

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

January 13, 2003

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

Dear Mr. Martin,

We 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:

70-1 **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.

70-2 **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.

70-3 **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.

RECEIVED

JAN 13 2003

AQUEDUCT MANAGER  
BISHOP ADMINISTRATIVE OFFICE

70-4 **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.

70-5 **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.

70-6 **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.

70-7 **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.

70-8 | 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 commenter 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,



Don and Debbie Becker  
149 Valley View Drive  
Independence, CA 93526

January 9, 2003

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

Dear Mr. Martin,

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

We 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 our concerns include:

- 80-1 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.
- 80-2 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.
- 80-3 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.

We 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.

Sincerely,



Janice and Rod Bedayn  
311 Bernice Drive  
Grass Valley, California  
95945

RECEIVED

JAN 13 2003

AQUEDUCT MANAGER  
BISHOP ADMINISTRATIVE OFFICE



January 14, 2003

**COMMENTS ADDRESSING THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE LOWER OWENS RIVER PROJECT (LORP)**

- 1) **81-1** Pg. S-2, Elements of the LORP, Lower Owens River Riverine-Riparian Ecosystem:  
Last sentence; Define the phrase "runoff amount in the Owens Valley each year." What factors determine this amount?
- 2) **81-2** Pg. S-5, Summary of Environmental Impacts (Class 1), 6:  
Any discussion identifying significant, unmitigated impacts should not be presented as debatable. If the preponderance of analysis suggests the impact would be significant absent mitigation, an opposing opinion, particularly one that clearly benefits a project participant to the detriment of project objectives, should not be included. The failure to reach consensus on the significance of the impact demonstrates the document is inadequate.
- 3) **81-3** Pg. S-7, Table S-2, Reduction in Existing Flows to the Delta:  
See preceding comment 2). The document does not serve the reader, decision-makers or CEQA when it merely consists of conflicting opinions. These issues should have been resolved prior to circulation for public review. The arguments and impact analysis for and against the proposed 50cfs or 150cfs pump back stations should be presented in their entirety with definitive conclusions. Absent consensus from project participants with respect to the impact analysis and mitigation requirements, this DEIR, as presented, is inadequate and reflects the need for judicial remedy. The adopted Long Term Water Agreement (LTWA) established the capacity of the pump back station as 50cfs and this standard should be implemented.
- 4) **81-4** Pg. s-11, Mitigation Measures, V-2:  
In light of the fact the LORP is being implemented to mitigate impacts created by LADWP water gathering activities, and they are the sole creator of the impacts, the County should not be responsible for funding any mitigation whatsoever.
- 5) **81-5** Pg. S-12, Table S-1:  
See comment 2).
- 6) **81-6** Pg. S-14, Table S-1, PS-2:  
See comment 4).
- 7) **81-7** Pg. S-14, Table S-1, H-1:  
The County should determine if they are legally responsible for any maintenance liability as a result of the project. Given the project represents mitigation for the impacts of LADWP's water gathering activities, LADWP should be responsible for all road and culvert maintenance.

RECEIVED

JAN 14 2003

1  
FLOQUEDUCT MANAGER  
BISHOP ADMINISTRATIVE OFFICE

- 8) **Pg. S-22, Table S-1, P-2:**  
81-8 LADWP's plan to not implement this mitigation measure begs the question whether this pertains to all of the content in P-2, or just 4) directed at non-native noxious weeds.
- 9) **Pg. 1-6, 1.3.1 CEQA Lead Agency and Responsible Agencies:**  
81-9 2<sup>nd</sup> paragraph; Why is the County responsible for funding any of the mitigation, when in fact, the County did not create any of the adverse impacts attendant with water gathering activities? CEQA clearly places the financial burden for any mitigation required for impacts as a result of a project on the party responsible for the impacts (LADWP).
- 10) **Pg. 2-4, 2.2.1, Roles and Responsibilities of Involved Agencies:**  
81-10 End of final paragraph at the bottom of Pg. 2-4 and top of Pg. 2-5; The method proposed for resolution of disagreement provides either party with the unilateral authority to terminate implementation of adaptive management measures. In the event such a measure is necessary to meet the objectives of the project, including CEQA/NEPA standards, this procedure represents an unacceptable process for dispute resolution. Absent guidelines defining what grounds either party may utilize to suspend implementation of adaptive management measures, this procedure, as stated, provides license to frivolous and arbitrary reasoning for non-participation. Binding arbitration should be imposed for any resolution of disputes beyond exhaustion of administrative remedies. The LORP is not a stand-alone project and has been identified as the principal mitigation measure for adoption and certification of the LTWA and EIR. The failure to implement any adaptive management measure necessary for fulfillment of the mitigation objectives in the EIR for the LTWA casts aspersions on the legal validity of the LTWA.
- 11) **Pg.'s 2-5, 6&7, 2.2.2.1 Implementation Period Costs & 2.2.2.2 Post-Implementation Costs:**  
81-11 See comment 9). In light of the fact the County is opposed to the utilization of a 150cfs pump back station, they should not be responsible for the additional cost of that facility in the event that alternative is selected.
- 12) **Pg. 2-8, 2.2.2.4 Alternatives for Post-Implementation Costs:**  
81-12 Given the LORP has been certified as a mitigation measure addressing LADWP caused impacts as a result of water gathering activities, any shortfall in funding for adaptive management measures should be borne by the LADWP.
- 13) **Pg. 2-9, 2.2.2.5 LADWP/County Draft Post-Implementation Policy:**  
81-13 Clearly, if full implementation of the LORP is required to mitigate the impacts identified in the EIR for the LTWA, Option 2 must be adopted and the cost of the mitigation measures should be solely the obligation of the party responsible for impacts as a result of water gathering activities (LADWP).
- 14) **Pg. 2-74, 1<sup>st</sup> complete paragraph, last sentence:**  
81-14 Any adaptive management measure not fully implemented that fails to satisfy the level of mitigation necessary to be in compliance with the EIR for the LTWA would serve to invalidate the authority of the LTWA. As the LORP is the principal mitigation for the adverse impacts resulting from water gathering and export activities, its complete implementation must be accomplished to satisfy the requisite conditions of approval for the LTWA.



Dan Beets  
1458 Bear Creek Drive  
Bishop, CA 93514



January 14, 2003

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

Dear Mr. Martin:

The following are my personal comments on the LORP Draft EIR and EIS:

- 82-1 Maintain the pumpback station at 50 cfs as agreed to in the 1991 Inyo-Los Angeles Water Agreement and as recommend by the EPA.
- 82-2 Monitoring and adaptive management is important and can be easily be accomplished with the income generated by the DWP. Noxious weed control, especially regarding salt cedar, is a critical need.
- 82-3 The lack of grazing management on DWP lands has always been appalling. Allotments in most areas need to be reduced and seasons shortened to allow regrowth of important grasses, sedges, and forbs. This needs to be addressed in the document.
- 82-4 Recreation use needs to be addressed. The rewatered Owens River will attract recreationists. That future use needs to be anticipated and planned for. In addition, there should be a plan to protect the reviving riparian habitat from recreation over use.

You have an incredible opportunity here to prove that you are capable and dedicated to good land and habitat husbandry. Instead of wasting an enormous amount of attorney fees to fight complying with the 1991 agreement, you could actually do the right thing for the land and the river.

Sincerely,

  
Jean Benner  
95 Myrtle Lane  
Big Pine, CA 93513

RECEIVED  
JAN 14 2003  
AQUEDUCT MANAGER  
BISHOP ADMINISTRATIVE OFFICE



January 14, 2003

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

Dear Mr. Martin,

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

We 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:

83-1 | 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.

83-2 | 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.

83-3 | 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 we want it to work. We 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 our comments.

Sincerely,

*S. Berlin  
E. Pachucki*

*Teachers at Pine Street School Bishop*

RECEIVED

JAN 14 2003

QUEDUCT MANAGER  
OF ADMINISTRATIVE OFFICE

08 JAN 03  
 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.

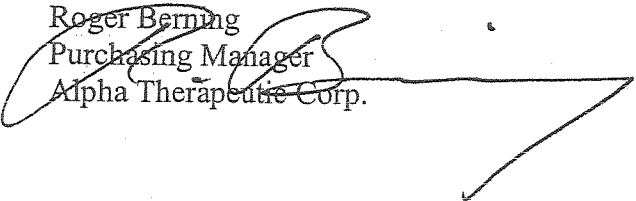
However, one issue that remains outstanding is the size of the pump-back station. We strongly support the 150 cubic-feet-per-second pump station as proposed by the LADWP in the draft EIR.

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.

84-1

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,  
  
 Roger Berning  
 Purchasing Manager  
 Alpha Therapeutic Corp.

RECEIVED

JAN 13 2003

AQUEDUCT MANAGER  
 BISHOP ADMINISTRATIVE OFFICE

Larry and Ruth Blakely  
415 Sierra Grande  
Bishop, CA 93514

Friday, January 10, 2003

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

Re: Comments on the LORP DEIR/EIS

Dear Mr. Martin,

It appears to us that, in the past, the city of Los Angeles and the LADWP have had little concern for native plant and animal habitat in the Owens Valley, and that many of their actions caused significant habitat deterioration. However, it is an obvious fact that LADWP's ownership of much of the Valley floor is responsible for the absence of agricultural, commercial, and urban overdevelopment, which, as in so many other parts of our State and Country, would have all but wiped out the Valley's natural environment. The way smoke from last summer's fires accumulated and lingered here indicates how pollutants would amass in the "Deepest Valley".

Over the past few years there appears to be a greater appreciation by LADWP and others for the splendid environmental values still present here. More and more the people of Los Angeles seek out the National Park-like ambience of the Eastern Sierra, and we seem to detect a developing conservation ethic at the LADWP. Now, with the magnificent Lower Owens River Project, the LADWP has another opportunity to partially mitigate past damage, and make the region an even more wonderful place to live in and visit, because of its natural endowments. The Draft Environmental Impact Report and Environmental Impact Statement, released by the LADWP in November, 2002, has been reviewed by the Owens Valley Committee (to which we contribute), which found some significant shortcomings that alarm us.

85-1 A principal concern we have is the proposal for a larger-than-necessary pumpback station, which, if utilized to capacity, would prevent sufficient flow onto wetlands at the north end of Owens Lake. Wetland areas at Owens Lake are especially valuable for resident and, most notably, migrating and breeding waterfowl. Three years ago the Lake was designated a Nationally Significant Important Bird Area by the National Audubon Society and the American Bird Conservancy. LADWP's insistence on the

RECEIVED

JAN 13 2003

WATER SUPPLY DIVISION  
SHOP ADMINISTRATIVE OFFICE



85-1 | 150 cfs pump, rather than the previously agreed on 50 cfs pump, raises suspicions of intent to reduce flow to the Lake, and also to have the capacity on hand for dealing with increased ground water pumping, which, in the past, has caused many Valley springs to dry up.

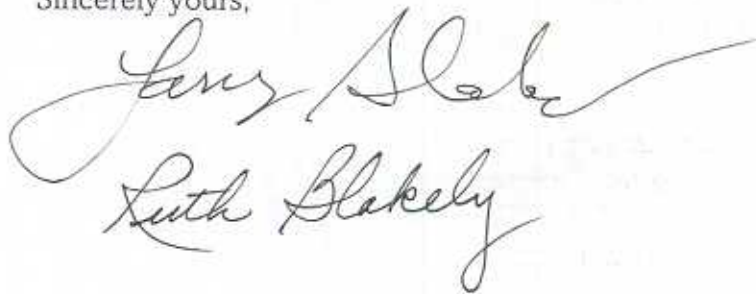
85-2 | We are also especially concerned about habitat restoration. Many areas of the Valley suffer from habitat degradation due to over-pumping of groundwater and excessive cattle grazing. When walking along the river we have encountered not only thick accumulations of cattle feces, but also rotting corpses of cattle, at the water's edge. Once we saw a dead, bloated, calf floating down the river. This situation is not conducive to a pleasant stroll, to a family fishing outing, nor, it would seem, to water quality.

85-3 | We enjoy seeing the free-range cattle grazing in the Valley, and we understand that many grazing permittees are sensitive to conservation and environmental matters. However, it would be marvelous if grazing permits granted by the LADWP were to take into account the needs of wildlife and recreationists, such as prohibiting grazing near the River, as well as in sensitive wetland areas.

85-4 | We hope also that the recreation potential in the Project area will be realized, for the benefit of people engaged in fishing, birding, botanizing, hiking, bicycling, photography, and scenic enjoyment. This and other aspects of the Project will require more funding than is apparently envisioned in the DEIR/EIS. Adequate funding, which would amount to a tiny fraction of the economic value of Valley water to Los Angeles, is essential for realization of the full potential of the Project.

Current and future generations will be the grateful beneficiaries of a well planned and funded Lower Owens River Project, one that not only retains but enhances the unique environmental splendor of the Eastern Sierra. We want to believe that the LADWP and the leaders and citizens of Los Angeles will be increasingly aware of their responsibilities as stewards of so much of this remarkable land.

Sincerely yours,

  
Ruth Blakely

PATRICIA BOYER  
601 MUIRAVE PO BOX 353  
LONE PINE CA 93545

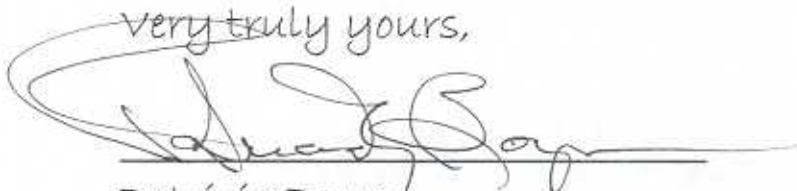
Jan 11, 2003

Aqueduct Business Group Manager Gene Coufal  
Los Angeles Dept. of Water & Power  
300 Mandich St.  
Bishop, CA 93514

Dear Mr Coufal,

86-1 | In regard to the Lower Owens River Project:  
why don't you just do what you said you would do?

very truly yours,



Patricia Boyer

RECEIVED

JAN 13 2003

AQUEDUCT MANAGER  
BISHOP ADMINISTRATIVE OFFICE

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:

87-1

**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.

87-2

**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.

87-3

**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.

87-4

**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.

87-5

**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.

87-6 **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.

87-7 **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.

87-8 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,



Karen M. Brorson, Inyo County Resident  
1180 N. Main St., #101A-116  
Bishop, CA 93514

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:

- 88-1 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.
- 88-2 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.
- 88-3 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,



Michael Brorson, Inyo County Resident and Concerned Citizen

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

Stacy Brown  
920 N. Barlow  
Bishop, CA 93514

Comment Letter No. 89

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:

89-1 **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.

89-2 **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).

89-3 **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. Are those flows 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.

RECEIVED

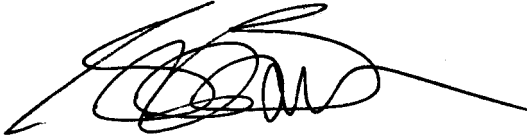
JAN 15 2003

AQUEDUCT MANAGER  
BISHOP ADMINISTRATIVE OFFICE



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, appearing to read 'Stacey Brown', with a long horizontal line extending to the right.

Stacey Brown, MD

THOMAS S. BUDLONG  
3216 MANDEVILLE CANYON ROAD  
LOS ANGELES, CA 90049-1016

Clarence Martin  
LADWP  
300 Mandrich Street  
Bishop, CA 93514

January 7, 2003

Dear Mr. Martin,

This letter comments on the LORP Draft EIS. I would like to point out some of the weaknesses, and urge they be corrected.

Implementation of several items are not specifically defined. This imprecision could very well turn into justifications for abandonment of what should be DWP responsibility:

- 90-1 ▪ Continuing assessment of LORP effectiveness: There are words to the effect that this be done "if funding is available". That's a subjective test. It would be all too easy for funding to be judged not available, thus justifying abandonment of LORP monitoring. If LA DWP is serious about LORP, it will commit to a continuing assessment program. It's just part of the cost of doing the business to which DWP is committed.
- 90-2 ▪ Salt Cedar: This is the main thrust of discussions of 'noxious weeds'. We all recognize the destructive nature of this exotic, and the necessity for its control. But again, a vital part of the deal is left to chance - if outside funding sources are not forthcoming then salt cedar control disappears and significant damage can occur. Like assessing LORP effectivity over time, salt cedar control is the cost of doing business. DWP must commit to it.
- 90-3 ▪ The DEIS is silent with respect to the additional 16,000 acre-feet/year that LORP needs. Will DWP demand this be recovered, and if so, how? This needs definition.
- 90-4 ▪ Understory health: It's an important parameter, and has been hammered by grazing in riparian areas. Page 2-78 is very non-specific with respect to measuring understory health. It must be defined. We cannot be in the position, some time in the future, to be presented with riparian disaster with no commitment for understanding or correction.

Additional items:

- 90-5 ▪ There appears an inconsistency with respect to pump station capacity. 50 cfs is the old agreed limit, but the DEIS plan is to install 150 cfs capacity, but not use it beyond the 50 cfs. Needless to say, this is suspicious.
- 90-6 ▪ The DEIS is silent with respect to recreation and recreation planning. DWP must address this, as controllers and steward of such a large part of the Owens Valley.

As usual, I appreciate the opportunity to comment.

Respectfully,



Tom Budlong  
Voice: 310-476-1731  
Fax: 310-471-7531  
email: TomBudlong@Adelphia.net

RECEIVED

JAN 10 2003

WATER DUCT MANAGER  
ADMINISTRATIVE OFFICE