lower Owens River Project has enormous potential benefits. To you I ask to please consider my comments on the following issues below:

149-1

**PUMP STATION AND DELTA FLOWS:** The 1991 LA-Inyo water agreement is easily violated by a 150 cfs pump station. Water would not reach the Delta with a larger pump station, and also may help LADWP pump more ground water from the valley. The average delta base flow is an annual 9 cfs; LADWP should select the 50 cfs pump station. This option allows the maximum amount of water flow to the delta and approach's current flows under the agreement. All is needed for the goals of the delta habitat of maintaining existing and new delta habitats for waterfowl and to comply with the water agreements.

149-2

**LACK OF COMMITMENT TO MONITORING, ADAPTIVE MANAGEMENT AND MITIGATION MEASURES:** Essential success to the LORP is monitoring and adaptive management, but the DEIR/EIS repeatedly states that funding limitations may prevent their full implementation. LADWP should select funding operation 2 to meet its obligations, which is the only option that adequately funds LORP. However, LADWP should restate option 2 stating they would fund all of Inyo County's short fall instead of "some or all of Inyo County's shortfall," as in the draft document (p.2-8). Mitigation measures PS-2 and V-2 lack funding in option 2. A commitment to fully fund these measures should be included to funding option 2. In light of LADWP tremendous financial resources, the project should not be compromised by lack of funding.

149-3

**SOURCE OF ADDITIONAL WATER TO SUPPLY THE LORP:** LADWP fails to disclose whether or not they will attempt to recover 16,000 acre-feet/year of water that the water project will require beyond the current releases. Exactly where would the water

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149-3 to cover 16,000 acre-feet/year be required from? Maybe increased groundwater pumping? Or will there be new wells drilled? Will it come from existing aqueduct supplies? What might be the impacts of the need to 16,000 acre-feet/year of water? The intention to replace or not replace the 16,000 acre-feet/year of water should be clearly stated by the LADWP in the DEIR/EIS. The document fails to recognize the inadequacy of current pumping management to attain the vegetation protection goals of the Long Term Water Agreement. The likelihood of potential future impacts due to any groundwater pumping associated with LORP is greatly underestimated by the draft EIR/EIS.

149-4 LACK OF FUNDING FOR NOXIOUS WEED CONTROL: Salt cedar and other noxious weeds are not controlled in areas where LORP holds their habitat goals. Salt cedar is a growing problem in the Owens Valley and must be realistically addressed in the draft EIR/EIS as a problem. It is stated as being a significant Class 1 impact. But defers in control of this problem to the separate pre-existing Inyo County salt cedar control program that has unsecured funding (mitigation measures V-2). If true “one of the most environmental significant river habitat restorations ever undertaken in the United States” as stated by Mark Hill, LADWP consultant, then it must include provisions for guaranteed funding for control of salt cedar and other noxious weeds in order to avoid significant impacts and meet the projects goals.

149-5 IMPACT TO BRINE POOL TRANSITION AREA: The shorebird habitat in the brine pool transition area could be classified as a class 1 impact, identified in draft EIR/EIS S-1, can and must be avoided. Thousands of Ducks, Geese, and hundreds of thousands shorebirds use this area. It’s recognized by the National Audubon Society as a Nationally Significant Important Bird Area and is part of the U.S. Shorebird Conservation Plan. In other words this is a very important wildlife habitat. LADWP have been existing flows to this transition for many years, and it makes me wonder they have been in violation of the 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. Maintaining existing flows and not letting this area dry up in the spring and summer as it currently has, LADWP can and must avoid this impact. If found unavoidable by LADWP, they have the obligation under CEQA to explore Mitigation alternatives that are feasible.

149-6 RECREATION PLAN: The DEIR/EIS failed to have a recreation plan, nor is there descriptions of current and anticipated recreational use of the LORP area. I believe 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.

149-7 GRAZING: Under story impacts results from current grazing are severe in riparian habitats in much of the LORP area. There is no under story, no young willows, and no cottonwoods in many places. The yellow-breasted chats are dependent on habitat with trees and a dense under story in the riparian zone joined by other habitat indicator species. Although if the diversity of habitat provided by under story growth significantly



149-7

improves, river system habitat goals would not be met. Under story development monitoring 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. Future decision should not be left whether or not this monitoring is needed. The need for it is obvious, there should be a clear commitment. Protocols for this monitoring data collection and analysis should also be included in the EIR/EIS.

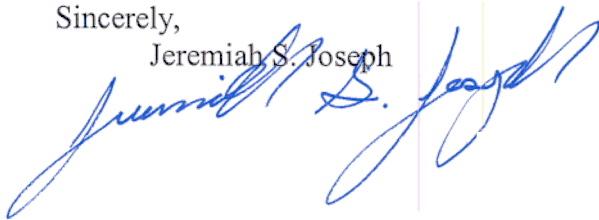
149-8

LADWP has denied requests by reviewers to see the individual grazing lease management plans, for they are not in the documents. 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. For commenters to evaluate proposed management, monitoring and the need to mitigation they need a go. 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,

Jeremiah S. Joseph



DATE : December 26, 2002  
Mr. Clarence Martin  
Los Angeles Department of Water and Power  
300 Mandich Street  
Bishop, CA 93514

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-foot-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,



Bachittar S. Juneja

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