

**FINAL  
ENVIRONMENTAL IMPACT REPORT &  
ENVIRONMENTAL IMPACT STATEMENT**

**Volume 3 of 3**

Appendix K – Responses to Comments on the Draft EIR/EIS

**LOWER OWENS RIVER PROJECT**

**June 23, 2004**



*CEQA Lead Agency:*

**Los Angeles Department of Water and Power  
300 Mandich Street  
Bishop, California 93514**

*NEPA Lead Agency:*

**U.S. Environmental Protection Agency  
75 Hawthorne Street, WTR-3  
San Francisco, California 94105**

*CEQA Responsible Agency:*

**Inyo County Water Department  
163 May Street  
Bishop, California 93514**

## APPENDIX K    RESPONSES TO COMMENTS

### K.1    RESPONSES TO WRITTEN COMMENTS

Table K-1 lists the agencies and organizations who provided written comments on the Draft EIR for the Lower Owens River Project. This section presents responses to those comments. As noted in Section 1, LADWP, EPA, and Inyo County coordinated closely on preparation of the Final EIR/EIS. These responses to comments present the consensus reached on the issues discussed by the three agencies as of May 2004. The comment letters are presented in **Appendix J**.

**TABLE K-1  
LIST OF COMMENT LETTERS**

Letter Number	Commentor	Date
<b>Federal Agencies</b>		
1	U.S. Fish and Wildlife Service Judy Hohman, Division Chief, Mojave/Great Basin Deserts	1/13/2003
2	Bureau of Land Management Bill Dunkelberger, Field Manager, Bishop Field Office	1/13/2003
3	Bureau of Land Management Bill Dunkelberger, Field Manager, Bishop Field Office	1/13/2003
<b>State Agencies</b>		
4	Regional Water Quality Control Board - Lahontan Region Joe Kenny, Environmental Scientist	1/14/2003
5	California State Lands Commission Dwight E. Sanders, Chief, Division of Environmental Planning and Management	1/13/2003
6	California Department of Fish and Game Alan Pickard, Deputy Regional Manager, Eastern Sierra – Inland Deserts Region	1/10/2003
7	Great Basin Unified Air Pollution Control District Ellen Hardebeck, Air Pollution Control Officer	1/9/2003
<b>Other Agencies</b>		
8	Inyo County Environmental Health Services Robert L. Hurd, Director of Environmental Health Services	12/31/2002
9	Inyo County Planning Department L. Andrea Clark, Senior Planner/Resource Management Coordinator for Chuck Thistlethwaite, Planning Coordinator	12/31/2002
10	Metropolitan Water District of Southern California Laura J. Simonek, Manager, Assessment and Facilities Planning Unit	1/9/2003
<b>Organizations, Groups, Businesses, and Individuals</b>		
11	Big Pine Paiute Tribe of the Owens Valley Jessica L. Bacoach, Tribal Chairperson	1/13/2003
12	Fort Independence Indian Reservation Richard Wilder, Tribal Chairman	1/13/2003
13	Lone Pine Paiute-Shoshone Reservation Rachel A. Joseph, Tribal Chairperson	1/10/2003

<b>Letter Number</b>	<b>Commentor</b>	<b>Date</b>
14	Lone Pine Paiute-Shoshone Reservation Rachel A. Joseph, Tribal Chairperson	1/14/2003
15	California Indian Legal Services Dorothy Alther	1/14/2003
16	Owens Valley Committee / Sierra Club Mark Bagley, Sierra Club MOU Representative Michael Prather, Owens Valley Committee	1/14/2003
17	AADAP, Inc Mike Watanabe, MSW, Executive Director	1/9/2003
18	Adro Environmental, Inc. Ade Adeniji, Chief Executive Officer ADRO Environmental, Inc. Secretary/Treasurer, California Urban Water Conservation Council	1/9/2003
19	Hilton Los Angeles Airport Jim Davis, Director of Property Operations	1/7/2003
20	Anheuser-Busch, Inc. Gary P. Lee, Plant Manager, Los Angeles Brewery	1/13/2003
21	California Exotic Pest Plant Council Doug Johnson, Executive Director	1/6/2003
22	California Native Plant Society, San Francisco Jacob Sigg, Chair, Invasive Exotics Committee	1/6/2003
23	California Native Plant Society, Bishop Stephen Ingram, President	1/14/2003
24	Center for Biological Diversity Daniel R. Patterson, Desert Ecologist	1/14/2003
25	Community Enhancement Services Zigmund Vays, President	1/10/2003
26	Defenders of Wildlife Cynthia Wilkerson, CA Species Associate	1/10/2003
27	Eastern Sierra Audubon Society James Wilson, President	1/12/2003
28	El Dorado Audubon Society Carolyn Vance, Newsletter Editor	12/30/2002
29	Federal Express Corporation Rick Llewelyn, FedEx Contract Advisor	1/9/2003
30	Friends of Placer County Communities, Inc. Dr. V. Dale Smith, Executive Director	1/6/2003
31	Guess?, Inc. Steve Chapnick, Director of Facilities	1/3/2003
32	Harbor Association of Industry & Commerce Edward J. Rogan, President	2/14/2003
33	Independence Chamber of Commerce Rich White, President Arlene Grider, President	1/13/2003

\* Date received is shown; letter not dated.

<b>Letter Number</b>	<b>Commentor</b>	<b>Date</b>
34	Inyo County Cattlemen's Association & Inyo Mono County Farm Bureau Zack Smith, President, Inyo Mono Farm Bureau Scott Kemp, President, Inyo County Cattlemen's Association	1/8/2003
35	JBL Professional James Langdon, Facilities Manager	1/10/2003
36	The J. Paul Getty Trust Bradley Wells, Vice President, Finance	1/14/2003
37	Korean Youth Center Dore Burry, Environmental Unit Manager	1/9/2003
38	Lacey Livestock Mark Lacey, Owner	1/13/2003
39	Law Offices of Charles E. Steidtmann Charles E. Steidtmann	1/3/2003
40	League of Women Voters of the Eastern Sierra, Inc Pat Williams, President	1/8/2003
41	Lone Pine Chamber of Commerce & Inyo County Film Commission Bob Meador, DDS, President	1/13/2003
42	Los Angeles Area Chamber of Commerce Russell J. Hammer, President and CEO	1/9/2003
43	Mojave Desert-Mountain Resource Conservation & Development Council Donna C. Thomas, Vice-President	1/13/2003
44	Mono Lake Committee Lisa Cutting, Eastern Sierra Policy Director	1/14/2003
45	Moss Group Richard F. Moss	1/3/2003
46	MountainGate Country Club David Bermudez, Golf Course Superintendent	1/13/2003
47	Park LaBrea Apartments Chris Scroggin, General Manager, Park LaBrea Management	1/10/2003
48	Pestmaster Services, Inc. Ted Erlwin	1/13/2003
49	Rock Creek Pack Station Craig London, D.V.M.	1/14/2003
50	University of Southern California Bingham Cherrie, Associate Vice-President	1/10/2003
51	Volunteers of America Edmund Gonzales	1/13/2003
52	Western San Bernardino County Landowner's Association Douglas Parham, President	1/13/2003
53	Michael Allen	1/9/2003
54	Jan Almquist	1/14/2003
55	Kathy Anderson	1/13/2003
56	Thomas V. Arbanas	1/7/2003
57	Richard Arnold	1/9/2003

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<b>Letter Number</b>	<b>Commentor</b>	<b>Date</b>
58	Janice Aten-McRoberts	1/9/2003
59	Rod Ayers	1/14/2003
60	Rosanne Beach	1/12/2003
61-69	<i>Numbers 61 through 69 were not assigned to any letters.</i>	--
70	Don and Debbie Becker	1/13/2003
71-79	<i>Numbers 71 through 79 were not assigned to any letters.</i>	--
80	Janice and Rod Bedayn	1/9/2003
81	Dan Beets	1/14/2003
82	Jean Benner	1/14/2003
83	L. Berlin and E. Pachucki	1/14/2003
84	Roger Berning	1/8/2003
85	Larry and Ruth Blakely	1/10/2003
86	Patricia Boyer	1/11/2003
87	Karen M. Brorson	1/13/2003
88	Michael Brorson	1/13/2003
89	Stacey Brown, MD	1/15/2003*
90	Tom Budlong	1/7/2003
91	John Burnstrom	1/8/2003
92	David Carle	1/8/2003
93	Marvin B. Center	1/10/2003
94	Richard Cervantes	1/7/2003
95	Laurie Chamberlin	1/13/2003*
96	L.K. Chavez	1/10/2003
97	Cheryl Chipman	1/9/2003
98	Charles Church	1/7/2003
99	Michelle Cobos	1/10/2003
100	Don and Lorelee Cole	1/10/2003*
101	Charlene Collins Big Pine Paiute – Owens Valley Indian Water Commissioner	1/10/2003
102	Beverly Coons	1/10/2003
103	Don Coustaus	1/11/2003
104	Diana Cunningham	1/9/2003
105	Barbara and Tom Danielsen	1/4/2003
106	Estelle Delgado	1/10/2003
107	Kelly Denver	1/10/2003
108	Don C. Dillinger	1/13/2003*
109	Paula Dillinger	1/13/2003*
110	Nicole Dondero	1/10/2003

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<b>Letter Number</b>	<b>Commentor</b>	<b>Date</b>
111	Dorothy Dowell	1/13/2003
112	Kathy Duvall	1/13/2003*
113	Jack and Marilyn Ferrell	1/8/2003
114	Karen Ferrell-Ingram	1/14/2003
115	Clara Fields	1/10/2003
116	Joyce E. Floyd	1/12/2003
117	Kim F. Floyd	1/12/2003
118	Patricia Foley	1/13/2003
119	Gail E. Fox	1/10/2003
120	Sally Gaines	1/10/2003
121	Carolyn Gann	1/14/2003*
122	Martha S. Gilchrist	1/10/2003
123	John Gorham	1/9/2003
124	Ross and Maiya Gralia	1/13/2003*
125	Andrew M. Harvey	1/13/2003*
126	Victoria Hamilton	1/14/2003
127	Marilyn Hayden	1/13/2003*
128	Mark A. Heckman	1/13/2003*
129	Darla J. Heil	1/14/2003
130	Jo Heindel	1/14/2003
131	Tom Heindel	1/14/2003
132	Sarah C.V. Hendrickson	1/8/2003
133	Julie L. Hess	1/10/2003
134	Charlotte Heubson	1/6/2003
135	Rosanne Higley	1/8/2003
136	Raimundo T. Huarto	1/9/2003
137	Robert A. Hudson	1/7/2003
138	William A. Hunt	1/15/2003*
139	Barry K. Hutten	1/15/2003*
140	Charles Irvine	1/10/2003
141	J. Mendoza Iwens	1/14/2003
142	Ralph Iwens	1/14/2003
143	Lisa Jaeger	1/14/2003
144	Robert Jellison	1/14/2003
145	Sherman Jensen	1/13/2003
146	Lana Johns	1/13/2003
147	Mark Johns	1/13/2003
148	Earl Johnson	1/10/2003*

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<b>Letter Number</b>	<b>Commentor</b>	<b>Date</b>
149	Jeremiah S. Joseph	1/13/2003*
150	Bachittar S. Juneja	12/26/2002
151	Cindy Kamler	1/10/2003
152	Karen M. Keehan	1/14/2003
153	Vanessa Keller	1/10/2003
154	Andrea Lawrence	1/13/2003*
155	Kelli Levinson	1/14/2003*
156	Joann Lijek	1/13/2003*
157	Carolyn Lynch	1/13/2003
158	Roberta McIntosh	1/10/2003*
159	Marian McDural	1/10/2003
160	Bruce and Cheryl Mack	1/10/2003
161	Anthony Marks	1/10/2003
162	Charlotte Martinez	1/10/2003
163	Sylvia Maxey	1/10/2003
164	Stacey Mike	1/10/2003
165	Tracey Mike	1/10/2003
166	Daniel J. Miller	1/10/2003
167	Haley Miller	1/10/2003
168	Sally Miller	1/15/2003*
169	Jacob E. Morgan	1/7/2003
170	Gaylune M. Muese	1/10/2003
171	Lawrence Nahm	1/10/2003*
172	Star Narcoon	1/10/2003
173	Tom Noland	1/14/2003*
174	Dick Noles	1/13/2003*
175	Cheryl and Greg Norlin	1/13/2003*
176	Debby Parker	1/13/2003
177	Robert H. Paschall	1/8/2003
178	Jim Paulus	1/7/2003
179	Francis and Francee Pedneau	1/10/2003
180	Kirk Peek	Not Dated
181	Beth S. Porter	1/13/2003
182	Randall K. Porter	1/14/2003*
183	Richard Potashin	1/14/2003
184	Colleen Reardon	1/10/2003
185	Linda Reynolds	1/10/2003
186	Virginia M. Reynolds	1/10/2003

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<b>Letter Number</b>	<b>Commentor</b>	<b>Date</b>
187	Stanley Richardson	1/14/2003
188	Donald and Barbara L. Rivenes	1/17/2003
189	E. Richard and Tamra Y. Roloff	1/11/2003
190	Robert Robertson	1/10/2003
191	Carma Roper	1/13/2003
192	Lynnette Royce	1/13/2003*
193	Tim Rudolph	1/11/2003
194	Barbara Schuck	1/13/2003*
195	Andy Selters	1/13/2003
196	Edward H. Shelander	1/14/2003
197	Hazel Dehy Shelander	1/14/2003
198	Nick Sprague	1/14/2003*
199	Sara Steek	1/8/2003
200	Howard Steidtmann	1/9/2003
201	R. Steward	1/10/2003
202	Tucheh P. Stone	1/9/2003
203	Thomas J. Talbot	1/7/2003
204	William A. Talbot	1/7/2003
205	Frederick E. Tan	1/13/2003
206	Sherryl Taylor	1/13/2003
207	Thaddeus W. Taylor III	1/14/2003
208	Robert J. Vance	1/13/2003*
209	Sara M. Vance	1/10/2003
210	Derrick E. Vocolka	1/13/2003
211	Mary Vocolka	1/13/2003
212	Douglas Wachowiak	1/10/2003*
213	Nancy Peterson Walter and John H. Walter	1/13/2003
214	Jason Warren	1/10/2003
215	Samuel R. Wasson	1/14/2003
216	Carol Wells	1/10/2003*
217	Marshalle Wells	1/9/2003
218	Janet Westbrook	1/13/2003
219	Bryce A. Wheeler	1/10/2003
220	Charles D. Wheeler	1/9/2003
221	Wilma A. Wheeler	1/7/2003
222	Steven M. White	1/9/2003
223	Judy Wickman	1/5/2003
224	Steve Wiebold	1/14/2003

\* Date received is shown; letter not dated.



<b>Letter Number</b>	<b>Commentor</b>	<b>Date</b>
225	Carol A. Wiley	1/10/2003
226	Earleen J. Williams	1/10/2003
227	Harry C. Williams	1/14/2003
228	Jack R. Williams, Jr.	1/10/2003
229	John C. Williams	1/10/2003*
230	Earl Wilson	1/14/2003
231	Earl Wilson	1/14/2003
232	John Wilson	1/10/2004
233	Breanne Zaragoza	1/14/2003
234	Barbara and Robert Toth	1/13/2003
235	Linda M. <i>(signature not legible)</i>	1/10/2003
236	R. <i>(signature not legible)</i>	1/9/2003
237	Mark Belles	11/16/2002
238	James R. Kahn, M.D.	1/5/2003
239	Andrew D. Morin	11/26/2002
240	R. Paul Policarpio	12/23/2002
241	Jeanne Walter	12/19/2002*
242	American Reward Mill, Inc. Gene D. Mathern, President/CEO Janet R. Blackburn, Secretary/Treasurer	1/11/2003 and 1/14/2003
243	Phyllis Sam	1/10/2003
244	L. Missbrenner, El Dorado Audubon <i>(signature not legible)</i>	Not Dated
245	Tamara L. Coleman, El Dorado Audubon	Not Dated
246	Jean Casom, El Dorado Audubon	Not Dated
247	Alfred J. Missbrenner, El Dorado Audubon	Not Dated
248	Lindsay Romo, El Dorado Audubon	12/19/2002
249	<i>(signature not legible)</i> El Dorado Audubon	12/19/2002
250	Mary Parsell	Not Dated
251	Donna Bray, El Dorado Audubon	Not Dated
252	Arthur Beland, M.D., Audubon Society	Not Dated
253	Linda Boag, El Dorado Audubon	Not Dated
254	Chuck Mitchell, El Dorado Audubon	Not Dated
255	Brad Lane, El Dorado Audubon	Not Dated
256	Eleanor J. Beland, El Dorado Audubon	Not Dated
257	Carolyn Vance, El Dorado Audubon	12/19/2002
258	Jan Gaffrey, El Dorado Audubon	Not Dated
259	Rich Sonnenberg	Not Dated

\* Date received is shown; letter not dated.

**Responses to Letter No. 1      U.S. Fish and Wildlife Service  
Mojave/Great Basin Deserts  
Judy Hohman, Division Chief**

- 1-1      USFWS's jurisdiction and responsibilities under the Endangered Species Act, Fish and Wildlife Coordination Act, and other authorities are noted. In Item No. 1 of the LORP elements, please note that flows from the river intake to the river delta will not be pumped but will flow by gravity.
- 1-2      LADWP will work with USFWS regarding MBTA compliance as applicable to the LORP. In addition, the conditions for the Streambed Alteration Agreement with CDFG may include measures to minimize disturbance to nesting birds in riparian areas (avoidance of nesting season and/or survey prior to commencement of work).
- 1-3      USFWS's support of the project is noted.
- 1-4      LORP does not include an active cowbird control program, e.g., trapping. However, implementation of LORP is anticipated to increase habitat diversity and cover in riparian areas, which is expected to increase and enhance habitat for song birds and also reduce their vulnerability to parasitism by cowbirds. While monitoring specifically for cowbirds is not proposed, volunteer-based bird censuses will be conducted (see revised Sections 2.10.1.5 and 2.10.1.6). In addition, habitat development surveys (revised Section 2.10.1.3) will measure habitat attributes related to habitat diversity and cover.
- A cowbird trapping program was considered as a project alternative as described in Section 11.4.5, but was not adopted since it would not reduce any identified significant impact. Cowbird control programs are often a stop-gap measure, while good land management is anticipated to provide the most cost-effective and long lasting benefit for wildlife. Given the high cost of cowbird trapping programs, the potential negative impacts associated with cowbird trapping (USFWS, 2002), and the lack of data to demonstrate a need, implementing a cowbird trapping program is premature and the need unsubstantiated at this time. The most recent recommendations regarding cowbird control state that cowbird-trapping programs should not be initiated in the absence of baseline data that justifies the need (USFWS, 2002; Rothstein and Cook, 2000).
- 1-5      USFWS's support of the project is noted.

**Responses to Letter No. 2      Bureau of Land Management  
Bishop Field Office  
Bill Dunkelberger, Field Manager**

2-1      LADWP acknowledges and expects that recreational use of the LORP area will increase over time as the ecological conditions in the project area are improved by the LORP. As noted by commentors, increases in recreational uses could result in adverse impacts. Section 10.1.2.2 has been revised to describe additional potential impacts, including disturbance of cultural resources, spread of noxious weeds and New Zealand mudsnail, and fugitive dust generation and increased need for roadway maintenance from increased vehicle travel on existing dirt roads.

The LORP monitoring program will include annual documentation of recreation uses, impacts, and the potential for recreation-related impacts as part of the rapid assessment surveys (see Section 2.10.1). In addition, other monitoring and maintenance activities conducted as part of LORP will increase surveillance for potential recreation impacts. Both LADWP and Inyo County personnel will be routinely present in the field to collect water quality, hydrology, habitat and other types of information (see Section 2.10). Staff from both agencies will be instructed to report recreation impacts or recreation-related threats to resources that they observe with the intent of recognizing and addressing problems before significant impacts occur (also see revised Mitigation Measures RC-1 and RC-2 in Section 10.1.3).

Since the increase in recreational users is expected to occur gradually over many years, initial LORP implementation does not include construction of any specific facilities to restrict existing recreational uses (e.g., fencing to restrict access, road closures, etc.). As part of the LORP, LADWP will implement the recreation management strategies described in revised Section 2.9. Reported or observed adverse impacts from recreational uses, and threats to resources, will be investigated promptly and appropriate management action will be implemented in a timely manner. It is recognized that the management strategies described in Section 2.9 may need to be modified in the future in response to increased recreational uses and associated human impacts.

With respect to cooperation with local communities for recreation management, LADWP receives and acts on information from recreational users themselves. For example, letters, e-mails, or other communications with LADWP's Watershed Resources Section concerning negative impacts from recreation are currently, and will continue to be under LORP, investigated. LADWP will then implement applicable management practices described in Section 2.9.

2-2      LADWP will adopt the following mitigation measures identified for Class III impacts: P-2 ("P-3" in Draft EIR/EIS), P-3 ("P-4" in Draft EIR/EIS), P-4 ("P-5" in Draft EIR/EIS), RW-2, LM-1, RC-1, AQ-1, and AQ-2. The mitigation measure labeled "P-2" in the Draft EIR/EIS was considered but will not be adopted. Text in relevant sections has been revised to clarify this information.

2-3      In response to your comments, Section 9.3.1 has been revised to describe the potential for  
2-4      cattle drift for all seven leases within the LORP area and to describe the unallocated lands adjacent to the leases.

In response to BLM concerns, on February 4th and March 4th of 2003, LADWP staff met with the following staff from BLM: Bill Dunkelburger, Area Manager; Terry Russi, Supervisory Wildlife Biologist; Jim Jennings, Outdoor Recreation Planner; and Mark Gish, Range Conservationist. The purpose of the meeting was to consult with BLM regarding the potential impact of cattle drift on BLM lands under LORP. BLM and LADWP concurred that LORP would result in minor, if any, increase in cattle drift onto BLM lands over existing conditions, based on the reasons described in Section 9.3.1, and that no specific management actions other than those already proposed under LORP are necessary at this time. If it is later determined that the rangeland management actions proposed under LORP are resulting in a substantial increase in cattle drift, LADWP will implement Mitigation Measure LM-1. Under Mitigation Measure LM-1, LADWP will consult with BLM in determining lease-specific measures to reduce unauthorized drift.

2-5 BLM's acknowledgement of the adaptive management approach is noted.

2-6 The risk of weed invasion from the inundation effects and altered hydrologic conditions along the river under LORP are acknowledged in Section 4.5.2 and Section 10.4.3. Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.

After review of all comments received on the Draft EIR/EIS regarding the conversion of upland to wetland vegetation under LORP, LADWP has determined that the conversion of almost 3,000 acres of upland vegetation is an adverse, but less than significant impact (Class III). As described in revised Section 4.5.2, LADWP considered the significance of this conversion in light of the following: the affected acreage represents a relatively small percentage of the total area of upland vegetation in Owens Valley; implementation of LORP has the potential to increase areas of upland vegetation along the river corridor; riparian and wetland areas created under LORP are expected to have greater habitat values than the existing upland areas that will be converted; other LADWP activities are currently ongoing that have the aim of improving upland habitat areas in the Valley; and the conversion would restore native riparian habitats that existed prior to 1913 when diversion of the river into the Aqueduct began.

2-7 During the initial stages of construction, LADWP will salvage the top 1-foot of topsoil and stockpile it onsite in a separate location from other materials. Topsoil from upland areas and riparian areas will be stockpiled separately. The stockpiled topsoil will be applied to excavated areas during re-contouring of the disturbed areas under Mitigation Measure P-1.

Regarding funding for mitigation monitoring, both LADWP and Inyo County intend to fund one-half of the post-implementation costs of the LORP that are not related to the pump system (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement. As part of this commitment, LADWP and Inyo County intend to fund mitigation measures necessary to reduce significant impacts from noxious weeds and mosquitoes related to LORP to less than significant levels. Please see responses to comments 5-5/5-6/5-7.

Since 1996, LADWP has had a standard policy to maintain all equipment to be “weed free.” Mitigation Measure V-1 has been revised to specifically apply this policy to all LORP-related construction activities. Please see revised text in Section 10.4.4.

- 2-8 Currently, no known rare plant populations are located in areas where there is a substantial potential for weed infestation under LORP (i.e., near areas to be re-wetted or areas with site disturbance during project construction). Therefore, the potential increase in weed infestation associated with LORP is not expected to have a significant impact on rare plant populations.

However, if noxious weeds are found in the vicinity of rare plants, appropriate treatment will be administered jointly by LADWP staff with expertise in identifying rare plants and staff qualified for noxious weed treatment to minimize adverse effects of weed control activities on nearby rare plant populations. Herbicide application will be conducted using a weed wipe (equipment designed to apply herbicides only to plants that come into contact with the applicator) or by hand, as necessary. These are LADWP’s existing practices for treatment of noxious weeds in the vicinity of rare plants that will be continued under LORP. In addition to these LADWP practices, under Mitigation Measure V-3 (revised Section 10.4.4), similar protocols will be developed for protection of rare plants during saltcedar removal by the Inyo County Saltcedar Control Program. Sections 10.4.2.2 and 2.8.1.2 have been revised to incorporate the above information. Please also see revised Section 2.8.1.2 for information regarding rare plant monitoring to be conducted as part of the LORP land management plan.

- 2-9 Sections 10.1.2.2 (Recreation) and 10.4.3 (Deleterious Species) have been revised to acknowledge the risk of weed infestation due to increased seed dispersion by foot and vehicular traffic. Please see responses to comments 2-11/2-12 regarding the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations under LORP.

- 2-10 Section 10.4.3.3 has been revised to acknowledge that an increase in saltcedar within the LORP boundary would increase the seed source throughout the region, potentially resulting in increases in saltcedar outside the project area. Mitigation for this impact is discussed below in responses to comments 2-11/2-12 and revised Section 10.4.4.

- 2-11 Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4,  
2-12 which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II).

Mitigation Measure V-1 is intended to minimize the potential for new weed infestations through implementation of precautionary measures during project construction and flow/land management practices.

Under Mitigation Measure V-2, LADWP will provide funding to the Inyo-Mono County Agricultural Commissioner to implement a monitoring and treatment program for noxious weeds (excluding saltcedar). This program will specifically target new weed infestations in the LORP area as well as existing populations outside of the LORP area that could serve as seed sources for the LORP area. Detailed protocols of the program will be described in a Memorandum of Understanding between the Inyo-Mono County Agricultural

Commissioner and LADWP.

Under Mitigation Measure V-3, LADWP will provide funding to the Inyo County Saltcedar Control Program to implement a monitoring and treatment program for saltcedar. Under this mitigation measure, LADWP will provide a minimum of \$560,000 and up to \$1.5 million in matching funds to the Inyo County Saltcedar Control Program in addition to the funds provided under the Inyo County/Los Angeles Long Term Water Agreement. Mitigation Measure V-3 also outlines the saltcedar control program for LORP.

The amount of funding to be provided under Mitigation Measures V-2 and V-3 was determined through consultations with the Agricultural Commissioner and Inyo County, respectively. The cost estimates are based on the additional materials and human resources needed to address the potential increases in weed infestations due to the LORP.

Mitigation Measure V-4 is intended to facilitate the early detection and timely treatment of weeds through training of LADWP and County personnel and lessees in weed identification and reporting.

2-13 Mitigation Measure PS-1 (Section 10.3.3) has been revised (and replaces Mitigation Measures PS-1 and PS-2 from the Draft EIR/EIS) to describe a program for monitoring, treating and, when possible and as allowable under the MOU, adjusting flow management to reduce mosquito sources within the LORP that threaten nearby communities. However, redesign of the project to further reduce creation of mosquito habitat is limited by the water release regimes specified in the MOU. Please also see Appendix H for a description of the specific measures to be taken under Mitigation Measure PS-1.

2-14 In general, vulnerability of fish and other aquatic species to predation and competition decreases as environmental complexity increases (see below for a partial list of references that demonstrate the coexistence of prey species with predatory species through the use of complex habitat for escapement and feeding). Please note that relevant citations have also been added to the document.

Within the LORP area, native fishes are not anticipated to be the dominant species due to predation from and competition with existing populations of non-native fishes. While no specific physical modifications to create isolated areas for native fishes are proposed, the proposed flow regime is expected to create diverse habitats with localized areas (e.g., oxbows, side channels, and ditches) where native fishes will have less predation and competition from non-native fishes. For example, Owens pupfish prefer shallow water corridors with high water temperatures, low dissolved oxygen, and dense aquatic plant biomass. Since such corridors will be less desirable to largemouth bass, bluegill and other predators, pupfish will likely find refuge, spawning, nursery and rearing habitat in such corridors. Examples of coexistence between native and non-native fishes in the Owens River system include the Owens tui chub at Owens River Gorge and the spring complexes of Hot Creek hatchery and Owens pupfish in the side channels of Fish Slough (outside the designated sanctuary area). (In the main channel of Fish Slough, native fishes are more susceptible to predation because the habitat is of low complexity (man-made ponded areas) and native fishes are forced into open water or areas of low vegetation density (cover) for feeding.

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**Responses to Letter No. 3      Bureau of Land Management  
Bishop Field Office  
Bill Dunkelberger, Field Manager**

3-1      Field surveys for cultural resources were conducted within the defined Area of Potential Effect  
3-2      (APE). APE is defined under Section 106 of the National Historic Preservation Act (NHPA) as  
the geographic area or areas within which an undertaking (i.e., a project activity) may directly  
or indirectly cause changes in the character or use of historic properties, if any such properties  
exist. As a result of consultations with the California Office of Historic Preservation (OHP)  
and Far Western Anthropological Research Group, Inc., EPA, as the federal lead agency for the  
project, determined the APE for LORP to be areas that are subject to identifiable land  
disturbances by construction activities proposed under LORP. The specific areas that comprise  
the APE (i.e., survey areas) for LORP are described in Tables 4-14B and 4-14C.

APE consultations between EPA, OHP, and Far Western resulted in a consensus that the  
proposed flows in the river (including the alkali scrub/meadow habitat conversion areas) and  
Delta would be similar to and would certainly not exceed those experienced under natural (pre-  
diversion) flood conditions. Similarly, since the Blackrock Waterfowl Habitat Area has been  
inundated repeatedly since the 1960s, and since the proposed discharges under LORP to  
Blackrock will be low velocity, only the areas of ground disturbance (berm and ditch  
construction) were included in the APE. Therefore, under LORP, the areas subject to the  
proposed river flows or flooding alone were not included in the APE for the cultural resource  
inventories conducted (Far Western 2001 and 2003).

In response to this comment, Sections 4.8.3.1 and 4.8.4.3 were revised to include the above  
information.

The first cultural resources technical report prepared for the LORP (Far Western, 2001)  
discussed the option of producing either a Programmatic Agreement (PA) and/or Cultural  
Resource Management Plan (CRMP). A PA is a legally binding agreement that records the  
terms agreed upon to implement a particular agency program or resolve adverse effects of a  
complex project or multiple undertakings. A CRMP is a manual for managing cultural  
resources (e.g., how to identify resources, how to evaluate and determine effects, what to do if  
you discover a new archaeological site, what to do if you find human remains, how to monitor  
for cultural resources). An agency may choose to prepare a PA and/or a CRMP to streamline  
the agency's consultation process with the OHP when there are identifiable impacts to known  
cultural resource properties, multiple agency involvement that requires an agreed-upon road  
map, or complex future management issues.

Since preparation of the 2001 cultural resources technical report, consultations between EPA,  
LADWP, Inyo County, and Far Western resulted in a consensus that proposed river flows and  
flooding would not result in significant impacts to cultural resources and therefore would not  
require preparation of a PA or CRMP. Similarly, future changes to the project that could have  
additional potentially significant impacts on historic properties were not expected, and a PA or  
CRMP was not needed. Even in the absence of a PA or CRMP, if changes are proposed to the  
project in the future, or if any future LORP-related activities (e.g., proposed adaptive  
management measures) could affect cultural resources, additional cultural resources inventories  
and consultations with OHP and Native American Tribes will be conducted as required by  
applicable laws.



**Responses to Letter No. 4      Regional Water Quality Control Board –  
Lahontan Region  
Joe Kenny, Environmental Scientist**

- 4-1            The Regional Board’s concurrence with the overall objective of LORP is noted.
- 4-2            Section 4.4.3.1 of the EIS/EIR provides an analysis of predicated water quality impacts due to  
4-3            the new flows in the river. The analysis presents the professional judgement by staff from  
4-4            Ecosystem Sciences, LADWP, and Inyo County Water Department based on empirical data  
and observations from the 1993 flow study and hydraulic (HEC-2) and sediment transport  
(HEC-6) modeling results. The results of HEC-2 and HEC-6 modeling are presented in  
Section 4.3.2. The results of the 1993 flow study are presented in Sections 4.3.2 (hydraulic  
changes) and 4.4.3.1 (water quality changes).

Based on the results of the 1993 flow study, water quality conditions in the river under the 40-cfs baseflow were predicted using the QUAL2E model (Technical Memorandum #7, Ecosystem Sciences, no date). However, the 1993 flow study was conducted under non-equilibrium conditions. Using this model and available data, a reliable prediction of changes in water quality over time once the system has reached equilibrium is not possible. Section 4.2. has been revised to incorporate this information. As described in Sections 2.3.5.2 and 2.3.5.4, LADWP will conduct water quality and fish condition monitoring. If triggered by poor water quality (see Table 2-9), spill gate releases will be implemented to mitigate the water quality impacts of initial flow releases. Even with creation of these fish refuge areas, impacts on water quality are determined to be significant.

Due to the substantial differences in environmental conditions between the two systems, water quality observations during rewatering of the Owens Gorge cannot be applied to predict changes from the LORP. The Owens Gorge Rewatering Project began in 1991 to establish fisheries while sustaining reliable power generation. No water quality monitoring or modeling was conducted prior to rewatering under the Owens Gorge, since the project area was dry under pre-project conditions. Turbidity is currently monitored during release of pulse flows to the Owens Gorge. The Owens Gorge is a high gradient system, and its substrate is larger in particle size and has lower organic content than in the Lower Owens River. Due to the higher velocities (and greater mixing) and the smaller amount of oxygen-consuming materials in the substrate, reduction in dissolved oxygen during the rewatering process was not a substantial problem for the Owens Gorge.

Since the publication of the Draft EIR/EIS, a modified initial release regime for the LORP has been selected by LADWP and Inyo County in consultation with the other MOU parties. As described in revised Section 2.3.5, the modified release regime is designed to reduce the potential for water quality impacts by releasing the first seasonal habitat flow in the winter, when the potential for substantial decreases in dissolved oxygen and adverse effects on fish health are lower. However, under the modified initial release regime, the procedure for establishment of the 40-cfs baseflow is the same as proposed in the Draft EIR/EIS. Therefore, there is still potential for significant water quality impacts to occur. Section 4.4.3.1 has been revised to incorporate this information.

Although the LORP has the potential to cause short-term adverse impacts on water quality, implementation of the project overall will be consistent with the Regional Board non-

degradation policy since the long-term effect is to improve the ecosystem and support designated beneficial uses.

Alternative initial release regimes originally designed to mitigate water quality impacts from the new flows are evaluated in Section 11.3.1. In addition, Sections 4.4.3.1 and 4.6.2 have been revised to include the following evaluation of stilling ponds and temporary fish removal as potential mitigation measures for reducing short-term water quality impacts, which were suggested in the Regional Board NOP letter (dated February 24, 2000).

- The use of stilling ponds to capture and settle out sediments could reduce the turbidity effects of initial flow releases. However, this strategy is considered infeasible since it would reduce the ability of seasonal habitat flows to spread channel sediments onto the floodplains. The spreading of sediments onto the floodplains is necessary for riparian habitat development, and is an objective of seasonal habitat flows stated in the MOU.
- Temporary removal of fish (for later re-stocking) is considered infeasible due to the logistical challenges involved in capturing fish from 30 miles of river channel and transporting and maintaining them in healthy condition until water quality improves. Netting, trapping, and/or electroshocking of large numbers of fishes, temporarily storing them, then recapturing them for re-release to the river would substantially stress and potentially result in large numbers of injured or dead individuals. The magnitude of any fish kill related to temporary removal is unknown, but could exceed the mortality due to water quality degradation under LORP. However, under Mitigation Measure F-1 (Section 4.6.3, previously labeled F-2), LADWP has committed to implementing a fish stocking program if substantial fish kills occur and natural re-colonization does not occur, or appears to be occurring at a very slow rate (within 5 years after water quality conditions have improved).

4-5 If water quality thresholds are exceeded (see Tables 2-9), LADWP has committed to extending the supplemental releases from spill gates to create fish refuge areas beyond the timeframe previously described in Sections 2.3.5.2 and 2.3.5.4 of the Draft EIR/EIS. Sections 2.3.5.2 and 2.3.5.4 have been revised accordingly, and Mitigation Measure F-1 has been deleted from Section 4.6.3 since it is now proposed as part of the project.

4-6 The existing wetted reaches of the river are shown in Figures 2-1c through 2-1e. Predicted future hydrologic conditions based on water surface elevation modeling (HEC-2) are presented in Section 4.3.2. Average water depth is predicted to increase about 1.5 feet under the new baseflows, and about 4 feet with the seasonal habitat flows. The average width of the wetted channel is predicted to increase by 30 feet under the new baseflows, and nearly double, to about 85 feet, under the maximum seasonal habitat flows of 200 cfs. Existing and predicted acreages of vegetation types (including open water) are presented in Table 4-11 (Section 4.5.2). In addition, cross-sections in five representative areas of the river were surveyed during 2002. The description of cross-section measurements conducted and the cross-section view of a typical transect are provided in the Baseline Methodologies Report (Ecosystem Sciences, 2003a). A total of approximately 100 cross-sections were surveyed. The data are being maintained by Ecosystem Sciences as pre-project baseline information on channel morphology. In response to this comment, Section 4.4.3 has been revised to incorporate this information. Regarding alternatives considered to reduce water quality impacts, please see responses to

comments 4-3 and 4-4.

- 4-7 As a best management practice, tules and other vegetation debris removed during initial channel clearing will be moved out of the channel to the extent possible to reduce the amount of organic materials that could potentially consume oxygen during initial flow releases. Section 2.3.6 has been revised to incorporate this information.

A potential best management practice that was considered to reduce water quality impacts in the channel clearing area is compaction of sediments prior to rewatering. However, existing sediment in the reach where channel clearing will occur consists primarily of unconsolidated sand. Therefore, the channel sediment would not be able to support heavy equipment and compaction is not technically feasible. Other best management practices such as silt fences and temporary diversion of flows would not be applicable since channel clearing will occur in the dry.

During initial flow releases LADWP and Inyo County staff will monitor flows and visually observe conditions in the dry portion of the channel.

- 4-8 The Regional Board's support for creation of wetlands under LORP is noted.

- 4-9 The Regional Board's summary description of the project and EIR/EIS is accurate.  
4-10

- 4-11 In general, LORP implementation will not change the present water management practices of the Off-River Lakes and Ponds. The lakes and ponds will be maintained to be full and overflow, as is the existing condition. The Off-River Lakes and Ponds are located upstream from the river. Therefore, the baseflows and seasonal habitat flows proposed for the river will not have any effect on the hydrology of the Off-River Lakes and Ponds, and would not affect the debris/sediments or water quality in the lakes and ponds.

As described in Section 8.4, implementation of LORP may increase the amount of water provided to Coyote/Grass Lakes Complex and Goose Lake. There will be an inflow and outflow from these lakes sufficient to sustain the artificial corridor below the lakes, but the lake elevations will remain unchanged from current conditions. The greater inflows and outflows at these lakes may improve water quality and increased turnover rates in the lakes. Section 8.4 has been revised to indicate that the change in velocity associated with the increased inflows and outflows would be minor and would not disturb the debris/sediments in these lakes; therefore, it would not result in adverse water quality impacts. The existing water quality conditions of the lakes and ponds are presented in Section 8.3.

- 4-12 Based on available information, impacts to the Delta Habitat Area including the brine pool transition area have been predicted to the extent known and are described in revised Section 6.3. Regarding impacts to the brine pool transition area, please see response to comment 26-5 and revised Section 6.3.5. Impacts on the mining operation located adjacent to the brine pool are discussed in Section 6.4.

- 4-13 LADWP is currently working with the Regional Board to process the Section 401 Water Quality Certification. Prior to the start of activities involving land disturbances over 1 acre, LADWP will file a Notice of Intent with the State Water Resources Control Board regarding authorization under the Statewide General Construction Stormwater NPDES Permit.

4-14 The description of the LORP monitoring and adaptive management in Section 2.10 has been revised to incorporate additional details on monitoring protocols and to expand and refine the description of the adaptive management approach.

4-15 Regarding water quality, please see responses to comments 4-3 and 4-4.

The Phase 1 releases are designed to increase flows throughout the river to a level similar to existing flows in the currently wetted reach of the river (downstream of Mazourka Canyon Road). Since flow in the currently wetted reach during Phase 1 releases would be similar to existing levels, substantial changes in water quality (from suspension of sediments) are not expected during Phase 1, and the proposed monitoring schedule of 1 to 2 days per week is considered sufficient.

Once Phase 2 releases begin, the potential for water quality degradation is higher since flows in the currently wetted reach (where the organics-laden sediments occur) will be increased above existing levels. Therefore, during Phase 2, water quality monitoring will be conducted at least 1 day per week and may be increased up to 5 days per week (depending on observed water quality/fish conditions).

After the end of Phase 2 releases (i.e., after the establishment of 40-cfs baseflow), monitoring will be continued (from 1 to 5 days per week) for 6 months to collect baseline data, regardless of observed water quality during the Phase 1 and Phase 2 releases. Table 2-8 has been revised accordingly.

4-16 The Regional Board will be included on the distribution list for the LORP Annual Reports.

**Responses to Letter No. 5      California State Lands Commission  
Dwight E. Sanders, Chief, Division of  
Environmental Planning and Management**

5-1      LORP includes installation of temporary monitoring stations within the Delta, which is an area  
5-2      under the jurisdiction of the State Lands Commission. LADWP is working with SLC  
regarding necessary land use approvals for installation of this equipment.

5-3      The overall goal of the LORP, as stated in MOU Section II.B, is “*the establishment of a*  
5-4      *healthy, functioning Lower Owens River riverine-riparian ecosystem, and the establishment of*  
*healthy, functioning ecosystems in the other physical features of the LORP, for the benefit of*  
*biodiversity and Threatened and Endangered Species, while providing for the continuation of*  
*sustainable uses including recreation, livestock grazing, agriculture and other activities.*”  
Additional goals for each of the features of the LORP are described in MOU Section II.C.

The MOU does not define habitat goals for the LORP in quantitative terms such as acreages of vegetation types or number of indicator species. However, as described in revised Section 2.10.1.1, the proposed monitoring program includes measurement of specific habitat attributes (biological and physical characteristics) that are indicators of biodiversity and habitat suitability for threatened/endangered species and indicator species. For example, Baseline monitoring was conducted in 2002 and 2003 to collect data on existing habitat conditions, including plant species richness and vegetation structure (indicators of biodiversity and habitat suitability for threatened/endangered species and habitat indicator species).

The only numeric goals are the flow release requirements for the river and the Delta, flooding of 500 acres of Blackrock Waterfowl Habitat Area, and enhancing and maintaining approximately 325 acres of existing habitat consisting of riparian areas and ponds suitable for shorebirds, waterfowl and other animals. Compliance/achievement of these requirements and goals will be monitored through the flow compliance monitoring (see revised Section 2.10.2) and through habitat mapping.

The overall goal of a healthy, functioning ecosystem, for the benefit of biodiversity and threatened/endangered and indicator species, will be achieved by managing water and habitat. Therefore, in addition to flow compliance, the focus of the monitoring program is on habitat. The monitoring program has been defined in accordance with the scale of the project – 62 river miles and thousands of acres of habitat.

LORP monitoring also includes documentation of recreation, grazing, and other anthropogenic activities and their impacts as part of the rapid assessment surveys (Section 2.10.1.1). In addition, grazing activities and their impacts will be monitored through Habitat Development Surveys (number of riparian woody vegetation seedlings and sprouts browsed by animals; see Section 2.10.1.3) and utilization rates and rangeland trend monitoring (see Section 2.8.1.5).

The description of the monitoring and adaptive management program in Section 2.10 has been revised to incorporate additional details on monitoring protocols, clarify the relationship between the MOU goals and the monitoring program, and expand the description of the adaptive management approach. Funding for adaptive management and monitoring is addressed in Section 2.2.2 and the response to comment 5-5.

Under the adaptive management approach to LORP, the goals of the MOU can be achieved by monitoring and implementation of adaptive management actions without setting specific numeric objectives or performance criteria such as acreages of habitat types or values of measurable habitat parameters. Specific objectives or criteria have not been established to assess the project's success or as triggers for adaptive management actions for several reasons. First, the habitat needs of specific species or guilds are known in general terms, but the optimal conditions are difficult to express in quantitative terms in most cases. Second, different species have different and often competing habitat needs. A change in a habitat variable that is desirable for one habitat indicator species may be undesirable or irrelevant to another habitat indicator species. Third, ecological systems are dynamic by nature, and biological conditions at one point in time often cannot predict or illustrate the unseen dynamics that create change in the system. Area-specific changes in habitat attributes from one year to another may become irrelevant when put in the context of the long-term net changes in the overall LORP area. Therefore, establishing numeric objectives or performance criteria for multiple species in the large, complex, and dynamic ecosystem of the LORP is not proposed.

However, the proposed monitoring program is designed to detect changes over time in the quantity and quality of habitat available in the project area by measuring habitat variables that have been selected based on the habitat needs of the indicator species that have been identified in the LORP Action Plan. If insufficient increases in the following parameters are observed, this would indicate habitat trends that are inconsistent with project goals and could necessitate adaptive management actions:

- Development of middle and understory foliage
- Vertical structure with clear stratification
- Development of live herbaceous and residual biomass
- Plant species richness (combined with dominance by a few species such as exotics)
- Age structure complexity and vegetative and/or new regeneration
- Success rate of new and vegetative recruits
- Vigor and vitality coupled with poor reproductive potential and resiliency
- Development of the woody riparian canopy (width)
- Connectivity between and among river reaches, their tributaries and associated springs, seeps, and wetlands
- Development of stand size and fragmentation of interior habitat

Section 2.10.5 has been revised to incorporate the above information.

Both LADWP and Inyo County intend to fund one-half of the post-implementation costs of the LORP that are not related to the pump system (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement. As part of this commitment, LADWP and Inyo County intend to fund mitigation measures necessary to reduce significant impacts from noxious weeds and mosquitoes related to LORP to less than significant levels. Please see responses to comments 5-5/5-6/5-7.

5-5 During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a  
5-6 single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces  
5-7 funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the  
County and LADWP intend to fund their share of the post-implementation costs (including  
monitoring, adaptive management, and mitigation measures) in accordance with the Inyo

County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). With commitment of funding for saltcedar (revised Section 10.4.4) and mosquito control (revised Section 10.3.3) significant environmental impacts related to funding shortfalls (previously described in Draft Section 10.8) are not anticipated. Since these impacts are considered Class II (significant, but mitigable), Section 10.8 of the Draft EIR/EIS has been deleted. Please also see response to comment 26-2 for additional detail on the new funding approach.

- 5-8 The goal established in the MOU for the Delta Habitat Area is the maintenance and enhancement of 325 acres of habitat and establishment and maintenance of additional habitat consisting of riparian areas and ponds suitable for shorebirds, waterfowl and other animals. As described in Section 6.3, the proposed flow regime is expected to maintain the 325 acres and also maintain the additional acreage present at the time of project implementation (i.e., “Delta Conditions” as defined in Section 2.4; estimated at approximately 831 acres of vegetated wetlands and water as of 2000).

These habitat goals are not independent of the flow release requirements agreed to in the MOU, which are an annual average of approximately 6 to 9 cfs. Under the proposed project, annual average flows of greater than 9 cfs or less than 6 cfs will not be released. As part of monitoring and adaptive management, baseflow and pulse flows to the Delta will be adjusted within the 6 to 9 cfs annual average range as necessary to maintain “Delta conditions” (see Sections 2.4.1 and 2.4.2). This approach allows for considerable range of operating conditions for sustaining and enhancing habitat conditions (i.e., increasing from 6 to 9 cfs represents a 50 percent increase in the amount of flows provided to Delta). Please also see response to comment 26-1.

- 5-9 A 36-inch diameter buried discharge pipeline (approximately 400 feet) will be constructed from the pump station to a connection with the existing 60-inch diameter dust control pipeline (see Section 2.4.3 and Figures 2-7 and 2-7A).
- 5-10 The text in the Executive Summary has been revised to incorporate this correction.
- 5-11 Table S-1 in the Executive Summary has been revised in response to the comment.

Based on the experience of scientists at Ecosystem Sciences on other stream restoration projects, the fishery is expected to recover within 5 to 7 years (Platts et al., 1988). However, since the severity and extent of water quality degradation during initial flow releases cannot be predicted accurately and the effectiveness of the proposed spill gate releases to create fish refuge areas is uncertain, the range of time anticipated for the fishery to recover from water quality impacts is not known (please also see responses to comments 4-3/4-4). However, under Mitigation Measure F-1 (Section 4.6.3, previously labeled F-2), LADWP has committed to implementing a fish stocking program if substantial fish kills occur and natural re-colonization does not occur, or appears to be occurring at a very slow rate (within 5 years after water quality conditions have improved). Fish habitat and population will be monitored by fish habitat surveys and angling surveys (see revised Section 2.10.1) as part of the LORP monitoring

program.

5-12 Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.

5-13 Baseflows up to 9 cfs are feasible. As described in Section 2.4, as part of monitoring and adaptive management, baseflow and pulse flows to the Delta will be adjusted within the approximately 6 to 9 cfs annual average range as necessary to maintain "Delta conditions." In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). With implementation of the 50-cfs pump station, impacts on wetlands and aquatic habitats in the Delta (including the brine pool transition area), are expected to be less than significant. Since impacts to wetlands and aquatic habitats in the Delta are predicted to be less than significant, adoption of alternatives that may reduce impacts on the Delta is not proposed. Sections 6.3 and 11 and the Executive Summary have been correspondingly revised. Limitations associated with the court injunction are described in response to comment 26-5. Regarding the LORP monitoring program and the MOU goals, please see response to comment 5-3.

5-15 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). The power requirement for the 50-cfs pump station is 2,115 kW when operated at 50-cfs. The power requirement for the 150-cfs pump station is 6,368 kW when operated at 150-cfs. Section 10.6 has been revised to incorporate this information.

As described in revised Section 5.3.2, most of the electricity for the pump station will be provided by the Cottonwood Power Plant or other LADWP hydroelectric facilities on the Owens Valley grid, which do not generate air pollutants.

Underground power lines are not feasible due to high costs of construction and maintenance. Alternative energy sources such as wind or solar could be used to operate either a 50-cfs or 150-cfs pump station. However, this is not proposed since a wind or solar energy facility that could meet the power requirements of a 50-cfs pump station would be of considerable size. In addition to concerns about reliability, it is anticipated that the aesthetic and vegetation impacts of such a facility would be greater than the impacts from the new power line.

The proposed power line would not have significant impacts on aesthetics because it will parallel an existing power line and will not substantially alter the existing visual character of the area. Regarding potential adverse impacts of power poles on birds, including raptors and shorebirds, please see response to comment 5-37.

5-16 Design of the 50-cfs pump station began in 2003. As currently projected by the Bureau of Reclamation, final design will be completed in approximately July 2004. Finalization of the EIR/EIS and permitting process for the LORP will continue throughout 2004. Therefore, pump station design is expected to be completed by the time approval to construct the pump station is received from all relevant agencies. Statements regarding the infeasibility of the 50-cfs pump station have been deleted throughout the EIR/EIS.



5-17 The potential for noxious weed infestation is expected to be greatest in the initial years after pump station construction when the disturbed site conditions would be favorable to noxious weeds. The intent of Mitigation Measure P-1 (Section 5.1.4) is to provide site-specific and concentrated weed monitoring and treatment for 3 years after pump station construction in addition to the overall LORP mitigation measures for noxious weeds described in revised Section 10.4.4. After 3 years, monitoring and treatment of weeds at the pump station site will be continued as necessary as part of Mitigation Measures V-2 and V-3 (Section 10.4.4). As part of the Streambed Alteration Agreement and/or the Clean Water Act Section 404 permitting processes for the LORP, CDFG and/or USACE may expand or further detail the success criteria currently defined in Mitigation Measure P-1.

5-18 The impact statement and Mitigation Measure LM-1 (in Table S-1, Executive Summary and Section 9.3) and the statement in Section 12.2 (Class III impacts, Item 12) have been revised to acknowledge the possibility of cattle drift onto SLC lands.

It should be noted that implementation of the LORP is expected to result in no or minimal increase in cattle drift onto SLC lands in the Delta Habitat Area. The only fencing proposed in the Delta lease is for the 30-acre riparian enclosure, which will be excluded from grazing (see Section 2.8.2.5). This riparian enclosure represents less than 0.5 percent of the 7,110-acre lease. Therefore, establishment of the Riparian Enclosure is anticipated to result in negligible, if any, increase in cattle drift onto SLC lands. The proposed maximum allowable utilization rates for the riparian and upland areas would result in improved management of cattle distribution, and would likely contribute to decreasing cattle drift onto adjacent areas. Section 9.3.2 has been revised to incorporate this information.

5-19 LADWP intends to develop the HCP in consultation with USFWS and CDFG. The HCP will be prepared for all LADWP lands in the Owens Valley, including the LORP area. LADWP has held preliminary meetings with USFWS regarding the HCP. However, a specific timetable has not yet been developed.

5-20 LADWP will implement the recreation management strategies described in revised Section 2.9 to ensure continuation of sustainable recreation while protecting natural resources. Please see response to comment 2-1.

The description of the monitoring and adaptive management program in Section 2.10 has been revised to incorporate additional details on monitoring protocols and clarify the relationship between the MOU goals and the monitoring program.

5-21 Section 1.3.1 has been revised to include SLC in the list of responsible agencies.

5-22 LADWP is working with SLC regarding necessary land use approvals for the stream gages in the Delta. Table 1-1 has been revised to state that land use approvals from SLC will be required for the stream gages. The proposed power line alignment does not traverse SLC lands.

5-23 Please see response to comment 5-3.

5-24 As described in revised Section 2.2.2.2, substantial sources of funding necessary for the LORP have already been identified and set aside for this project, including funds needed for monitoring. Both LADWP and Inyo County will continue to pursue additional grant opportunities. LADWP will also fund the LORP from rate payer revenues. Please also see responses to comments 5-5/5-6/5-7.

- 5-25 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4 and 6.0). Accordingly, the references to the implementation cost for the 150-cfs pump station alternative have been deleted from Section 2.2.2.1 and Table 2-1A (labeled Table 2-1 in Draft EIR/EIS).

Regarding the economic feasibility of the 150-cfs pump station, please see responses to comments 11-10/11-11.

- 5-26 Section 2.2.2.2 has been revised to present the operation and maintenance costs of the project, including the 50-cfs pump station. Operation and maintenance costs of the 150-cfs pump station alternative would be somewhat higher.

- 5-27 With respect to the magnitude of seasonal habitat flows, the MOU states:

*It is currently estimated that in years when the runoff in the Owens River watershed is forecasted to be average or above average, the amount of planned seasonal habitat flows will be approximately 200 cfs, unless the Parties agree upon an alternative habitat flow, with higher unplanned flows when runoff exceeds the capacity of the Los Angeles Aqueduct. (The runoff forecast for each year will be DWP's runoff year forecast for the Owens River Basin, which is based upon the results of its annual April 1 snow survey of the watershed.) In years when runoff is forecasted to be less than average, the habitat flows will be reduced from 200 cfs to as low as 40 cfs in general proportion to the forecasted runoff in the watershed. The amount of the annual habitat flow will be set by the Standing Committee, subject to any applicable court orders concerning the discharge of water onto the bed of Owens Lake and in consultation with DFG, and be based on the Lower Owens River Riverine-Riparian Ecosystem element of the LORP Plan, which will recommend the amount, duration and timing of flows necessary to achieve the goals for the system under varying hydrologic scenarios.*

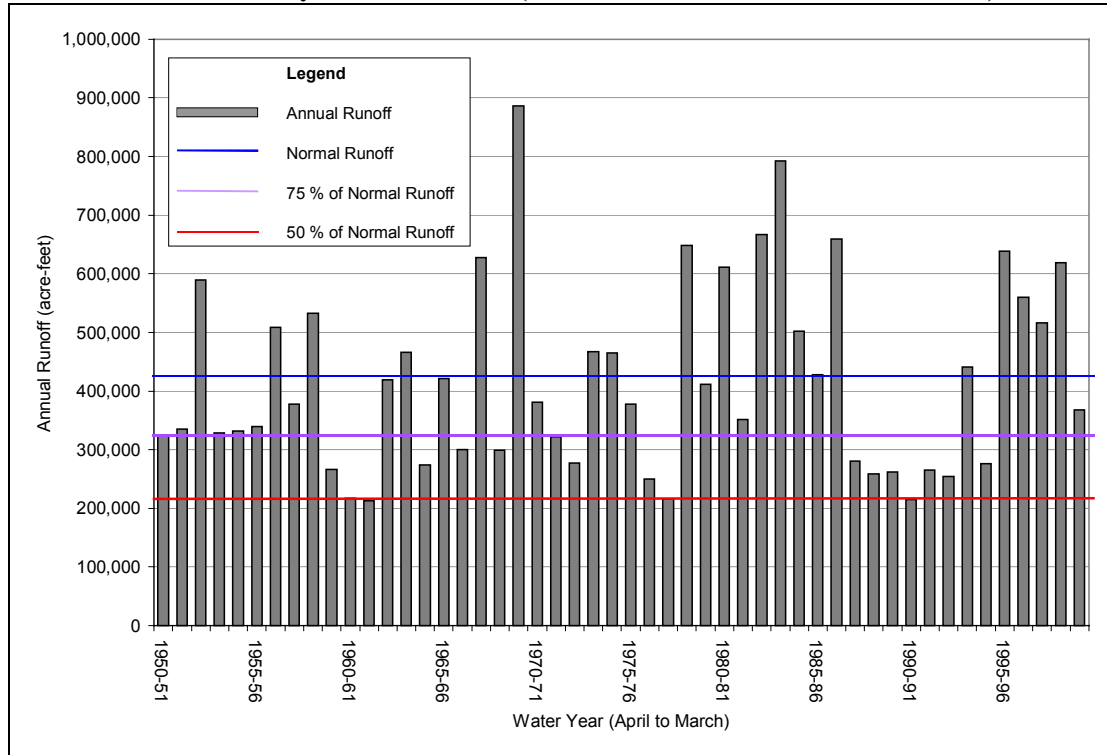
Chart 2-1 (see Section 2.3.5.3) shows the relationship between the magnitude of seasonal habitat flow (at peak flow) and the forecasted runoff condition, expressed as percent of normal runoff. Normal runoff is defined as the mean of annual runoff volume over 50 years, and is adjusted every 5 years. For example, normal runoff for 2004 is the mean of annual runoff from the 1950-1951 to 1999-2000 water years. In April of 2005, a new normal runoff volume will be recalculated based on the record from 1955-1956 to 2004-2005.

As described in Section 2.3.5.3, no flows above the 40 cfs baseflow will be released from the River Intake in years when the runoff is predicted to be 50 percent or less of the normal runoff. If runoff is greater than 50 percent of normal, the magnitude of the peak seasonal habitat flow will increase proportionally as shown in Chart 2-1, up to a maximum of 200 cfs. When runoff is 100 percent of normal or greater, the peak seasonal habitat flow will be 200 cfs.

As shown in Chart 2-1A, 50 percent of normal runoff represents extremely dry years that occur very infrequently. The sloping portion of the nomograph in Chart 2-1 begins at 50 percent of normal, since it is close to the lowest runoff observed in the past. During the 50-year period between 1950 and 2000, runoff near or below 50 percent of normal has occurred only four times. Runoff near or below 75 percent of normal has occurred 17 times. Runoff above or near 100 percent of normal has occurred 22 times. The magnitude of the seasonal habitat flow

is in general proportion to the forecasted runoff so that it is in line with the natural weather patterns and emulates the runoff pattern experienced by the river above the River Intake. Thus, not releasing flows above 40-cfs when runoff is 50 percent or less of normal (i.e., extremely dry years) is consistent with this approach and the general proportionality requirement of the MOU. Section 2.3.5.3 has been revised to incorporate this information.

**Chart 2-1A  
Owens Valley Annual Runoff (1950-1951 to 1999-2000 Water Years)**



- 5-28 Regarding the rationale for the proposed duration and amount of seasonal habitat flows in relation to the MOU habitat goals for the Riverine-Riparian System, please see response to comment 16-14. Regarding the relationship of proposed flows to the Delta and the MOU habitat goals, please see response to comment 5-8.
- 5-29
- 5-30 Please see response to comment 5-22.
- 5-31 Section 2.4 has been revised to clarify that the existing grazing operation on State lands within the Delta Habitat Area currently occurs without a land use agreement with SLC.
- 5-32 The missing pages were sent to SLC by fax on May 6, 2003.
- 5-33 Section 2.4.2.2, item (2) has been revised to correct a typographical error and to state “a 20 percent or greater reduction in habitat suitability index (areal extent and habitat quality; see Section 2.10.3) as measured at 5-year intervals after the commencement of releases of baseflows to the Delta.” Methods for estimating trends in habitat quality are described in Section 2.10.3.
- 5-34 The erosion control structure includes an earthen berm 650 feet in length and up to 2 feet in

height. Section 2.4.3 has been revised to incorporate this information.

- 5-35 The existing pipeline to the dust control project continues to the northeast then turns southeast to Zone 2 of the dust control project area (southeast of the Delta Habitat Area; see Figure 2-5). Figure 2-5 shows the approximate location of the dust control pipeline corridor (labeled “DUST CONTROL ROAD AND PIPELINE CORRIDOR 2”). Figure 2-7A has been added to show the entire alignment of the existing pipeline to the dust control project.
- 5-36 Regarding power requirements for the 50-cfs pump station, please see response to comment 5-15.
- 5-37 As described in Section 2.4.3.8, the new 7-mile single-conductor power line to the pump station will parallel an existing power line. The southern 6 miles of the new line will be located 12 feet east of an existing single-conductor, wooden pole line, and will also roughly parallel Highway 395. The northern 1 mile of the new line will be located approximately 60 feet west of the Owens Gorge Transmission line, which consists of large steel lattice towers. The new power line will consist of wooden poles placed approximately 250 feet apart, and the conductor will be placed approximately 43 to 48 feet above the ground surface (approximately 5 to 10 feet higher than the existing line). Each pole will have a diameter of approximately 7 to 8 inches at the top and 15 to 18 inches at the base. The new power line will employ vertical construction with conductors spaced at least 4 feet apart (vertical distance) to prevent raptors or other large birds from touching both conductors simultaneously and becoming electrocuted. The distance between the existing and new power lines (approximately 12 feet or more) will also be sufficient to prevent electrocution. In addition, the vertical construction does not have a crossbar, which minimizes the potential for large birds to perch on the pole. Since the new power line will parallel existing infrastructure, including the existing power line and the highway, it minimizes any fragmentation of open landscapes, which helps to minimize bird collisions (BirdLife International, 2003). Since the risks of bird collision with and electrocution from the new power line are expected to be low, mitigation such as markers or protective covers are not proposed. Sections 2.4.3.8 and 5.2 have been revised to incorporate this information.

The potential for increases in predation on plovers and other shorebirds from the increase in power poles is expected to be low due to the use of vertical construction, which does not have a crossbar and therefore minimizes the potential for large birds to perch on the pole. However, since portions of the new power line will be located in close proximity to Owens Lake, a new mitigation measure has been added to further reduce the potential for increase in predation on plovers and other shorebirds that use the Owens Lake. Under Mitigation Measure P-6, power poles located within 0.25 mile of Owens Lake will be equipped with anti-predator perches (aluminum combs placed on top of poles). Section 5.2 has been revised to incorporate the above information.

Regarding SLC approvals for the power line, please see response to comment 5-22.

- 5-38 As described in Section 2.4.3.10, most of the flows recovered at the pump station will be diverted to the Owens Lake Dust Mitigation Program. If the flow diverted by the pump station from the river is less than the demand for dust control, all the diverted water will flow towards the dust control areas. When the flow diverted by the pump station is greater than the demand for dust control, water needed for dust control will continue to flow towards the dust control areas, while the excess water will flow from the pump station to the aqueduct, following the hydraulic pressure gradient in the pipeline.

- 5-39 Permanent fencing across the river will accommodate navigation by small watercraft. Where depths are too shallow to prevent cattle movement into the stream, a hinged fence will be employed. In the latter case, when the fences are in place (anticipated to be approximately 1 month per year when cattle are in riparian areas), an alternative access around the fences will be provided. Fences will have smooth (barbless) and flexible wires at the bottom and reflective strips to make them visible and safe for boaters. Once the locations have been determined, this information will be posted on LORP signage. Section 2.8.1.2 has been revised to incorporate the above information.
- 5-40 The reference to Figure 2-22 in Section 2.8.2.5 has been revised to Figure 2-23.
- 5-41 There are no plans to provide new watering sites on the Delta lease. The reference to addition of new watering sites at the Delta lease has been deleted from Section 2.8.2.5.
- 5-42 Under an existing program, LADWP conducts annual rare plant surveys in the Owens Valley, including the LORP project area. The data collected from the existing program will serve as baseline data. Currently, rare plant populations are known to occur within the LORP area on the Thibaut and Blackrock leases. This program will be continued under the LORP.
- As described in Section 2.8.1.2, new rare plant exclosures will be constructed on Blackrock Lease and Thibaut Lease for populations of Owens Valley checkerbloom and Inyo County star-tulip. In addition, an existing rare plant exclosure for Nevada oryctes located on the Twin Lakes lease will be reconstructed. Monitoring will be conducted at trend plots established in the rare plant populations. The trend plots will be circular areas that are 0.01 acre in size, with a permanent stake at the center. Data on recruitment, persistence, size of individuals and flowering and seed presence will be collected at these trend plots. Results from these trends plots will be analyzed to determine the influence of the grazing management actions and the need for adaptive management on a site-by-site basis.
- 5-43 Regarding water quality, please see response to comment 4-5.
- 5-44 The 361 acres (previously estimated to be 420 acres but revised based on remapping in 2003; see footnote in revised Section 6.1.2) of LADWP land located within the Delta Habitat Area is part of the 7,110-acre Delta Lease. However, based on LADWP's assessment, cattle currently grazing in the Delta Habitat Area are on SLC lands, and are not within the 361 acres of LADWP land since there is no forage available in this area (the vegetation type present in the area is alkali playa).
- 5-45 As required by the court injunction regarding release of water to Owens Lake (No. 34042, amended September 29, 2000), LADWP will notify SLC staff and the lessee, at least annually, of planned releases of water onto or into Owens Lake for the purpose of implementing LORP, and will implement reasonable measures to avoid damage to mining facilities on Owens Lake operated by the SLC lessee and/or to mineral deposits on Owens Lake. Section 6.4 has been revised to incorporate this information.
- 5-46 LADWP lessees, including those in the LORP area, have participated in the Statewide Rangeland Water Quality Management Program (Program), which is a voluntary training program to promote compliance with federal and state water quality regulations by rangeland owners and managers. Under the Program, LADWP, in conjunction with the lessees, has selected appropriate best management practices for managing nonpoint sources of pollution,

which will be included in the final lease-specific grazing management plans.

- 5-47 Mitigation Measure LM-1 has been revised to incorporate this comment. Please also see response to comment 5-18.
- 5-48 Section 10.4.4 has been revised to include Mitigation Measures V-2 and V-3, which commit funding for noxious weed monitoring and treatment programs to be implemented under LORP. Under Mitigation Measure V-2, LADWP will provide funding to the Inyo-Mono County Agricultural Commissioner to implement a monitoring and treatment program for non-saltcedar weeds. Under Mitigation Measure V-3, LADWP will provide funding to the Inyo County Saltcedar Control Program to implement a monitoring and treatment program for saltcedar (in addition to funds provided under the Inyo County/Los Angeles Long Term Water Agreement). Please also see revised Section 10.4.4.
- 5-49 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Section 2.4.3). With implementation of the 50-cfs pump station, impacts on wetlands and aquatic habitats in the Delta, are expected to be less than significant (see revised Section 6.3). Under the proposed LORP monitoring and adaptive management program, LADWP will make adjustments to the amount and timing of the baseflows and pulse flows to the Delta up to an average annual flow of approximately 9 cfs as needed to maintain "Delta conditions." Since impacts to wetlands and aquatic habitats in the Delta are predicted to be less than significant, adoption of alternatives that may reduce impacts on the Delta is not proposed. Sections 6.3 and 11 and the Executive Summary have been correspondingly revised.
- Seasonal habitat flows will be released at the River Intake and will have a peak magnitude of up to 200 cfs. Please also see response to comment 16-14 regarding the release of seasonal habitat flows. Regarding the relationship between monitoring and adaptive management under LORP and the MOU goals, please see response to comment 5-3.
- 5-50 Please see response to comment 26-5.
- 5-51 Section 12.2 has been revised to incorporate this comment. Please also see response to comment 5-18.
- 5-52 Portions of the MOU that are relevant to LORP have been excerpted throughout the EIR/EIS. A copy of the MOU is available for review at [http://www.inyowater.org/Water\\_Resources/mou/default.html](http://www.inyowater.org/Water_Resources/mou/default.html) and at LADWP offices in Bishop. The LORP Plan (August 2002) is a separately bound document, also available for review at LADWP offices in Bishop. It is not included as an appendix since the project description information has been incorporated into Section 2 of the EIR/EIS.

**Responses to Letter No. 6      California Department of Fish and Game  
Alan Pickard, Deputy Regional Manager,  
Eastern Sierra – Inland Deserts Region**

6-1      The proposed water and land management under LORP is expected to: increase plant species  
6-2      composition; increase the spatial availability and quality of aquatic and terrestrial habitats;  
increase shelter and escape cover by increasing the vertical structure of riparian vegetation; and  
increase the availability and quality of migratory corridor and fish passage by restoring a  
continuous riparian and aquatic habitat along the river.

Regarding impacts related to non-native plants and animals, please see revised Section 10.4.  
Regarding water quality impacts from the rewatering of the river, please see response to  
comment 4-2/4-3/4-4. Impacts on water quality during construction of the pump station are  
discussed in Section 5.1.2. LADWP believes that it is in its best interest to manage land uses  
on its lands in the Eastern Sierra to prevent degradation of streams and water courses that  
provide valuable high quality water.

As presented in the Executive Summary (Table S-1), mitigation measures have been identified  
to reduce significant impacts to below a level of significance where feasible.

LADWP is currently working with CDFG to develop a Streambed Alteration Agreement under  
Section 1602 of the Fish & Game Code.

6-3      The commitment of funding necessary for implementation of the LORP has been clarified in  
6-4      revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft  
EIR/EIS). The LORP project as described in the Final EIR/EIS is anticipated to comply with  
the requirements of the 1991 EIR and the MOU. During preparation of the Final EIR/EIS,  
Inyo County and LADWP came to a consensus on a single funding approach. Under this  
consensus approach, both the County and LADWP intend to fund their share of the post-  
implementation costs (including monitoring, adaptive management, and mitigation measures)  
in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more  
recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case  
Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles  
et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible  
for one-half of the annual operation costs of the LORP that are not related to the pump system,  
and that LADWP will pay all operation and maintenance costs of the pump system. The  
stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as  
detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section  
10.4.4). Please also see response to comment 26-2 for additional detail on the new funding  
approach.

The LORP project was identified in the 1991 EIR as mitigation for impacts related to  
groundwater pumping from 1970 to 1990. Since an adaptive management approach is being  
taken for LORP, a range of implementation actions is possible, and therefore the LORP project  
description includes a description of possible adaptive management actions. These are not  
considered deferred mitigation for environmental impacts of the LORP itself. As described in  
response to comment 5-3, specific performance standards for the monitoring and adaptive  
management program have not been defined. However, examples of trends that may  
necessitate adaptive management actions have been defined (see revised Section 2.10.5 and

response to comment 5-3).

6-5 As described in revised Section 2.10, an extensive monitoring program has been defined in order to assess LORP goals. Section 2.10 has been revised to incorporate additional details on monitoring protocols, clarify the relationship between the MOU goals and the monitoring program, and expand the description of the adaptive management approach.

6-6 Section 6.1.4 has been revised to recognize that the Owens Lake is an Important Bird Area and is also part of the U.S. Shorebird Conservation Plan.

The proposed pulse flows are designed to provide an influx of water into the Delta at key times of the year to benefit wetland vegetation and aquatic habitats as well as a variety of indicator species that use these areas, including shorebirds. Pulse flows that top the channel banks will spread across the Delta and create small, shallow seasonal water bodies that would provide habitat for shorebirds and wading birds. Please also see response to comment 26-5.

6-7 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement  
6-8 the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Under the 50-cfs pump station, seasonal habitat flows, which will vary based on annual runoff estimates, will reach the Delta in some years (see Tables 6-10 and 6-11). In addition to the bypass of seasonal habitat flows to the Delta, the proposed releases of Period 1 and Period 4 pulse flows are designed to replenish the freshwater lens at key periods (i.e., prior to plant emergence from dormancy (late-March to mid-April) and after growing season has ended (November-December)) (see revised Sections 2.4.2.3 and 6.3.1).

Based on the analysis presented in Sections 6.3.1 (Impact Assessment No. 1 prepared by Ecosystem Sciences and White Horse Associates), 6.3.3, 6.3.4, and 6.3.5, LADWP, as CEQA lead agency, has determined that impacts to existing aquatic and wetland habitats of the Delta would range from beneficial to less than significant (Class III). The analysis presented in Section 6.3.2 (Impact Assessment No. 2 prepared by URS) was considered. However, LADWP does not concur with Impact Assessment No. 2 because it is based primarily on a comparison of the total annual inflow to the Delta under existing conditions and does not sufficiently take into account the seasonal changes in evapotranspiration demand. It should also be noted that Impact Assessment No.2 concluded that, with implementation of the 50 cfs pump station and by adjusting the baseflows and pulse flows up to an average annual flow of 9 cfs under the proposed monitoring and adaptive management program (identified as Mitigation Measure D-1 in the Draft EIR/EIS but already included in the project description for LORP), impacts to the Delta wetland and aquatic habitats can be avoided. Therefore, for all intents and purposes, project impacts to the Delta wetlands and aquatic habitats are less than significant under both Impact Assessment Nos. 1 and 2.

6-9 Please see response to comment 5-8.

6-10 As described in Section 11.4.2, the alternative that includes extensive physical modifications of the Delta was considered but will not be adopted by LADWP since impacts to wetlands and aquatic habitats in the Delta are predicted to be less than significant under the project as proposed (see revised Section 6.3) and this alternative would involve new impacts (permanent loss of approximately 19 acres of wetland and playa habitats in the Delta). However, as noted in revised Section 6.3.3 and revised Table 2-20, minor modification to reduce diversion of flows to the overflow channel in the Delta will be considered as an adaptive management measure if specified thresholds of habitat change in the Delta (see revised Section 2.4.2.2) are



exceeded.

6-11 Regarding the court injunction related to the release of water onto Owens lake, please see response to comment 26-5. Regarding the alternative that involves construction of berms and ditches in the Delta, please see responses to comments 6-10 and 16-9.

6-12 Please see response to comment 5-33.

6-13 As described in revised Section 2.10.1.1, the proposed monitoring program includes measurement of specific habitat attributes (biological and physical characteristics) that are indicators of biodiversity and habitat suitability for threatened/endangered species and indicator species. However, as described in response to comment 5-3, LORP goals are not defined in quantitative terms such as acreages of vegetation types or number of indicator species.

The description of the monitoring program in Section 2.10.1 has been revised to incorporate additional details on monitoring protocols, including the habitat parameters that will be measured.

6-14 In addition to flow compliance monitoring, the monitoring program for the LORP is habitat, not species, based. Variables that are important factors of habitat suitability for threatened and endangered species and other habitat indicator species will be measured under the proposed monitoring program. Measures of biodiversity, including plant species richness and vegetation structure, will also be monitored. Please see revised Section 2.10.1 for details on monitoring protocols, including the habitat parameters that will be measured. In addition, direct monitoring of wildlife species will be conducted as part of volunteer based bird and fish census (see revised Sections 2.10.1.5 through 2.10.1.7). Please also see response to comment 5-42 regarding on-going LADWP rare plant monitoring.

6-15 Section 10.4.4 has been revised to include Mitigation Measures V-2 and V-3, which commit funding for noxious weed monitoring and treatment programs to be implemented by the Agricultural Commissioner (V-2, for non-saltcedar weeds) and the Inyo County Saltcedar Control Program (V-3, for saltcedar). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.

In addition to monitoring programs specific to noxious weeds, monitoring and maintenance activities conducted as part of LORP will increase surveillance for deleterious species. Both LADWP and Inyo County personnel will be routinely present in the field to collect water quality, hydrology, habitat and other types of information. As described in Mitigation Measure V-4 (see revised Section 10.4.4), staff from both agencies and LADWP lessees will be instructed in identification and reporting of noxious weeds to facilitate timely detection and treatment of new infestations.

Section 10.4.1.6 includes a list of priority noxious weed species as determined by the Eastern Sierra Weed Management Area, which is also the list of species that are currently of concern for the LORP area.

Section 10.4 has been revised to incorporate a discussion of New Zealand mud snails. Section 10.4.4 has been revised to include the following mitigation measures to reduce the risk of New Zealand mud snail infestations. Under Mitigation Measure V-4, LADWP and Inyo County personnel will be instructed on how to identify and report the mud snails as part of the training

program on deleterious species. Mitigation Measure V-5 will be implemented in coordination with CDFG to expand the existing public outreach program to the LORP area to request recreational users to take precautionary measures and report observations of this species. Mitigation Measure V-6 includes precautionary measures to be implemented by LADWP and County personnel during project construction and maintenance. Please see revised Section 10.4.4 for additional details on these mitigation measures.

- 6-16 Both LADWP and Inyo County intend to fund one-half of the post-implementation costs of the LORP that are not related to the pump system (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement. Please also see response to comment 6-3. Regarding the monitoring program, please see response to comment 5-3.
- 6-17 LORP is expected to create and maintain diverse habitats that can be used by threatened and endangered species, including native fishes. However, LORP does not include active reintroduction and management of native fishes. Such actions may be included as part of the HCP that is being developed for all LADWP lands in the Owens Valley in consultation with CDFG and USFWS. While Ecosystem Sciences have identified areas within the LORP that might be suitable as native fish sanctuaries, the actual establishment of sanctuaries has been deferred until the HCP is finalized.
- 6-18 Regarding vulnerability of aquatic species, please see response to comment 2-14.  
6-19
- 6-20 Due to the complex and dynamic nature of the Delta wetland and aquatic habitats, there are many isolated water areas that are potentially suitable habitat for the pupfish and chub. Active management other than the proposed flow releases to the Delta (e.g., pulse and seasonal habitat flows to spread water out of the main channels) is not proposed.
- 6-21 The primary goal of the LORP for the Blackrock area is to establish wetlands and habitat for waterfowl. While future use of the Blackrock Waterfowl Habitat Area as native fish  
6-22 sanctuaries is not excluded, it is not proposed as part of LORP. Any specific actions to create sanctuaries would be implemented under the HCP to be developed for LADWP lands in the Owens Valley. Section 2.3.11 has been revised to state that consultation with and approval from USFWS and CDFG will be required for the HCP.
- 6-23 The proposed spill gate releases are designed to provide fish with refuge areas of higher quality water (higher DO (dissolved oxygen), lower turbidity) at the confluences of spill gate channels with the river channel. Spill gate releases are not intended to improve water quality throughout the river. The spill gate releases will not be of velocities high enough to cause additional stirring of organic sediments. In addition, the ditches downstream of the spill gates are maintained and do not contain substantial amounts of organic sediments. Therefore, spill gate releases are not expected to increase the severity of DO problems. Section 4.4.3.1 has been revised to incorporate this information.
- 6-24 LADWP and Inyo County concur with CDFG's assessment that increasing the flow rate while the water temperature is low may reduce the potential water quality impacts of initial flow releases. Since the publication of the Draft EIR/EIS, a modified initial release regime for the LORP has been selected by LADWP and Inyo County in consultation with the other MOU parties. As described in revised Section 2.3.5, the modified release regime is designed to

reduce the potential for water quality impacts by releasing the first seasonal habitat flow in the winter, when the potential for substantial decreases in dissolved oxygen and adverse effects on fish health are lower. However, under the modified initial release regime, the procedure for establishment of the 40-cfs baseflow is the same as proposed in the Draft EIR/EIS. Therefore, there is still potential for significant water quality impacts to occur. Section 4.4.3.1 has been revised to incorporate this information.

- 6-25 Implementation of the LORP will establish a hydraulic connection between the reaches of the river above and below the River Intake. In addition, the existing connections between the Off-River Lakes and Ponds and the river will be maintained. If the initial flow releases result in substantial fish kills, existing populations of game fish in the river above the River Intake and in the Off-River Lakes and Ponds are expected to colonize the river below the River Intake once water quality conditions improve (as was observed after the 1993 flow study).

After the fish kill that occurred during the 1993 flow study, fish populations in the wetted reaches of the Lower Owens River recovered within approximately 3 years without any stocking program, as indicated by snorkel surveys by Ecosystem Sciences and interviews with local fishermen. Based on the literature (Platts et al., 1988), recovery time for the fishery under LORP is conservatively estimated to be 5 to 7 years but may be shorter as observed in 1993.

Mitigation Measure F-1 (previously labeled F-2) is designed to allow adequate time for the process of natural recovery to take place. LADWP is committed to implementing the stocking program if monitoring indicates that natural recovery has not occurred or is insufficient within 5 years after water quality improves. However, LADWP would not oppose any CDFG efforts to implement the restocking program after each fish kill. If in-valley stocks are inadequate for the one-time restocking program described under Mitigation Measure F-1 (previously labeled F-2), LADWP will seek replacement fish under CDFG guidance.

- 6-26 As part of adaptive management, any springs and seeps that have significant wildlife, fisheries, riparian, or water quality values will be fenced (to allow total exclusion of livestock grazing) if field evaluation indicates that livestock grazing is substantially impacting resource values as indicated by excessive trampling, reduction in riparian vegetation, and/or reduction in overall site health.

- 6-27 LADWP concurs with CDFG's description of the existing conditions of the pupfish habitat around Well 368 and the assessment that no action is required with respect to this existing pupfish habitat within the Blackrock Lease. Sections 2.7.2, 4.6.1, 9.2.1.2, 9.2.2, and 14.6 of the EIR/EIS with references to the pupfish habitat around Well 368 have been revised to incorporate this information.

Since the existing saltcedar and Russian olive trees near Well 368 are located in an upland area, rewatering of the river under LORP is not expected to result in an increase in these species in this area. However, if increased infestations are detected in this area, they will be addressed as part of the overall noxious weed monitoring and treatment programs to be implemented under Mitigation Measures V-2 and V-3. Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.

Except for changes in grazing management on the Blackrock Lease, implementation of LORP would not affect the area around Well 368. Regarding control of noxious weeds in the overall LORP area, please see response to comment 2-11/2-12.

6-28 The Lower Owens Valley Seeps and Springs Inventory includes the LORP area, and was conducted following the protocol identified in the MOU. Hydrology measurements, vegetation mapping, survey of aquatic invertebrates, photographic documentation, and bird surveys were completed for this inventory. Inventory protocols were determined cooperatively between LADWP, Inyo County and Ecosystem Sciences. Input from MOU parties was sought to develop a comprehensive number of study sites and to agree on protocols. These protocols are described in Ecosystem Sciences Technical Memorandum 12, supplement to Technical Memorandum 12, and Technical Memorandum 15. These technical memoranda were submitted to the MOU parties, and no comments were received. LADWP has determined that the work completed by Ecosystem Sciences is adequate for use as the baseline for future monitoring efforts.

6-29 Please see response to comment 5-37.

6-30 The proposed sediment stockpile area associated with the pump station has been changed to two upland locations to avoid impacts to the wetland located in the oxbow. Sections 2.4.3.7 and 5.1.2 and Figure 2-9, Figure 5-2, and Figure 11-2 have been revised to incorporate this information.

6-31 According to Ecosystem Sciences, LORP implementation will maintain and create suitable habitat for Owens pupfish in the river (see Section 2.3.11), the Delta Habitat Area (see Section 2.4.1), and the off-river lakes and ponds (see Section 2.6.3). The potential for creating suitable habitat for Owens pupfish in the Blackrock Habitat Area is considered to be uncertain by Ecosystem Sciences, but could become feasible in the future (see Sections 2.5.3 and 11.4.6). If substantial populations of Owens pupfish were established within the LORP area, they would provide an additional biological mechanism of mosquito control. However, as noted in Section 2.7 of the EIR/EIS, introduction of this state and federally endangered species into the LORP would require an Endangered Species Act Section 10(a) permit and a Habitat Conservation Plan (HCP) approved by the U.S. Fish and Wildlife Service and CDFG. Compliance with these requirements would be time-consuming and could further delay implementation of the LORP. After conferring with the MOU parties, LADWP decided to defer initiating the development of an HCP until the project proposal and environmental compliance are finalized. While not proposed as part of this project, introduction of pupfish or creation of pupfish sanctuaries in the LORP area for ecosystem restoration and mosquito control purposes will be considered by LADWP and may be implemented in the future under the provisions of a Section 10(a) permit and HCP.

In response to this comment, Section 10.3.2.2 has been revised to include the above information. CDFG's willingness to assist in securing the permits and agreements required to introduce Owens pupfish to the project area is gratefully acknowledged.

6-32 Final EIR/EIS includes changes that are intended to clarify information previously presented. The Final EIR/EIS will be distributed to all reviewing agencies.

**Responses to Letter No. 7      Great Basin Unified Air Pollution Control  
District  
Ellen Hardebeck, Air Pollution Control Officer**

- 7-1      Controlled burning is a possible adaptive management measure under LORP. However, specific use of controlled burns has not been identified at this time. The amount of material that would be burned during a controlled burn as a part of Blackrock management cannot be determined at this time. Prior to implementation of controlled burns, if any, LADWP will consult with GBUPACD and CDF regarding a burn permit.
- 7-2      Revised Mitigation Measure AQ-1 indicates that dust control measures other than watering may also be implemented to control fugitive dust.
- 7-3      The proposed Delta Habitat Area does encompass some of the area that will be required to be controlled for fugitive dust emissions. Since publication of the Draft EIR/EIS, the boundary of the future dust control area has been updated to exclude areas with existing wetland vegetation since these areas do not contribute to the dust emissions (T. Schade, pers. comm., 2003). Since the LORP goals for the Delta are not inconsistent with the activities to be undertaken for the dust control project, the Delta Habitat Area boundary for the LORP has not been modified. LADWP is committed to implementing dust control measures as required by the Revised State Implementation Plan (SIP) (1998) and the Memorandum of Agreement (MOA) (1998).
- 7-4      With implementation of the 50 cfs pump station, impacts on aquatic and wetland habitats in the Delta (including the brine pool transition area) are predicted to be less than significant (Class III) (see revised Sections 2.4.3 and 6.3). In compliance with the Revised SIP (1998) and the MOA (1998), LADWP activities that increase dust generation on the Owens Lake will be mitigated.
- 7-5      Figures 2-5 and 6-1 through 6-11 have been revised to include units on the scales and the dates of the aerial photos.
- Historical photos were rectified using common points (e.g., trees, shrubs, roads, stream features) that remained evident on the 2000 digital orthophotos. The Arc-Info Register and Rectify programs were used. Section 6.1.3.4 has been revised to include this information.
- 7-6      Section 6.1.3 describes the studies used or conducted to assist in the designation of the landform types in the Delta (White Horse Associates, 2000; Jones & Stokes, 1996; USACE, 1987; White Horse Associates, unpublished; White Horse Associates, 2004; and White Horse Associates, 1997). Please also see response to comment 7-9 regarding Delta mapping conducted for the EIR/EIS.
- 7-7      Historical photos were viewed in stereo at 3X to 20X magnification using an analytical plotting scope and at 5X using a fixed stereoscope. They were also viewed at similar scales as orthogonized images. Professional judgement of a White Horse Associates principal, who has over 20 years of experience in using remote sensing to identify riparian/wetland features, was used for interpreting the 1944, 1967, 1981, and 1992 images. For interpretation of the 1993, 1996, 1999, and 2000 images, professional judgement was augmented with field verification of vegetation, soil and hydrology. Additional details on the methods used by White Horse Associates are presented in the report titled "Delta Habitat Area Vegetation Inventory 2000

Conditions” (White Horse Associates, 2004).

7-8 The annual rainfall estimate of 5 inches is based on 50 years of data. Section 6.1.3.3 has been revised to acknowledge that annual precipitation data collected by GBUAPCD on or near Owens Lake ranged from 2.0 to 3.6 inches from 1999 to 2002 (GBUAPCD, 2003). Since 1999 through 2002 were years with below normal precipitation, LADWP considers the 50 years of data collected at Lone Pine to be more representative of long-term weather conditions.

7-9a The following response references personal communication with Sherm Jensen, White Horse Associates (memorandum to LADWP dated June 10, 2004).

There are three criteria for jurisdictional wetlands (USACE, 1987): 1) hydrophytic vegetation – hydrophytic plant species are dominant; 2) hydric soils – indices of hydric soil are evident immediate below the A horizon or 10 inches, whichever is shallower; and 3) wetland hydrology – soils are flooded or saturated at or near the surface for some part of the growing season. Jones & Stokes (1996) delineated the extent of jurisdictional wetlands by walking/driving the line between upland and wetland vegetation (e.g., saltgrass) with a GPS unit. They interpreted the furthest extent of wetland (dry alkali meadow) as “the farthest extent of currently available wetland water and leached wetland soils, allowing for characteristics of within-rhizome water translocation and the variable salt tolerances of *D. spicata* populations.” They observed that the occurrence of the dry alkali meadow “that extend well onto the playa” appeared to be “short lived, with large areas of die-back.” They concluded that “wetlands where the dry alkaline meadow is present have a measurable (but in no sense permanent) “outside edge” of hemicryptophytic vegetation.” By delineating the extent of jurisdictional wetlands by walking the line between upland and wetland vegetation, Jones & Stokes did not consider the presence of hydric soil and wetland hydrology. Soil and hydrologic criteria for jurisdictional wetland should be considered independently, not assumed or interpreted based on vegetation. By delineating wetlands by walking the line between upland and wetland vegetation, it appears that Jones & Stokes also inadvertently included “islands” of upland habitat.

White Horse Associates considered vegetation, soil and hydrologic criteria independently. Areas of dunes and alkali scrub vegetation lacked soil and hydrologic criteria of jurisdictional wetland, although hydrophytic vegetation was present. Using aerial photographs as a basis for mapping, islands of upland habitat were identified.

7-9b The Jones & Stokes (1996) wetland mapping was intersected with the White Horse Associates (2004) mapping. Jones & Stokes (1996) identified 531 acres of wetland that were identified as upland by White Horse Associates (2004). Principal upland vegetation types were Parry saltbush scrub and dune in the aeolian land type and playa in the lacustrine land type.

White Horse Associates (2004) mapped 70 acres of wetland that were not mapped as wetland by Jones & Stokes (1996). The principal wetland vegetation types were dry alkali meadow in fluvial and lacustrine land types, marsh in the fluvial land type, and wet alkali meadow in the fluvial land type.

As noted by the commentor, lacustrine and fluvial land type soils that are buried under the sand have hydric character. All of the lacustrine and fluvial soils in the Delta area (regardless of vegetation) have hydric character. It is likely that small areas with a thin veneer of sand (<10 inches) that may qualify for jurisdictional status are included in aeolian lands.

Please note that it is anticipated that similar methodology (to White Horse Associates') for collection of data and a similar approach to interpretation of data will be used to quantify vegetation in future years (see revised Section 2.4.1). While the different interpretations of the Corps delineation manual are acknowledged, as long as the same approach is used, trends and relative changes in vegetation patterns will be apparent.

7-9c Characteristics indicative of hydric soil (e.g., reducing conditions, gleyed or low chroma color, sulfidic odor, mottles) may be present within the root zone of hydrophytic vegetation. However, the wetlands delineation criteria for hydric soil do not refer to the root zone of vegetation. The hydric soil criteria generally must be present immediately below the A-horizon or 10 inches, whichever is shallower (USACE, 1987). Indices of hydric soil were not evident immediately below the A-horizon or 10 inches in aeolian lands (White Horse Associates, 2000).

7-9d Low terraces in the northern portion of the Delta Habitat Area were not part of the former lakebed and are not strongly saline. The sparse vegetation on aeolian lands is in response to direct precipitation and may also be augmented by alluvial groundwater in buried fluvial and lacustrine layers. The presence of hydrophytic vegetation may be dependent upon riverine inputs. Linear "runners" of saltgrass (connected by a single stolon) were observed crossing large expanses of aeolian lands in the southwest part of the Delta Habitat area. Some fluvial and lacustrine surfaces are now buried under 8 feet of sand. However, indices of hydric soil and wetland hydrology required for jurisdictional wetland were not evident in surface horizons.

7-9e "At wetland/playa edges, the outermost extent of wetland plants was used as the line for mapping. The outside line was walked (one pace/sec) while carrying the GPS unit, or driven (with a 4-trax) at similar speed" (Jones & Stokes 1996; page 2-4). White Horse Associates was informed by CH2MHILL that the outermost extent of the Jones & Stokes jurisdictional wetland corresponded with the maximum extent of saltgrass. It appears that hydric soil and wetland hydrology were not considered in the Jones & Stokes study.

Remote analysis (photo interpretation) conducted by White Horse Associates was augmented by: 1) field reconnaissance; 2) vegetation, soil, and hydrology descriptions; 3) field editing of mapping; and 4) map accuracy assessments.

7-9f Aeolian lands generally correspond with sandy surface horizons with high permeability and little upward water migration. Hydric soil character was not evident in surface horizons. Similarly, no indices of wetland hydrology were evident on dunes or alkali scrub vegetation types comprising aeolian lands. Field observations were documented on Routine Wetland Delineation Data Forms (White Horse Associates, 2000).

Dominant plant species in the dune and alkali scrub vegetation are facultative (FAC), facultative wetland (FACW), facultative upland (FACU) and upland. FAC species have a similar likelihood of occurring in both wetlands and uplands; FACW species occur usually in wetland, but also occur in upland; FACU species occur usually in upland, but also occur in wetland (US Army Corps 1987). Saltgrass (FACW), Torrey saltbush (FAC), rubber rabbitbrush (not listed), shrubby alkali aster (FACW), greasewood (FACU), brush seepweed (FAC) and tamarisk (FAC) are prominent species in the alkali scrub and dune vegetation types in the Delta Habitat Area. All of these species are common in alkali scrub vegetation types that are not wetland along the Lower Owens River (White Horse Associates, 2004), the middle Owens River (White Horse Associates, current study) and the Blackrock Area (White Horse

Associates, current study). All of these species are common in upland habitats in Owens Valley.

- 7-9g An atypical situation refers to areas in which one or more parameters (vegetation, soil and/or hydrology) have been sufficiently altered by recent human activities or natural events to preclude the presence of wetland indicators of the parameter (USACE, 1987). In reference to natural events, USACE states that *“it is necessary to determine whether alterations to an area have resulted in changes that are now the normal circumstances. The relative permanence of the change and whether the area is now functioning as a wetland must be considered.”*

The creation of dunes in the Delta is not a recent event. Dunes are evident along the west flank of the Delta on 1944 aerial photos and are marked on the USGS 7.5 minute quad map dated 1987. Dunes and aeolian deposits are common throughout Owens Valley and are the result of a natural event – wind. Distinctive vegetation has developed on dunes and aeolian deposits in the Delta. White Horse Associates believes that this is now the normal circumstance. The deposits are relatively permanent and are not now functioning as wetland. Dunes and aeolian lands do not qualify as atypical situations according to USACE criteria. Therefore, White Horse Associates considered all three criteria (vegetation, soils and hydrology) in identifying jurisdictional wetland status.

- 7-10 Sections 10.4.1 and 6.1.6 have been revised to state that many large saltcedar trees are present in the Delta, although they have not formed dense stands as they have elsewhere in the Valley.  
7-11 Section 10.4.3.3 has been revised to state that the proposed baseflows, pulse flows, and seasonal habitat flows to the Delta could create new areas susceptible to saltcedar colonization. In addition, Section 10.4.3.3 has been revised to acknowledge that 1) an increase in saltcedar infestations in the LORP area could result in displacement of existing native riparian vegetation, and 2) an increase in saltcedar within the LORP boundary would increase the seed source throughout the region, potentially resulting in increases in saltcedar outside the project area.

It is acknowledged that flow management practices described in Mitigation Measure V-1 are not applicable to all areas of the LORP and would likely be insufficient to control new infestations that could result from the LORP. Section 10.4.4 has been revised to include Mitigation Measure V-3, which commits funding for a saltcedar monitoring and treatment program to be implemented by the Inyo County Saltcedar Control Program (in addition to funds provided under the Inyo County/Los Angeles Long Term Water Agreement). As described in revised Section 10.4.3.3, with implementation of Mitigation Measures V-1, V-3, and V-4, the potential impact of saltcedar infestations is considered significant, but mitigable (Class II).

In addition, where project construction would result in substantial site disturbance (Blackrock area and pump station site), site-specific mitigation measures (B-1, Section 7.1.4; and P-1, Section 5.1.4) have been identified to restore native vegetation and control weeds.

Currently, no known rare plant populations are located in areas where there is a substantial potential for weed infestation under LORP (i.e., near areas to be re-wetted or areas with site disturbance during project construction). Therefore, the potential increase in weed infestation associated with LORP is not expected to have a significant impact on rare plant populations.

For the Dust Mitigation Program, LADWP is committed to 1) conduct an annual survey to identify locations where exotic pest plants have encroached into the project area, and 2)



develop an exotic pest plant control program which will be accomplished through an appropriate combination of biological, mechanical, and chemical control methods (GBUAPCD, 1997). Complete elimination of saltcedar, while desirable, is not stated as part of the mitigation measure identified for the Dust Mitigation Program.

- 7-12 Wetland vegetation presence will be an indicator that the salinity of the shallow groundwater has not exceeded wetland plant tolerances (i.e., freshwater lens is being replenished). Since the extent and health of wetland and aquatic habitats in the Delta will be monitored as part of the LORP monitoring and adaptive management program, additional monitoring specifically for salinity is not necessary. Vegetation monitoring methods include rapid assessment surveys, habitat mapping using remote imagery, and field sampling of habitat attributes (see revised Section 2.10.1). Although monitoring of soil and groundwater salinity by LADWP and Inyo County is not proposed, LADWP will review any data collected and shared by GBUAPCD or others. Adverse changes in wetland extent or health will be further investigated, and timing and amount of baseflow and pulse flows will be modified as necessary within the annual average of approximately 6 to 9 cfs.

**Responses to Letter No. 8      Inyo County Environmental Health Services  
Robert L. Hurd, Director of Environmental  
Health Services**

- 8-1      Sections 10.3.1.2 and 10.3.2.2 have been revised to acknowledge the potential threat of West Nile virus to wild bird populations.
- 8-2      Section 10.3.2.2 has been revised to describe potential secondary impacts from the implementation of Mitigation Measure PS-1 resulting from the use of adulticides and from the intrusion of mosquito control vehicles into riparian and nesting areas. These impacts were determined to be less than significant.
- 8-3      In response to the comment, the EIR/EIS has been revised (Section 10.3.2.1) to acknowledge that conditions suitable for mosquito breeding would likely increase under the proposed 40-cfs baseflow conditions since some of the flow would infiltrate into adjacent oxbows, old river channels, and the floodplain, and create new areas of still or stagnant water. In addition, Section 10.3.1.2 has been revised to acknowledge that mosquitoes are also vectors for St. Louis encephalitis and western equine encephalitis.
- 8-4      It is acknowledged that adulticiding is the least preferred method of controlling mosquitoes. It  
8-5      should be used as a last resort to protect public health. Mitigation Measure PS-1 (Section 10.3.3) has been revised (and replaces Mitigation Measures PS-1 and PS-2 from the Draft EIR/EIS) to provide a comprehensive program for monitoring, treating and, when possible, adjusting management to reduce mosquito sources within the LORP that threaten nearby communities. The measure includes coordination with OVMAP and adjustments in the management of LORP to reduce mosquito sources or improve OVMAP's ability to treat sources before they produce adult mosquitoes (to minimize the necessity for adulticiding). Implementation of Mitigation Measure PS-1 is considered an ongoing post-implementation cost that will continue for the life of the project. Post-implementation costs are to be shared equally by LADWP and the County as described in Section 2.2.2.2. Appendix H describes the specific measures to be taken under Mitigation Measure PS-1.
- 8-6      Sections 10.3.1.3 and 10.3.3 have been revised to clarify how OVMAP derives its funding currently and under revised Mitigation Measure PS-1.
- 8-7      Mitigation Measure PS-1 has been revised (and replaces Mitigation Measures PS-1 and PS-2  
8-8      from the Draft EIR/EIS) to describe a program for monitoring, treating and, when possible, adjusting management to reduce mosquito sources within the LORP that threaten nearby communities. Implementation of Mitigation Measure PS-1 is considered an ongoing post-implementation cost that will continue for the life of the project. Post-implementation costs are to be shared equally by LADWP and the County as described in Section 2.2.2.2. Appendix H describes the specific measures to be taken under Mitigation Measure PS-1. Please see revised text in Section 10.3.3.

**Responses to Letter No. 9      Inyo County Planning Department  
L. Andrea Clark, Senior Planner/Resource  
Management Coordinator for Chuck  
Thistlethwaite, Planning Coordinator**

9-1            Section 13.0 has been revised to delete Policies BT-1.2, BT-1.4, and RR-1.1.

9-2            Section 13.0 has been revised to incorporate the comment.

9-3            Section 10.4.4 has been revised to include Mitigation Measure V-3, which commits funding for  
9-4            a saltcedar monitoring and treatment program to be implemented by the Inyo County Saltcedar  
Control Program (in addition to funds provided under the Inyo County/Los Angeles Long  
Term Water Agreement). As described in revised Section 10.4.3.3, with implementation of  
Mitigation Measures V-1, V-3, and V-4, the potential impact of saltcedar infestations is  
considered significant, but mitigable (Class II).

In consultation with Inyo County and the other MOU parties, LADWP proposes to implement  
the 50-cfs pump station alternative under LORP (see revised Sections 2.4 and 6.0).

9-5            Overall increases in the extent and quality of wetlands, riparian habitats, and upland habitats  
far exceed the impacts from construction of the new facilities necessary to implement LORP.  
The projected increase in these habitats is expected to begin as soon as initial flows are  
released. As summarized in Table 14-1, the net acreage of wetland vegetation created is  
estimated to be approximately 3,000 acres. In contrast, temporary impacts to wetland  
vegetation total less than 7 acres, and permanent loss of wetland vegetation due to pump station  
construction totals less than 22 acres.

**Responses to Letter No. 10      Metropolitan Water District of Southern  
California  
Laura J. Simonek, Manager, Assessment and  
Facilities Planning Unit**

- 10-1      In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Section 2.4.3). While this alternative does reduce operational flexibility, it will still meet the operational requirements for LORP implementation. The water supply impact of the 50-cfs pump station alternative is greater than the 150-cfs alternative since the 50-cfs alternative will discharge to the Delta up to approximately 812 acre-feet per year of additional water. (Note: 812 acre-feet equals the difference in the amount of flows that would be discharged to the Delta during seasonal habitat flow releases under the 50-cfs pump station [857 acre-feet] and 150-cfs pump station [45 acre-feet], assuming the lower channel loss estimate of 0.35 cfs per mile). However, even under the 50-cfs alternative, the water requirements of the proposed project are approximately 16,000 acre-feet (see revised Table 10-5, Section 10.5), which have been accounted for in LADWP's Urban Water Management Plan (2000). Therefore, the water supply impact of the 50-cfs pump station alternative is adverse but less than significant. Section 10.5 has been revised to reflect the water requirements of the proposed project with the 50-cfs pumps station as described above.

**Responses to Letter No. 11     Big Pine Paiute Tribe of the Owens Valley  
Jessica L. Bacoeh, Tribal Chairperson**

- 11-1        Please see responses to comments 11-2 through 11-18 below.
- 11-2        During the channel clearing work, project impacts on specific cultural resources from modifications of berms and ditches at Blackrock will be minimized by implementing site-specific procedures such as access restrictions (through installation of protective fencing and/or minor adjustments in the alignments of temporary construction roads) to avoid a site known to contain a cultural resource. These protective measures will be implemented through Mitigation Measure CRR-1 for the channel clearing work (Section 4.8.5) and Mitigation Measure B-2 for modifications of ditches and berms in Blackrock Waterfowl Habitat Area (Section 7.3.3.). In both cases, temporary fencing for protection of cultural resources will be installed under the supervision of a qualified archaeologist. Please note that Mitigation Measure CRR-1 has been revised to reflect the results of the additional cultural resources inventory for the channel clearing work which was conducted after publication of the Draft EIR/EIS (see response to comment 11-3 below). No protective measures are proposed for the construction of the power line for the following reasons: 1) the known cultural resources in the vicinity of the proposed power line and existing dirt access road will most likely be avoided, and 2) any potential inadvertent disturbance (e.g., due to disturbance from construction vehicle travel) would be considered a less than significant impact because none of the known cultural resources located in the vicinity of the proposed power line corridor is considered significant, nor eligible for inclusion in the NRHP (see Section 5.4.2).
- 11-3        Subsequent to the publication of the Draft EIR/EIS, a cultural resources inventory for the channel clearing work under LORP was completed, and a report was provided to OHP and Tribes for comment. No comments were received, and the report (Far Western, 2003) was finalized. Sections 4.8.3.3 and 4.8.4.2 have been revised to incorporate the results of the inventory. As noted in the revisions to Section 4.8.2, a Tribal cultural resource specialist from the Big Pine Paiute Tribe accompanied the field survey crew during the inventory conducted in 2003.

Based on the results of the inventory, Mitigation Measure CRR-1 (see Section 4.8.5) has been revised to require that a qualified archaeologist supervise the installation of temporary fencing necessary to prevent disturbance of existing cultural resources sites located near the proposed temporary construction roads and the sediment stockpile area. In addition, prior to commencement of earthmoving activities, Tribal representatives will be notified and invited to be present (on a volunteer basis) during earthwork. Furthermore, if previously unknown cultural resources are encountered during the channel clearing work, the archaeologist would evaluate the resources and recommend an appropriate course of action. If prehistoric cultural resources are encountered, LADWP will coordinate the monitoring and investigations with appropriate Native American parties.

As addressed in the cultural resources inventory conducted for the channel clearing (Far Western, 2003), the river channel sediment has a very low probability of containing intact cultural resources. The bottoms of river channels are high-energy hydrological environments not conducive to the formation of intact archaeological deposits. Furthermore, the sediments to be removed as a part of the channel clearing work are largely overgrown with tules and consist of materials that have been deposited in the last 90 years (i.e., since the River Intake structure

was constructed in 1913). While isolated artifacts might be recovered, they would have been transported and deposited by alluvial processes and thus not in primary archaeological context. Such resources would have little information value or significance (i.e., these resource would be ineligible to the NRHP).

Nevertheless, if previously unknown cultural resources are encountered during the channel clearing work, a qualified archaeologist will be contacted to evaluate the resources and recommend an appropriate course of action. If prehistoric cultural resources are identified, LADWP will coordinate the monitoring and investigations with appropriate Native American parties. In response to this comment, Sections 4.8.4.2 and 4.8.5, have been revised to incorporate this information.

11-4 In response to this comment, Sections 4.8.1, 5.4, and 7.3 have been revised to provide a consistent statement regarding availability and confidentiality of cultural resources technical information. As stated in these revised sections, LADWP will limit its distribution of technical cultural resources information related to LORP to qualified professionals contracted by LADWP. EPA has provided the two cultural resources technical reports prepared for the LORP (Far Western, 2001 and 2003) to Tribal chairpersons or Tribal cultural resources staff (e.g., cultural resources staff), with each copy of the report marked "confidential." It should be noted, however, that the technical reports on cultural resources produced for the LORP are available to all qualified archaeological professionals through the California Historical Resources Information System (CHRIS), which is administered by the California Office of Historic Preservation. LADWP does not have control of the distribution of cultural resources technical information through CHRIS.

11-5 The technical studies and significance evaluations of cultural resources associated with the LORP conform to the standards set forth in federal statutes and guidelines and were conducted by qualified cultural resources specialists. As described in Section 4.8.2, EPA, the federal lead agency for LORP, has conducted a comprehensive program of tribal consultation for this project to incorporate the tribes' desires concerning protection and preservation of cultural resources that may be affected by the LORP. EPA has contacted each Tribe for the purpose of identifying project zones and specific sites of critical concern. The cultural resources technical reports (Far Western, 2001 and 2003), which identified and evaluated cultural resources sites with respect to their eligibility to the NRHP and recommended various avoidance/treatment options, have been distributed to the appropriate tribal representatives for review and comment. During the tribal consultation process and the EIR/EIS public review process, LADWP and EPA did not received any site specific information from tribal representatives about cultural resources sites that are considered to be significant by the tribes.

As described in Mitigation Measure CRR-1, CRP-1, CRP-2 and B-2, LADWP will notify Native American Tribal representatives prior to commencement of earthwork for the channel clearing work, pump station construction, installation of the power line and construction of berms and ditches at Blackrock. Interested Tribal representatives will be invited to be present (on a volunteer basis) during earthwork. In addition, as described in Mitigation Measures CRR-1, CRR-2, and CRP-1, if previously unknown prehistoric cultural resources are encountered and identified by a qualified archaeologist during LORP-related earthwork, LADWP will coordinate the monitoring, investigations, and actions with appropriate Native American parties. LADWP and EPA will consult with all relevant tribes, and will incorporate new concerns as required by applicable laws.

11-6 The strategies for management of recreation uses and impacts from increased recreation,

including impacts to cultural resources and the physical environment, are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1.

LADWP recognizes that increased recreational uses in the LORP could increase the potential for disturbance of cultural resources within the LORP area (see revised Section 10.1.2.2). The LORP monitoring program will include surveillance for recreation impacts or the potential for such impacts in the LORP area (see Section 2.10). In addition, other monitoring and maintenance activities conducted as part of LORP will increase surveillance for potential recreation impacts, including impacts to cultural resources. Both LADWP and Inyo County personnel will be routinely present in the field to collect water quality, hydrology, habitat and other types of information (see Section 2.10).

Under mitigation measure RC-2, LADWP and Inyo County personnel working within the LORP area will be trained to recognize and report cultural resources (see revised Section 10.1.3). As per revised cultural resources Mitigation Measure CRR-2 (Section 4.8.5) an archaeologist will be consulted if cultural material is discovered during field work.

Please note that other proactive measures, such as fencing of known cultural resource sites, are not desirable since fences may attract vandalism or artifact gathering. However, as noted in revised Section 2.9, barriers could be installed to prevent access or redirect recreational activities away from sensitive resources.

- 11-7 In the 1991 Inyo/Los Angeles Long Term Water Agreement, a 50-cfs pump station was  
11-8 considered adequate since the magnitude of the seasonal habitat flows had not yet been defined. Since then, consultants (Ecosystem Sciences) have recommended a 200-cfs seasonal habitat flow, which warranted a larger pump station to recover the additional releases. However, in acknowledgement of the controversy regarding the 150-cfs pump station and in consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Section 2.4.3). Regarding the economic feasibility of the 150-cfs pump station, please see response to comment 11-10/11-11.
- 11-9 Regarding the schedule for design of the pump station, please see response to comment 5-16. Cost estimates for infrastructure features are typically prepared prior to final design based on pre-design documents and/or general concepts for the equipment. The cost estimate for the 150-cfs pump station was based on 65 percent design drawings. The cost estimate for the 50-cfs pump station was based on preliminary (approximately 30 percent) design documents.
- 11-10 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement  
11-11 the 50-cfs pump station alternative under LORP (see revised Sections 2.4 and 6.0). Nevertheless, as described in revised Section 11.4.1 (discussion of the 150-cfs pump station alternative), the cost-benefit analysis prepared by LADWP staff indicates that the value of additional water that would be captured under the 150-cfs pump station alternative would exceed the additional capital and operational costs of this alternative. LADWP considered the following factors in its economic evaluation of the pump station: volume of water recovered by the pump station (considering channel losses); capital cost of the pump station (initial and equipment replacement after 20 years); annual operation and maintenance costs; the value of hydroelectric power generated by the water recovered; and the cost of replacement water (i.e., water purchased from the Metropolitan Water District of Southern California). LADWP has also reviewed other cost-benefit estimates prepared by others, which included different assumptions for the cost of replacement water, value of power generated, and channel loss. Based on first-hand knowledge and experience in the service of providing water and power, LADWP has confidence in its conclusion that the 150-cfs pump station is economically viable

under the proposed LORP flow regime.

Regarding compliance with the Long Term Water Agreement, please see response to comment 11-7/11-8.

- 11-12 During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.

Regarding adaptive management, please note that the timing of implementation of specific measures, if any, is not known. As measures are proposed, the governing boards of LADWP and Inyo County will determine the appropriateness of implementation of the individual adaptive management measure.

- 11-13 Regarding funding, please see response to comment 11-12. As described in revised Section 2.10.5, adaptive management is the systematic acquisition and evaluation of reliable information to improve management over time by adapting and building upon previous experience. Section 2.10.5 has been revised to expand the description of the adaptive management approach.
- 11-14 Section 10.4.4 has been revised to include Mitigation Measures V-2 and V-3, which commit funding for noxious weed monitoring and treatment programs to be implemented by the Agricultural Commissioner (V-2, for non-saltcedar weeds) and the Inyo County Saltcedar Control Program (V-3, for saltcedar). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.
- 11-15 Both LADWP and Inyo County intend to fund one-half of the post-implementation costs of the LORP that are not related to the pump system (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement. If deemed necessary, beaver dam and tule removal would be included in this commitment to fund adaptive management measures. Mosquito control is considered an ongoing post-implementation cost, to be shared equally between LADWP and Inyo County for the life of the project (please see revised Mitigation Measure PS-1, Section 10.3.3). Please also see responses to comments 11-12/11-13 and revised Section 2.2.2.2.

For additional information, please also see response to comment 16-274 regarding beaver removal and response to comment 16-9 regarding tule removal under LORP.

- 11-16 Regarding impacts to wetland and aquatic habitats in the Delta, please see response to  
11-17 comment 26-1. Existing wildlife use of the Delta is described in Section 6.1, and potential



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project impacts to the Delta are described in Section 6.3.

11-18 LADWP is committed to the successful implementation of LORP.

## **Responses to Letter No. 12     Fort Independence Indian Reservation Richard Wilder, Tribal Chairman**

12-1        Recreational impacts on cultural resources will be addressed under LORP through implementation of the management strategies described in Section 2.9 and through monitoring and training of LADWP and Inyo County personnel. Please see response to comment 11-6.

The Area of Potential Effect (APE) for the project was defined, in consultation with the State Office of Historic Preservation, to be areas that are subject to identifiable land disturbances by construction activities proposed under LORP. APE is defined under Section 106 of the National Historic Preservation Act (NHPA) as the geographic area or areas within which an undertaking (i.e., a project activity) may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. Since construction and other earth-moving activities associated with implementation of the LORP are limited in size and location, the APE is a very small portion of the total LORP area. For example, of the 62-mile reach of the Lower Owens River located within the LORP area, only a 2.2-mile reach located downstream of the River Intake (the channel clearing area) and the pump station site are included in the APE. To provide a prehistoric and historic context for the project, a records search and literature review to identify previously recorded cultural resources was conducted for the entire LORP area and surrounding vicinity. Although many previously recorded prehistoric sites are located within the general LORP area, only one of these sites was found to be located within the APE. In response to the comment, Sections 4.8.3.1, 4.8.3.2, and 4.8.3.3 have been revised to clarify the definition of APE, both in general and specifically for the LORP.

Regarding the cultural resources management plan, please see response to comment 3-1.

12-2        Regarding mitigation measures, please see response to comment 11-2. Regarding the cultural resources management plan, please see response to comment 3-1.

12-3        Regarding the capacity of the pump station, please see response to comment 11-10/11-11.

12-4        LADWP has no plans to use the pump station in the future for water conveyance other than for purposes of implementing LORP. Regarding the design plans for the 50-cfs pump station, please see response to comment 5-16.

12-5        Since the publication of the Draft EIR/EIS, a modified initial release regime for the LORP has been selected by LADWP and Inyo County in consultation with the other MOU parties. As described in revised Section 2.3.5, the modified release regime is designed to reduce the potential for water quality impacts by releasing the first seasonal habitat flow in the winter, when the potential for substantial decreases in dissolved oxygen and adverse effects on fish health are lower. Therefore, the proposed release regime is anticipated to have less water quality impacts than the alternative release regime supported by the commentor (Alternative Release Regime 2; begin with seasonal habitat flow in the spring; see Section 11.3.1). However, under the modified initial release regime, the procedure for establishment of the 40-cfs baseflow is the same as proposed in the Draft EIR/EIS. Therefore, there is still potential for significant water quality impacts to occur. Section 4.4.3.1 has been revised to incorporate this information.

12-6 During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4).

As described in revised Section 2.2.2.2, substantial sources of funding necessary for the LORP have already been identified and set aside for this project. Both LADWP and Inyo County will continue to pursue additional grant opportunities. LADWP will also fund the LORP from rate payer revenues. Please also see response to comment 26-2 for additional detail on the new funding approach.

Regarding funding limitations for alternatives, a cowbird trapping program was considered as a project alternative as described in Section 11.4.5, but was not adopted since it would not reduce any identified significant impact. Limited funding was not the primary factor for rejection of this alternative. Please see response to comment 1-4 for additional information. Alternatives which identify funding for mosquito control and noxious weed control are no longer necessary since these impacts are considered significant but mitigable with incorporation of revised Mitigation Measures PS-1, V-2, and V-3. Alternatives subsections 11.3.5 and 11.3.6 have therefore been deleted.

**Responses to Letter No. 13 Lone Pine Paiute-Shoshone Reservation  
Rachel A. Joseph, Tribal Chairperson**

- 13-1 In response to this comment, Sections 4.8.1, 5.4.1, 5.4.2, and 7.3 have been revised to provide a consistent statement regarding availability and confidentiality of cultural resources technical information. As stated in these revised sections, LADWP will limit its distribution of technical cultural resources information related to LORP to qualified professionals contracted by LADWP. EPA has provided the two cultural resources technical reports prepared for the LORP (Far Western, 2001 and 2003) to Tribal chairpersons or Tribal cultural resources staff (e.g., cultural resources staff), with each copy of the report marked “confidential.” It should be noted, however, that the technical reports on cultural resources produced for the LORP are available to all qualified archaeological professionals through the California Historical Resources Information System (CHRIS), which is administered by the California Office of Historic Preservation. LADWP does not have control of the distribution of cultural resources technical information through CHRIS. Approval from Tribal Chairpersons prior to distribution of cultural resources information is not required.

**Responses to Letter No. 14 Lone Pine Paiute-Shoshone Reservation**  
**Rachel A. Joseph, Tribal Chairperson**

- 14-1 CWA compliance will be achieved through the consultation and permitting process with  
14-2 relevant agencies, including the USACE (Section 404 of the Clean Water Act) and the  
14-3 Regional Board (Section 401 certification or waiver). Regarding project impacts to Delta  
habitat, please see response to comment 26-1 and revised Section 6.3.
- 14-4 Please see response to comment 26-5.
- 14-5 Please see response to comment 5-16.
- 14-6 Regarding grazing management plans, and lease conditions, please see response to comment  
15-11. Implementation of LORP will not result in any substantial change to the existing  
conditions with respect to the relationship between cattle and elk in the Delta, since LORP  
would not change the number of cattle in the Delta lease and would result in minimal, if any,  
increase in cattle drift onto the Delta Habitat Area over existing conditions.
- 14-7 Grazing policy and land use decisions in the Delta Habitat Area, outside of the LADWP Delta  
Lease, is under the jurisdiction of the SLC.
- Implementation of LORP is not expected to increase competition between cattle and elk.  
Please also see response to comment 14-6.
- 14-8 The proposed changes to grazing practices under LORP (see revised Sections 2.8.1.3 and  
2.8.2.5) are intended to protect the banks and the riparian vegetation that would be established  
by the proposed flows in the Owens River. Therefore, implementation of LORP is expected to  
reduce nonpoint sources of pollution to the Owens River and the Delta Habitat Area.
- 14-9 Please see revised Section 2.8.1.5 regarding monitoring of rangelands under LORP, including  
the Delta Lease. Please note, however, that the majority of the Delta Habitat Area is SLC  
lands, which will not be included in rangeland monitoring by LADWP. However, the Delta  
Habitat Area will be included in other monitoring programs under LORP (rapid assessment  
survey, etc.) as described in Section 2.10.
- 14-10 LADWP is not responsible for management of grazing on public lands. Regarding cattle drift  
onto public lands from LADWP leases, please see responses to comments 2-3 and 2-4 (cattle  
drift onto BLM lands) and 5-18 (cattle drift onto SLC lands).
- 14-11 Regarding confidentiality of locational information of cultural resources, please see response to  
comment 11-4.
- 14-12 In response to comments 14-12, 15-3, and 183-5, Mitigation Measures CRR-1 (Section 4.8.5),  
CRP-1 (Section 5.4.3), CRP-2 (Section 5.4.3) and B-2 (Section 7.3.3) have been revised to  
require that LADWP notify Native American Tribal representatives prior to commencement of  
earthwork for the channel clearing work, pump station construction, power line installation and  
construction of berms and ditches at Blackrock, and invite any interested Tribal representatives  
to be present (on a volunteer basis) during earthwork. In addition, as described in Mitigation  
Measures CRR-1, CRR-2, and CRP-1, if previously unknown prehistoric cultural resources are

encountered and identified by a qualified archaeologist during LORP-related earthwork, LADWP will coordinate the monitoring, investigations, and actions with appropriate Native American parties. Mitigation Measure CRR-2 has been revised to clarify that this coordination applies to all LORP-related flows and earth moving activities.

- 14-13 The strategies for management of recreation uses and impacts from increased recreation,  
14-14 including impacts to cultural resources and habitats, are part of the LORP project description. Section 2.9 has been revised to document these strategies. (Please also see response to comment 2-1.) Reported or observed adverse impacts on cultural resources from recreational uses, and verified threats to resources, will be addressed under LORP through implementation of these management strategies and through monitoring and training of LADWP and Inyo County staff (Mitigation Measure RC-2, revised Section 10.1.3). Please also see response to comment 11-6.
- 14-15 Mitigation Measure PS-1 (Section 10.3.3) has been revised (and replaces Mitigation Measures PS-1 and PS-2 from the Draft EIR/EIS) to describe a program for monitoring, treating and, when possible, adjusting management to reduce mosquito sources within the LORP that threaten nearby communities. Implementation of Mitigation Measure PS-1 is considered an ongoing post-implementation cost that will continue for the life of the project. Post-implementation costs are to be shared equally by LADWP and the County as described in Section 2.2.2.2. Appendix H describes the specific measures to be taken under Mitigation Measure PS-1. Please see revised text in Section 10.3.3.
- 14-16 Section 10.4.4 has been revised to include Mitigation Measures V-2 and V-3, which commit funding for noxious weed monitoring and treatment programs to be implemented by the Agricultural Commissioner (V-2, for non-saltcedar weeds) and the Inyo County Saltcedar Control Program (V-3, for saltcedar). Accordingly, Section 10.8 has been deleted from the Final EIR/EIS. Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.
- 14-17 During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.

Please note that LADWP's commitment is to contribute one-half of the post-implementation costs. A maximum expenditure has not been identified.

## Responses to Letter No. 15      California Indian Legal Services Dorothy Alther

- 15-1      Please see responses to comments 26-1 and 26-5.
- 15-2      The strategies for management of recreation uses and impacts from increased recreation, including impacts to cultural resources, are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1.
- Mitigation measures CRR-1 (Section 4.8.5), CRP-1, CRP-2, (Section 5.4.3) and B-2 (Section 7.3.3) have been revised, and will be implemented during project construction in order to protect known cultural resources within the surveyed area of the LORP area. Cultural resources located outside of construction areas will be protected from recreation impacts through implementation of the management strategies described in Section 2.9 and through monitoring and training of LADWP and Inyo County personnel (Mitigation Measure RC-2, revised Section 10.1.3). Please also see response to comment 11-6.
- 15-3      Please see response to Comment 14-12.
- 15-4      During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a  
15-5      single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces  
15-6      funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the  
15-7      County and LADWP intend to fund their share of the post-implementation costs (including  
monitoring, adaptive management, and mitigation measures) in accordance with the Inyo  
County/Los Angeles Long Term Water Agreement and the more recent provisions of the  
Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768  
(*Sierra and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement  
specifies that LADWP and the County will each be responsible for one-half of the annual  
operation costs of the LORP that are not related to the pump system, and that LADWP will pay  
all operation and maintenance costs of the pump system. The stipulation calls for LADWP to  
provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure  
V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). With commitment of funding  
for saltcedar (revised EIR/EIS Section 10.4.4) and mosquito control (revised EIR/EIS Section  
10.3.3) significant environmental impacts related to funding shortfalls (previously described in  
Draft EIR/EIS Section 10.8) are not anticipated. Since these impacts are considered Class II  
(significant, but mitigable), Section 10.8 of the Draft EIR/EIS has been deleted. Please also  
see response to comment 26-2 for additional detail on the new funding approach.
- Please note that LADWP's commitment is to contribute one-half of the post-implementation costs. A maximum expenditure has not been identified.
- 15-8      Section 10.4.4 has been revised to include Mitigation Measures V-2 and V-3, which commit  
funding for noxious weed monitoring and treatment programs to be implemented by the  
Agricultural Commissioner (V-2, for non-saltcedar weeds) and the Inyo County Saltcedar  
Control Program (V-3, for saltcedar). Please also see responses to comments 2-11/2-12 and  
revised Section 10.4.4.
- 15-9      Please see response to comment 26-5.

- 15-10 Under LORP, understory in riparian areas is anticipated to be improved over existing conditions. The establishment of a permanent flow in the river, combined with the introduction of utilization standards and riparian fencing will facilitate the recruitment of woody riparian species and the development and maintenance of a healthy understory in the riparian corridor.

Monitoring for understory development will be conducted under LORP as part of the Habitat Development Surveys. As described in revised Section 2.10.1, a number of parameters related to riparian understory will be measured, including plant species in the various height layers (herb, shrub, or tree) and vertical vegetative cover density. Please see revised Sections 2.10.1 and 2.10.2 regarding data collection, 2.10.3 for data analysis, and 2.10.4 for reporting.

- 15-11 The LORP land management plan as presented in the LORP Plan and the EIR/EIS are based on lease-specific grazing management plans (Ecosystem Sciences, 1999), which were developed by Ecosystem Sciences and LADWP in cooperation with each leaseholder. The methodology used to prepare the grazing management plans included interviewing the lessees on their past livestock grazing practices (number and type of livestock, pasture uses and rotations, etc.). Some of the information obtained during the interviews and documented in the grazing management plans are proprietary, as they are related to marketing strategies and other business management plans of the individual lessees. Lessees agreed to provide the proprietary information to Ecosystem Sciences and LADWP with the understanding that the information would remain confidential. Therefore, the lease-specific grazing management plans are not available for public review. The information contained in the EIR/EIS (Sections 2.8 and 9) was excerpted from the LORP Plan (Chapter 4, "Land Management Plan"), which is a public document available for review. Sections 2.1.2 and 2.8.1 have been revised to include the above information.

A description of current grazing practices is presented in Section 2.8.2 for the seven affected leases: Twin Lakes, Thibaut, Blackrock, Island, Lone Pine, Delta, and Intake leases. Prior to 2002, LADWP leases within the LORP area did not have formal protocols for quantitative monitoring and evaluation of rangeland conditions. However, using the monitoring protocols described in Section 2.8.1.5, a rangeland trend monitoring program was initiated in 2002 on all leases within the LORP area. Minimally, the first two years of rangeland trend monitoring will be considered baseline. Please note that LADWP will report the results of rangeland monitoring, as they apply to achieving LORP goals, as part of the annual report presented to the Technical Group. Section 9.1.1 has been revised to include this information.

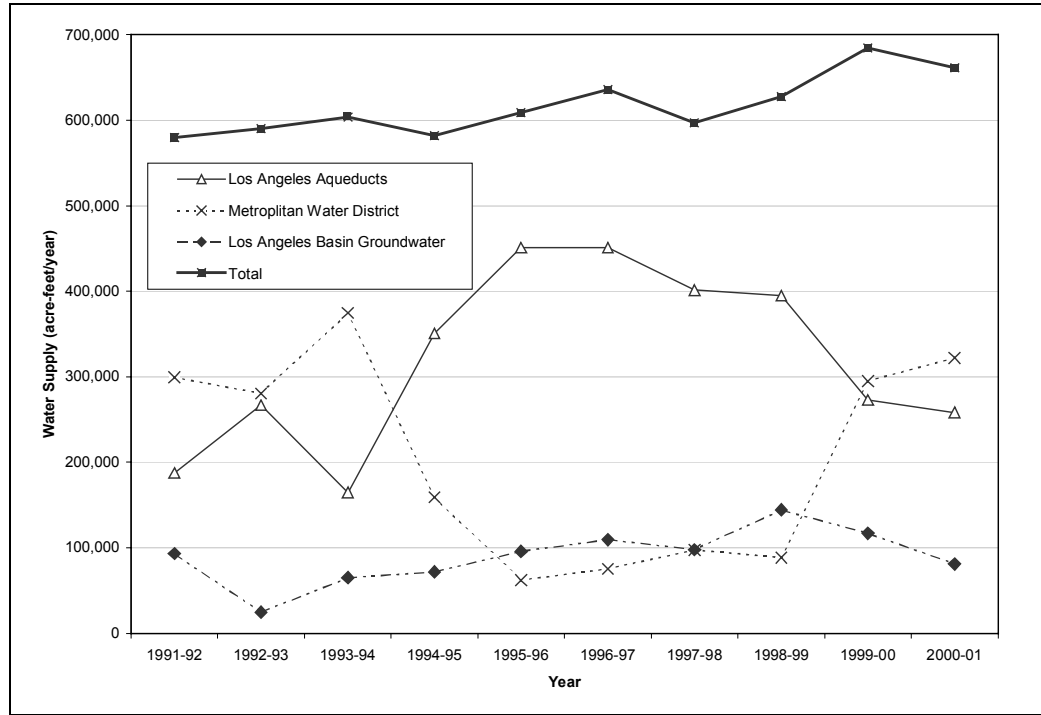
- 15-12 As described in Section 2.1.5, LORP does not include installation of new wells or increases in groundwater pumping in the Owens Valley (aside from new or replacement stockwater wells with no substantial increase in groundwater pumping over existing conditions; see Section 2.8.1.2). Similarly, LORP does not include any changes in surface water management practices in the Valley except for those changes within the LORP area specifically described in the project description. However, within the confines of the Long-Term Water Agreement, in any given year LADWP's groundwater extractions from the Valley may increase or decrease.

As described in Section 10.5, the water requirements of LORP have been accounted for in LADWP's Urban Water Management Plan (2000). LADWP obtains water from three primary sources: the Los Angeles Aqueduct, Metropolitan Water District of Southern California, and Los Angeles Basin Groundwater. As shown in Table 10-6 and Chart 10-1, the amount of water supplied by the Aqueduct varies considerably from year to year, with annual fluctuations substantially exceeding 16,000 acre-feet. (During the 10-year period between 1991-92 and 2000-01, the average difference between years was approximately 73,500 acre-feet.)



Therefore, the reduction in the amount supplied via the Aqueduct resulting from LORP implementation is within LADWP's existing operational flexibility, and can be accommodated by augmenting supplies with Metropolitan purchases and Los Angeles Basin groundwater. Sections 10.5.2 has been revised to incorporate the above information.

**CHART 10-1  
SUMMARY OF LADWP WATER SUPPLIES**



LADWP is committed to conducting its groundwater pumping operations in conformance with the LTWA. The LTWA establishes procedures for managing groundwater pumping to avoid/minimize impacts to groundwater-dependent vegetation, monitoring pumping and surface water management practices to identify vegetation impacts, and implementing mitigation measures, if necessary. The Green Book, a technical appendix to the LTWA for managing groundwater pumping, was designed to be a living document that will be modified as deemed necessary based on available information. Currently, LADWP and Inyo County are conducting cooperative studies to evaluate whether modifications to existing groundwater management practices are necessary.

- 15-13 The variability in 40-cfs baseflow is expected to be 35 to 45 cfs. Section 2.3.5.1 has been revised to clarify this information.
- 15-14 Regarding spill gate releases, please see response to comment 4-5.
- 15-15 The first seasonal habitat flow release, which will be 200-cfs regardless of forecasted runoff conditions, is expected to remove most of the organic sediments in the channel, thus substantially reducing the potential for water quality impacts to occur during subsequent seasonal habitat flow releases. In addition to the water quality data collected during the first three seasonal habitat flows, data collected during the Phase 1 and Phase 2 releases would be used to determine the effectiveness of the spill gate releases in reducing water quality impacts

on fish. Therefore, water quality monitoring beyond the first three seasonal habitat flows is not proposed at this time.

15-16 Regarding spillgate releases, please see response to comment 4-5. Regarding water quality  
15-17 monitoring, please see response to comment 15-15.  
15-18

15-19 LADWP and Inyo County concur with the commentor's assessment that increasing the flow  
to 15-26 rate while the water temperature is low may reduce the potential water quality impacts of initial  
flow releases. Since the publication of the Draft EIR/EIS, a modified initial release regime for  
the LORP has been selected by LADWP and Inyo County in consultation with the other MOU  
parties. As described in revised Section 2.3.5, the modified release regime is designed to  
reduce the potential for water quality impacts by releasing the first seasonal habitat flow in the  
winter, when the potential for substantial decreases in dissolved oxygen and adverse effects on  
fish health are lower. However, under the modified initial release regime, the procedure for  
establishment of the 40-cfs baseflow is the same as proposed in the Draft EIR/EIS. Therefore,  
there is still potential for significant water quality impacts to occur. Section 4.4.3.1 has been  
revised to incorporate this information. Under the release regime currently proposed, the 200-  
cfs flow in the first winter will be released only from the River Intake and will be released in  
lieu of the first (spring) seasonal habitat flow.

Regarding the bypass of seasonal habitat flows to the Delta, please see response to comment 6-  
7/6-8. Regarding fish stocking after initial releases, please see response to comment 6-25.

LADWP generally concurs with the commentor's assessment that the potential for water  
quality degradation during the establishment of the 40-cfs baseflow is much lower than during  
the initial release of seasonal habitat flow.

15-27 LADWP generally concurs with the commentor's assessment that taking up to 36 months to  
reach 40 cfs is an unnecessary delay in project implementation. As described in Section  
11.3.1, the effectiveness of this alternative in avoiding or reducing water quality impacts or fish  
kills is uncertain since there is still the potential for organic sediments to be disturbed during  
seasonal habitat flow releases. Please see response to comment 15-20 (and revised Section  
2.3.5) regarding the currently proposed release regime.

15-28 LADWP generally concurs with the commentor's assessment that Alternative 2 (begin with a  
flushing flow of 200-cfs in July) would likely have greater water quality impacts during the  
initial release of the flushing flow, although it may reduce the overall duration. Please see  
response to comment 15-20 (and revised Section 2.3.5) regarding the currently proposed  
release regime.

15-29 LADWP generally concurs with the commentor's assessment that Alternative 3 (begin initial  
release of baseflows in November and establish 40-cfs over approximately 6 months) may not  
be effective in substantially reducing water quality impacts associated with the new flows. The  
potential for water quality degradation during the establishment of the 40-cfs baseflow is much  
lower than during the initial release of seasonal habitat flow. Please see response to comment  
15-20 (and revised Section 2.3.5) regarding the currently proposed release regime.

**Responses to Letter No. 16 Owens Valley Committee / Sierra Club  
Mark Bagley, Sierra Club MOU Representative  
Michael Prather, Owens Valley Committee**

16-1 The description of the monitoring and adaptive management program in Section 2.10 has been  
16-2 revised to incorporate additional details on monitoring protocols and monitoring sites, describe  
the data analysis approach and reporting, and clarify the relationship between the project goals  
and the monitoring program.

16-3 In addition to flow compliance monitoring, the monitoring program for the LORP is habitat,  
not species, based. However, as described in responses to comments 5-42 and 6-14 some  
direct monitoring of individual species is proposed.

Please see revised Section 2.10.1.3 for a description of the habitat characteristics that will be  
monitored under the Habitat Development Surveys as part of the LORP monitoring program.  
The LORP habitat monitoring is designed to detect changes over time in the quantity and  
quality of habitat available in the project area. The habitat variables that will be monitored  
have been selected based on the habitat needs of the habitat indicator species that have been  
identified in the LORP Action Plan. A series of tables that describe the relationship between  
the habitat indicator species and various habitat attributes that will be monitored has been  
developed and is included in the *Lower Owens River Project – Draft Report / Baseline Data  
Methodologies* (Ecosystem Sciences, 2003a). In addition, Technical Memoranda #14  
(Fisheries and habitat in the Lower Owens River), #19 (Riparian Wildlife Management:  
Summary of Management Concepts and Priorities), and #20 (Special Status Wildlife and Plants  
Species Accounts) include descriptions of habitat needs of habitat indicator species and special  
status species in the LORP area.

16-4 As described in revised Section 2.10.1, in 2002 and 2003, baseline habitat surveys were  
conducted to establish sampling sites and to document pre-project conditions. The protocols  
used during the baseline surveys will be used in future LORP habitat monitoring. Monitoring  
methodologies are summarized in Section 2.10 and detailed in the *Lower Owens River Project  
– Draft Report / Baseline Data Methodologies* (Ecosystem Sciences, 2003a), which is available  
for public review at LADWP office in Bishop. Data collected during the baseline habitat  
surveys have been entered into a database, currently located at LADWP office in Bishop.  
Subsequent monitoring data will be compared to the baseline data, and the results of the  
comparative analysis will be presented in the annual reports, which will be presented to the  
Technical Group and will be available for public review (see Section 2.10.4).

16-5 Section 10.1.1 has been revised to include the best available information on existing recreation  
conditions in the LORP area, based on observations by LADWP staff present in the field and  
reports from existing recreational users. However, since LADWP does not currently collect  
data on recreational uses on their lands, numerical baseline data could not be provided in the  
EIR/EIS. As described in revised Section 10.1.2.2, monitoring reports prepared for the project  
will qualitatively document observed recreational activities and impacts. Please also see  
response to comment 2-1.

16-6 Regarding monitoring LORP monitoring, please see response to comment 5-3.

16-7 Consistent with CEQA Guidelines Section 15097, a Mitigation Monitoring or Reporting

Program will be prepared and adopted for the LORP EIR/EIS. For each mitigation measure adopted as part of the project, the MMRP will describe the schedule for implementation, monitoring action, party responsible for implementation, and relevant enforcement agency (if any).

The monitoring and adaptive management program as summarized in Section 2.10 and described in Baseline Methodologies Report (Ecosystem Sciences, 2003a) is separate from the MMRP required by CEQA for the mitigation measures identified in the EIR/EIS.

16-8 As described in revised Section 2.10.1, extensive amounts of information will be gathered under the LORP monitoring program to guide adaptive management and evaluate project success.

16-9 In addition to flow alterations and grazing management, adaptive management measures range from adjusting the timing of maintenance activities to controlled burning to dispersal of native plant seeds (see Tables 2-19, 2-20, 2-21, and 2-22). The specific adaptive management tools referenced by the commentor are discussed below:

**Tule Control/Removal.** The primary limiting factors of tule growth are depth of water, light, and velocity. The currently tule-choked areas were created due to the release of low flows that created optimal conditions for tule growth (low velocity, shallow water in areas with no shade from canopies of riparian trees). Once LORP is implemented, the depth of water in the river channel will increase and discourage tule proliferation. The seasonal habitat flows will spread water over the floodplains outside of the channel (existing tule-choked areas or areas with potential for new tule growth), thus allowing riparian woody species to establish and grow outside of tule-prone areas. Once established, the canopies of riparian woody species will provide shade, which will limit excessive tule growth. In the Blackrock Area, the proposed wetting and drying cycle is expected to introduce the hydrologic disturbance needed to limit tule growth. If monitoring indicates that plant diversity is not responding to the flow regime in the river or the wetting and drying cycles in the Blackrock Area and a monoculture of tules is developing, additional forms of disturbance (physical removal or controlled burning) will be considered to improve plant diversity and reduce monocultures.

**Invasive Species Control/Removal.** Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.

**Opening of Blocked Channels.** Prior to the initial flow releases, significant obstructions to flow, including tules, beaver dams and manmade structures, will be removed from the river channel (see Section 2.3.6). Once the flow is established, if significant obstructions to flow are identified, they may also be removed as part of adaptive management.

**Creation of Berms in the Delta.** As described in Section 11.4.2, the alternative that includes extensive physical modifications of the Delta was considered but will not be adopted by LADWP since impacts to wetlands and aquatic habitats in the Delta are predicted to be less than significant under the project as proposed (see revised Section 6.3) and this alternative would involve new impacts (permanent loss of approximately 19 acres of wetland and playa habitats in the Delta). However, as noted in revised Section 6.3.3 and revised Table 2-20,

minor modification to reduce diversion of flows to the overflow channel in the Delta will be considered as an adaptive management measure if specified thresholds of habitat change in the Delta (see revised Section 2.4.2.2) are exceeded. It should be noted that the berms and ditches proposed in the Blackrock Area are necessary to create the 500-acre flooded area required by the MOU. In addition, the Blackrock Area has been disturbed from historical activities, including construction of irrigation ditches. In contrast, the Delta Habitat Area has not experienced manmade physical disturbance, and the MOU requirements were based on flow releases and acres of habitat to be maintained.

**Planting and Reintroduction of Desirable Species:** The early phases of the project will be required to equilibrate the system hydrologically and create the hydrologic conditions that are suitable for riparian vegetation. Once the hydrologic conditions are established, it is anticipated that natural processes such as wind and water flows will provide the seeds for new recruitment of riparian vegetation. If there are areas where the hydrologic conditions for riparian vegetation development exist but natural processes are not providing the seeds, then seed dispersion or planting of seedlings will be considered.

Any actions to introduce threatened or endangered animal species and/or to create sanctuaries for these species in the river would only occur under the provisions of an Endangered Species Act Section 10(a) permit and Habitat Conservation Plan (HCP) approved by the USFWS and CDFG. LORP is based on the concept of habitat-based management, which recognizes that communities of wildlife cannot be sustained without adequate habitat.

**Beaver/Beaver Dam Removal.** Prior to the release of flows to the river, beaver dams that are obstructing the channel and would inhibit the establishment the proposed flow regime in the river will be removed (see Section 2.3.7). Additionally, beaver dam removal and beaver trapping will be implemented in the LORP area if beaver activity is causing excessive flooding, restricting flow significantly, or is inhibiting the development of diverse vegetation types.

- 16-10 The dispute resolution process, including mediation/facilitation and litigation, is detailed in the MOU (Sections VI and VII). In response to your comment, Section 2.2.1 has been modified.
- 16-11 The purpose of the court injunction is to protect the interests of the State of California and its  
16-12 licensees on the Owens Lake bed from damage to the mining facilities and mineral deposits associated with the release of water from the aqueduct. The modified court injunction specifies that water may be released onto Owens Lake only as necessary for the purpose of implementing the LORP in accordance with the Inyo/Los Angeles Long Term Water Agreement and the MOU. Neither of those documents specifically address the brine pool or the transition area. The modified injunction requires Los Angeles to reasonably assure that its releases will not damage the mining facilities and mineral deposits. Therefore, regardless of the relationship of the brine pool to the Delta Habitat Area boundary as defined by LORP, the flows released from the pump station must be maintained within the annual average of approximately 6 to 9 cfs (not including seasonal habitat flows) as specified in the MOU in order to comply with the modified court injunction. Please also see response to comment 26-5 regarding project impacts to the brine pool transition area.
- 16-13 During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including

monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). In addition to funding for saltcedar control, LADWP has committed to provide funding to the Inyo-Mono County Agricultural Commissioner to implement a monitoring and treatment program for non-saltcedar weeds as described in Mitigation Measure V-2 (see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.

If deemed necessary, beaver dam and tule removal would be included in this commitment to fund adaptive management measures. For additional information, please also see response to comment 16-274 regarding beaver removal and response to comment 16-9 regarding tule removal under LORP.

A cowbird trapping program was considered as a project alternative as described in Section 11.4.5, but was not adopted since it would not reduce any identified significant impact. Limited funding was not the primary factor for rejection of this alternative. Please see response to comment 1-4 for additional information.

- 16-14 The commentor is correct that the MOU does not specify that the seasonal habitat flow would be released only at the River Intake. However, the MOU does not specify that the 200-cfs seasonal habitat flows be maintained throughout the river. In contrast, with respect to the baseflow for the river, the MOU specified that 40-cfs would be maintained throughout the river. As required by the MOU, LADWP has committed to provide and maintain a baseflow of approximately 40 cfs throughout the river; however, there is no obligation to provide additional water from spillgates to supplement the seasonal habitat flows released at the River Intake.

The alternative in which seasonal habitat flows would be maintained along the entire Lower Owens River by releases from various spillgates (described in Section 11.4.3) is rejected for the following reasons:

- This alternative is not required to meet the MOU requirements.
- This alternative would not reduce any significant impact.
- This alternative would result in a greater impact on the water supply of the City of Los Angeles compared to the proposed project.

Working with LADWP, CDFG, and other MOU parties, Ecosystem Sciences defined the proposed seasonal habitat flow release regime to achieve the primary goals of fulfilling the wetting, seeding and germination needs of riparian vegetation (particularly willow and cottonwood) and distributing nutrients outside the channel. The HEC-2 hydraulic model was used to predict the magnitude of seasonal habitat flow needed to spread water out of the channel.

While data collected during the 1993 flow study indicate that some localized dislodging of tules is possible, seasonal habitat flows are not designed to scour tules or wash out beaver dams. Flow velocity conditions will vary widely along the river. Velocities needed to scour tules or wash out beaver dams are not desirable since they could cause excessive bank erosion

or channel degradation. As described in response to comment 16-9, the primary mechanisms for controlling tules under LORP will be shading and inundation. As described in Section 2.3.7, beaver dam removal along the river is an ongoing activity. Additional beaver dams that are obstructing the river channel will be removed prior to the release of flows to the river.

Although modeling conducted for the LORP assumed that flows were consistent throughout the river and did not account for channel losses, the modeling results still provide an approximation of predicted sediment transport conditions under the proposed seasonal habitat flow release regime (i.e., single point of release). For example, based on an estimated channel loss of 1 cfs per mile (see Section 10.5.1), a peak flow of 200 cfs released at the River Intake would be reduced to approximately 138 cfs by the time it reaches the pump station. Based on channel bed elevation changes predicted for various magnitudes of flow using the HEC-6 model, a flow of 138 cfs would result in some change in channel bed elevation (i.e., transport of channel sediments). (As shown in Table 4-4, predicted changes in channel bed elevation range from an average of 0.24 feet at 30 cfs (with dense in-channel vegetation) up to an average of 1.5 feet at 200 cfs (without in-channel vegetation)).

16-15 Regarding stream flows relative to riparian habitat, please see response to comment 16-14. Regarding adaptive management, please see response to comment 16-9. Regarding water releases and water quality, please see responses to comment 4-5.

16-16 Regarding the rationale for the amount, duration, and timing of seasonal habitat flows, please  
16-17 see response to comment 16-14.

The MOU calls for the seasonal habitat flow to be in general proportion to the forecasted runoff. The straight line presented in Chart 2-1 best describes this general proportion and was agreed to by the MOU parties. Section 2.3.5.3 has been revised to incorporate this information. Please also see response to comment 5-27.

Please see response to comment 16-20 regarding monitoring and adaptive management related to seasonal habitat flows.

16-18 The proposed flow ramping schedule is generally designed to emulate the characteristics of natural flood events, which include a gradual rise and decline in flow. The gradual rise and fall is designed to prevent entrapment of fish and to allow water to spread outside of the channel then gradually recede to allow time for sediments and seeds of riparian woody species to be deposited onto the floodplain and groundwater to be recharged. Based on monitoring of flows and habitat development, the currently proposed ramping schedule will be adjusted, if necessary, as part of adaptive management (see response to comment 16-20). Section 2.3.5.3 has been revised to incorporate this information.

16-19 Please see response to comment 16-14.

16-20 Please note that the assumption of 200-cfs throughout the river was only used during the modeling and is not applicable to the proposed release regime. As described in revised Section 2.10.2, the seasonal habitat flows will be monitored at gaging stations located along the river and aerial (helicopter) surveys. The seasonal habitat flow monitoring will provide data and observations necessary for determining the magnitude and locations of channel losses along the river due to evapotranspiration and percolation. It would also determine whether water is spreading onto the floodplain as needed to meet the MOU objectives for the seasonal habitat flows (redistribution of river bottom material and enhancing the river channel and groundwater

recharge on the river banks and in the floodplains).

As described in Section 2.10.2, LORP also includes monitoring to detect habitat response to the seasonal habitat flows (e.g., recruitment of riparian woody vegetation and fishery habitat development).

Initially, because the river channel and the floodplain have been dry for many years, it will take several years for the proposed releases to rewet the banks and the floodplains and bring the hydrologic and soil conditions of the river system to an equilibrium. Therefore, the effectiveness of the seasonal habitat flows in creating and maintaining riparian habitats cannot be determined only from the observed physical behavior of the seasonal habitat flows. Field monitoring of vegetation attributes (e.g., recruitment and establishment of riparian woody species) will be necessary to determine whether the system has equilibrated, how the riparian vegetation is responding to the proposed flow regime, and whether adjustments in duration, timing, or amount of seasonal habitat flows will be necessary. It is anticipated that at least 5 years of habitat monitoring will be needed before it can be determined whether adjustments to the currently proposed seasonal habitat flow release regime would be needed. After the initial 5 years, subsequent adjustments would be made as necessary and would not be limited to 5 year intervals.

The extent of modifications to the proposed flows cannot be specified at this time, and would be determined based on results of flow and habitat monitoring. Please also see response to comment 5-3 regarding criteria in relation to the proposed adaptive management approach.

- 16-21 Regarding rationale for the proposed magnitude and duration of flows, please see responses to comments 5-27 and 16-14. Regarding the monitoring program, please see response to comment 16-20.
- 16-22 As described in Section 2.3.5.3, the increase in seasonal habitat flow is proportional to the forecasted runoff only when runoff is greater than 50 percent of normal and less than 100 percent of normal. Between 50 percent and 100 percent of normal runoff, the magnitude of seasonal habitat flow released above 40-cfs baseflow is directly proportional to the forecasted runoff. No changes were made to the phrase referred to by the commentor in Section 2.3.4 since it is a direct quotation from the MOU. Please also see response to comment 5-27 for an explanation of how the proposed relationship between seasonal habitat flow magnitude and forecasted runoff described in Section 2.3.5.3 meets the general proportionality requirement of the MOU.
- 16-23 The text in Section 2.3.5.3 has been revised in response to the comment.
- 16-24 Table 2-10 has been revised in response to the comment.
- 16-25 Working with LADWP, CDFG, and other MOU parties, Ecosystem Sciences defined the proposed seasonal habitat flow release regime to achieve the primary goals of fulfill the wetting, seeding and germination needs of riparian vegetation (particularly willow and cottonwood) and distributing nutrients outside the channel. A technical memorandum to document the rationale was not prepared. Please also see response to comments 5-27, 16-14, and 16-20.

In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Sections



11.4.1 and 11.4.3 and Table S-3 have been revised to eliminate the inconsistent statements regarding the feasibility of the 50-cfs pump station.

16-26 Flow monitoring for seasonal habitat flows will be conducted as described in revised Section 2.10.2. Section 11.4.3 has been revised to delete the statement that monitoring of a consistent seasonal habitat flow is not possible. Please also see response to comment 16-20 regarding monitoring and adaptive management related to seasonal habitat flows.

16-27 Please see response to comment 4-5.

16-28 Please see response to comment 15-15.

16-29 Please see response to comment 4-5.

16-30 Please see responses to comments 4-5 and 15-15.

16-31

16-32 The proposed spillgate releases are designed to provide fish with higher quality water (higher dissolved oxygen (DO)) at the confluence of spillgate channels and the river channel, and are not intended to improve water quality throughout the river. The triggers for implementing the supplemental releases are the water quality and fish condition thresholds listed in Table 2-9 (Section 2.3.5.2). The amount and duration of supplemental water will depend on the severity of the water quality degradation as determined by water quality monitoring as described in Sections 2.3.5.2 and 2.3.5.4. Mitigation Measure F-1 (Section 4.6.3) has been revised to incorporate this information.

16-33 As described in Section 4.4.2, Inyo County collected and analyzed the chemical and physical characteristics of the sediments in the river below Mazourka Canyon Road (Jackson, 1999). The results of this study are summarized in Section 4.4.2, and were used in the assessment of water quality impacts.

16-34 Please see response to comments 15-19 through 15-26.

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16-37 Please see response to comment 15-27.

16-38

16-39 Please see response to comment 15-28.

16-40 Please see response to comment 15-29.

16-41 Please see response to comment 15-13.

16-42 Sediment removed from the river as part of LORP (e.g., initial channel clearing and forebay at the pump station) will be considered for reuse in the Valley, including revegetation projects.

16-43 Please see response to comment 16-14 for a discussion of the predicted ability of the seasonal habitat flows to move channel sediments. Please note that moving channel sediments onto stream banks and the flood plain is not an objective for the baseflow.

16-44 Regarding funding for monitoring and future adaptive management measures (including tule/cattail control), please see response to comment 16-13.

Regarding riparian vegetation, please see response to comment 16-9.

16-45 Section 10.4.4 has been revised to include Mitigation Measure V-3, which commits funding for a saltcedar monitoring and treatment program to be implemented by the Inyo County Saltcedar Control Program (in addition to funds provided under the Inyo County/Los Angeles Long Term Water Agreement). As described in revised Section 10.4.3.3, with implementation of Mitigation Measures V-1, V-3, and V-4, the potential impact of saltcedar infestations is considered significant, but mitigable (Class II).

Section 10.4.3.3 has been revised to acknowledge that, without mitigation, an increase in saltcedar infestations in the LORP area could result in displacement of existing native riparian vegetation.

16-46 A Mitigation Monitoring or Reporting Plan is currently in preparation which further details all mitigation measures contained in the EIR/EIS.

16-47 Alkali meadow and alkali scrub/meadow vegetation types to be replaced by open water and wetlands are described in Section 4.5.1. Animal species that utilize upland vegetation in the Owens Valley are listed in the 1991 EIR. These descriptions are incorporated by reference into the LORP EIR/EIS. Please also see response to comment 2-6.

16-48 Regarding impacts to wetlands, please see response to comment 9-5. Please see response to comment 26-5 regarding funding for adaptive management. Regarding funding for noxious weed control, please see response to comment 2-11/2-12.

16-49 Please see response to comment 5-16.

16-50 The preliminary design concept for the pump station is to have three duty pumps (two variable speed and one on/off) and one standby pump (for maintenance), which will allow the necessary degree of flexibility to manage flows to the Delta. Under this scenario, each pump will have a capacity of approximately 17.5 cfs. Depending on economic considerations, the successful contractor may elect to supply pumps with a slightly different capacity. Consequently, the exact capacity of the pumps will not be known until a contract for the pump station has been awarded by LADWP. However, as required per the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (Sierra Club and Owens Valley Committee v. City of Los Angeles et al., 2004), the maximum flow leaving the pump station will be 50 cfs as measured by the flow meter with a continuous recorder. Section 2.4.3 has been revised to clarify this information. Similarly, Section 11.4.1 has been revised to clarify that under the 150-cfs pump station alternative, the maximum flow rate leaving the pump station would not exceed 150 cfs (regardless of whether the water is being diverted to the Owens Lake or to the Aqueduct).

16-51 LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised

16-52 Sections 2.4.3 and 6.3). Regarding compliance with the Long Term Water Agreement, please see response to comment 11-7/11-8. Regarding the economic feasibility of the 150-cfs pump station, please see response to comment 11-10/11-11. Regarding the bypass of seasonal habitat flows to the Delta, please see response to comment 6-7/6-8. Regarding groundwater pumping in relationship to LORP, please see response to comment 15-12.

- 16-53 Please see response to comment 16-25.  
16-54  
16-55
- 16-56 The 325 acres of wetland and aquatic habitat specified in the MOU as a goal for the Delta has been vastly exceeded under existing conditions. From aerial photographs taken in 2000, approximately 830 acres of wetlands and water areas were mapped (White Horse Associates, 2004). As described in Section 2.4.1, the proposed objective for the Delta is to maintain the acreage and quality of wetland and aquatic habitats that exist at the start of LORP implementation, which is also expected to exceed the acreage specified in the MOU. The MOU did not specify the acreage of new habitat to be created. The proposed amount, duration, and timing of the baseflows and pulse flows are designed to meet the water needs of vegetation and indicator species.
- 16-57 As described in responses to comments 7-10/7-11, Section 10.4.1 has been revised to describe  
16-58 existing saltcedar in the Delta. Detailed vegetation mapping which specifically identifies saltcedar scrub is not available for the Delta. Please also see responses to comments 7-5 through 7-11 (responses to GBUAPCD comments).
- 16-59 The levels of resolution of aerial photographs used in mapping the Delta habitats are described in Sections 6.1.3.2 (for 2000 photograph) and 6.1.3.4 (pre-2000 photographs). The resolution of the digital orthophotographs (used in 2000 and to be used for the baseline and future monitoring) is 1 pixel equals 2 feet, which is plotted at 1:6,000 and allows for viewing images at a magnified scale of up to 1:1,000. This level of resolution is sufficient to pick up small shallow flooded areas and ponds important as waterfowl, wading bird, and shorebird habitat.
- Regarding the needs of the habitat indicator species and performance standards related to MOU objectives, please see response to comment 5-3.
- 16-60 Regarding the habitat indicator species for the Delta, please see response to comment 6-6. Regarding existing conditions of the Delta, including shallow intermittently flooded areas, please see Section 6.1.3. Regarding impacts to these areas, please see response to comment 26-5 and revised Section 6.3.5.
- The proposed baseflow and pulse flow regime described in Section 2.4.2 has been developed in consideration of historical flows to the Delta, MOU flow requirements, water needs of Delta wetland vegetation and indicator species. As part of the LORP monitoring and adaptive management program, LADWP will make adjustments to the amount and timing of the baseflows and pulse flows to the Delta up to an average annual flow of 9 cfs as necessary to maintain "Delta conditions." The criteria for adjustment of baseflows to the Delta are described in revised Section 2.4.2.2. Please also see response to comment 5-3 regarding performance standards for adaptive management under LORP.
- 16-61 Please see response to comment 16-56.
- 16-62 Adaptive management measures involving adjustment of flows to the Delta within the annual average of approximately 6 to 9 cfs will be made as described in Section 2.4.2.2 based on results of habitat monitoring (Section 2.10.1). Please note that flow adjustments as part of adaptive management and as defined by the MOU are not dependent on funding availability. Please also see revised Section 2.2.2 regarding funding for monitoring and adaptive

management. Please also see revised Section 2.10.5 for a description of the currently identified adaptive management measures associated with each of the four elements of the LORP, including the Delta Habitat Area.

- 16-63 Regarding establishment and maintenance of new habitat in the Delta, please see response to comment 16-56. As described in Section 2.4.3, any seasonal habitat flows above the amount being captured by the pump station would bypass to the Delta via the 100-cfs capacity sediment flushing gate (part of the diversion structure). Please also see response to comment 16-81.
- 16-64 In recent years, flows to the Delta have decreased due to a combination of factors including increased water consumption by vegetation growth and impoundment due to beaver activity along the river upstream of the Delta. Nevertheless, continued expansion of wetlands since 2000 was evident during field reconnaissance of the Delta by White Horse Associates staff in 2001 and 2002 (areas transitional from drier to wetter vegetation types were common). Since the existing releases to the Lower Owens River will be maintained until implementation of LORP, the possibility for the extent of aquatic and wetland habitats in the Delta to substantially diminish compared to 2000 conditions is low.
- 16-65 The existing riparian trees in the Delta were established under seasonally flooded conditions that existed before the early releases to the Lower Owens River began in 1986. These releases provided more consistent flows to the Delta and created saturated soil conditions (unfavorable to riparian trees but favorable to wetland vegetation). Inundation due to beaver dams also contributed to the degradation of these trees. Mitigation is not considered necessary since these trees would have died even in the absence of LORP implementation. Riparian habitat in the Delta will consist primarily of wetlands and ponds that occur along the channels in the Delta.
- 16-66 Please see response to comment 16-56.
- 16-67 Regarding impacts to the Delta habitats, please see response to comment 26-1. Regarding the MOU goal for the Delta, please see response to comment 16-56. Regarding GBUAPCD comments on the Delta, please see response to comment 7-12.
- 16-68 Baseflows up to 9 cfs are feasible. As described in Section 2.4, as part of monitoring and  
16-69 adaptive management, baseflow and pulse flows to the Delta will be adjusted within the approximately 6 to 9 cfs annual average range as necessary to maintain "Delta conditions." In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). With implementation of the 50-cfs pump station, impacts on wetlands and aquatic habitats in the Delta are expected to be less than significant. Therefore, alternatives to reduce significant impacts on the Delta are not necessary. Sections 6.3 and 11 and the Executive Summary have been correspondingly revised. Limitations associated with the court injunction are described in response to comment 26-5.
- 16-70 Please see response to comment 26-1.
- 16-71 Regarding the project alternative with 9-cfs baseflows, 50-cfs pump station, and modified seasonal habitat flows, please see response to comment 5-49. Regarding the MOU requirements for the seasonal habitat flows, please see responses to comments 16-14 and 16-26. Regarding the water supply impact related to the modified seasonal habitat flows, please

see response to comment 16-25.

- 16-72 The higher bypass flows to the Delta associated with the 50-cfs pump station may overtop the western bank of the river below the pump station. The overall impact of the overtopping of the western bank and resultant diversion of flows to the overflow channel would depend on various factors, including the quantity and duration of bank overtopping, if any, and response of vegetation in the overflow channel area and in the center of the Delta over time. Under a scenario where there are habitat reductions in the center of the Delta and there is a substantial lag period between the habitat reductions and the establishment of new areas of vegetation near the overflow channel, the impact could be temporarily adverse. Please also see revised Section 6.3.3 and response to comment 178-2.
- 16-73
- 16-74 The MOU is accurately reflected in the commentor's statement. Please also see responses to comments 16-85 and 16-56.
- 16-75 Section 11.3.2 has been revised to delete the statement that it is not possible to maintain a consistent seasonal habitat flow.
- 16-76 Regarding the feasibility of the 50-cfs pump station, please see response to comment 16-25. Regarding impacts to Delta vegetation and wildlife, please see response to comment 26-1 and revised Section 6.3.
- 16-77 Please see response to comment 5-14.
- 16-78 Please see response to comment 16-25.
- 16-79 Please see response to comment 16-50. Regarding the economic feasibility of the 150-cfs pump station, please see response to comment 11-10/11-11.
- 16-80 Regarding the maximum pumping rate of the pump station, please see response to comment 16-50. Regarding the amount of seasonal habitat flows that would reach the pump station, please see response to comment 16-85.
- 16-81 Seasonal habitat flows reaching the pump station were estimated to be 138 cfs based on the assumption that a channel loss of up to 1 cfs per mile could occur (see Table 11-3). Over time, as the system reaches equilibrium, channel losses could further decrease, resulting in flows potentially greater than 150 cfs reaching the pump station.
- 16-82 Under the proposed flow regime (up to approximately 9 cfs baseflow) with the proposed 50 cfs pump station, baseflows to the Delta will be released to maintain an outflow from the Delta during the first year (including winter) of LORP implementation. In subsequent years, the flow regime established in Year 1 will be continued, unless modified under adaptive management. It is not predicted that the Delta Habitat Area will be less saturated during non-growing seasons.
- 16-83 Please see response to comment 16-63.
- 16-84 The commentor is correct that the total discrepancy between the acreage of jurisdictional wetlands delineated by Jones & Stokes (1996) and White Horse Associates (2000 report, 1999 conditions) is 515 acres. Please note, however, that Section 6.1.3 has been revised to describe 2000 conditions using the most recent aerial mapping interpretation by White Horse Associates

(WHA, 2004). Per this report, the acreage of potentially jurisdictional wetlands in the Delta Habitat Area is estimated at 831 acres (2000 conditions).

- 16-85 LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Section 6.3 has been revised accordingly to indicate that seasonal habitat flows in excess of 50 cfs will bypass the pump station.
- 16-86 As presented in the Addendum to Technical Memorandum No. 8 (April 2000), conclusions regarding relative benefits of the short-term high flows are based on the relatively small amount of additional water that would be provided to the Delta under the 50-cfs pump station alternative. Nevertheless, a 50-cfs pump station alternative has been selected for implementation.
- 16-87 Section 6.3.1 has been revised to state that, without considering channel losses, seasonal habitat flows that will bypass the pump station to the Delta Habitat area would range up to 150 cfs every other year on average.
- 16-88 The City of Los Angeles would need the cooperation of the People of the State of California and the consent of the Superior Court to have the injunction further modified. If additional releases were determined to potentially cause damage to the mining facilities and mineral deposits on the lake bed, modification of the injunction would likely be denied. Please also see response to comment 16-11/16-12.
- 16-89 Regarding the court injunction related to release of water onto Owens Lake, please see responses to comments 16-11/16-12 and 16-88.
- 16-90 Please see response to comment 26-1.
- 16-91 Please see response to comment 6-10.
- 16-92 Regarding the location of the sediment stockpile, please see response to comment 6-30. Sediment removed from the forebay at the pump station will be considered for reuse in the Valley, including at revegetation projects, as feasible.
- 16-93 Please see response to comment 5-37.
- 16-94 The commentor appears to be referring to the typographical error in the third sentence of the first paragraph of Section 6.1.2, which contained an unnecessary word “and” between “land” and “is.” The sentence has been revised to correct this error. Sections 6.1.2 and 6.1.3 have been revised to correct the other two typographical errors noted by the commentor.
- 16-95 The high discharges measured at Keeler gage in 1968 and 1982-1983 were due to high water years. While these high flows temporarily influenced the hydrology of the Delta Habitat Area, they most likely had little influence on the conditions of the wetlands that were present at the time the aerial photographs were taken (1981 and 1992) since most of the water is assumed to have passed through (i.e., and not used by the plants). [Note: The average winter, summer, and annual flows were 21, 40, and 30 cfs, respectively, for the 1968-1981 period and 26, 22, and 24 cfs, respectively, for the 1982-1992 period.] While these high discharges were not included in the calculation of the average flows, they were considered in the analysis of how past flow patterns contributed to the historical changes in the wetland and aquatic habitats in the Delta.

- 16-96 Although it has been speculated that the bank may have been manually breached, it is also  
16-97 possible that the overflow channel was formed due to natural processes (similar to formation of  
the existing eastern channel). Please also see response to comment 178-2.
- 16-98 Section 10.4.4 has been revised to include Mitigation Measure V-3, which commits funding for  
a saltcedar monitoring and treatment program to be implemented by the Inyo County Saltcedar  
Control Program in the LORP area, including the Delta. Please also see responses to  
comments 2-11/2-12 and revised Section 10.4.4.
- 16-99 Regarding fish and wildlife in the Blackrock area, please see response to comment 16-107.  
Habitat indicator species for the Blackrock area are listed in Section 2.5.2.
- 16-100 Please see revised Section 10.4 for a description of the proposed approach to deleterious  
species control, including noxious weeds and saltcedar. Regarding tule control under LORP,  
including for the Blackrock Waterfowl Habitat Area, please see response to comment 16-9.  
For a description of the proposed approach to mosquito control, please see revised Section  
10.3.
- 16-101 Section 10.3.2.2 has been revised to acknowledge that, with implementation of Mitigation  
Measure PS-1, the potential increase in public health threat and public nuisance caused by  
mosquito production from LORP would be significant but mitigable (Class II). Mitigation  
Measure PS-1 has been revised (and replaces Mitigation Measures PS-1 and PS-2 from the  
Draft EIR/EIS) to describe a program for monitoring, treating and, when possible, adjusting  
management to reduce mosquito sources within the LORP that threaten nearby communities.  
Implementation of Mitigation Measure PS-1 is considered an ongoing post-implementation  
cost that will continue for the life of the project. Post-implementation costs are to be shared  
equally by LADWP and the County as described in Section 2.2.2.2.  
Section 10.3.1.2 has been revised to include a description of mosquito control measures  
currently employed by OVMAP, including introduction of mosquito fish and installation of bat  
houses. These methods could also be used in the LORP area. Mosquito fish and insectivorous  
birds and bats are expected to serve as biological controls for mosquitoes in the LORP area.  
Active introduction of mosquito fish in the LORP area may be considered by OVMAP but may  
not be necessary since mosquito fish currently exist in the Owens River system and could  
naturally colonize the Lower Owens River and the Blackrock area. Similarly, installation of  
bat houses is not specifically proposed but could be considered by OVMAP. However, since it  
is not known if nesting areas (i.e., tree holes) are a limiting factor for bat populations in the  
area, the effectiveness of installation of bat houses for mosquito control is uncertain.
- 16-102 The strategies for management of recreation uses and impacts from increased recreation within  
the entire project area are part of the LORP project description. Section 2.9 has been revised to  
document these strategies. Please also see response to comment 2-1.
- 16-103 The proposed monitoring and adaptive management for Blackrock area under LORP is  
described in revised Section 2.10.
- 16-104 General habitat needs of the indicator fish species for the Blackrock Area (i.e., Owens pupfish  
and Owens tui chub) are described in Section 4.6. Additional details of habitat parameters  
preferred by habitat indicator fish species are provided in Technical Memorandum #14  
(Fisheries and Habitat in the Lower Owens River).
- 16-105 Management of introduced threatened or endangered species is best conducted within the  
framework of an approved HCP. Please see responses to comments 6-17 and 6-21/6-22.  
Technical Memoranda #14 (Fisheries and habitat in the Lower Owens River), #19 (Riparian

- 16-106 Wildlife Management: Summary of Management Concepts and Priorities), and #20 (Special Status Wildlife and Plants Species Accounts) include descriptions of habitat needs of habitat indicator species and special status species in the LORP area. A series of tables that describe the relationship between the habitat indicator species and various habitat attributes that will be monitored has been developed and is included in the *Lower Owens River Project – Draft Report / Baseline Data Methodologies* (Ecosystem Sciences, 2003a). Please also see response to comment 5-3.
- 16-107 Baseline bird surveys in the Blackrock area were conducted in 2002 and 2003 by LADWP, Inyo County, and volunteers. Data collected during these surveys are currently being compiled by LADWP, and will be available for review by MOU parties. Special status plant species that are known to occur in the Blackrock area are described in Section 9.2.1.1. No special status fish species are known to occur in the Blackrock area. In addition, Technical Memorandum No. 15 (Ecosystem Sciences, November 1998) contains lists of special status species (birds and mammals) that are known to occur or have the potential to occur in or adjacent to the Blackrock area.

Regarding management of threatened and endangered species, please see response to comment 16-226.

The flooding cycle will be conducted before March 15 of each year, and the units will be allowed to dry gradually (see revised Section 10.4.4). Since the nesting season in the project area is March to July, flooding will occur before most nests are established. Since the change in water level during the drying cycle will be gradual, no substantial impacts to nesting birds are anticipated. Overtime, the proposed water and land management for the Blackrock area is expected to result in beneficial impacts to nesting habitat from creation and enhancement of emergent vegetation.

- 16-108 Regarding tule management, please see response to comment 16-9. Regarding cowbird management, please see response to comment 1-4.
- 16-109 Please see revised Section 10.4 for a description of the proposed approach to deleterious  
16-110 species control, including noxious weeds and saltcedar. Please see revised Sections 2.9 and 10.1 for a description of proposed recreation management and discussion of recreation impacts.

Section 10.1.2.2 provides a discussion of impacts related to increased recreation use throughout the LORP. Although impacts to the Blackrock Waterfowl Habitat Area are not specifically discussed, impacts resulting from increased recreation use are expected to be similar for all LORP components.

- 16-111 Please see response to comment 16-3.
- 16-112 Management units in Blackrock will not be connected to each other. Due to site topography and the presence of roads, dikes, and berms, installation of pumps and/or modifications of the roads, dikes and berms (in addition to those proposed for the LORP) would be required to maintain flow connections between the units. While a gradual increase in salinity over the long-term is likely to occur, adverse biological effects related to salinity have not been observed in existing terminal ponds in the LORP area (e.g., Upper and Lower Twin Lakes) in part due to the characteristic of the water in the Valley (low TDS).
- 16-113 Please see response to comment 16-107.



16-114 Section 8.2 has been revised to note that the least bittern and northern harrier are known by local birders and ornithologists to breed in the Off-River Lakes and Ponds area. Please also see response to comment 16-226.

16-115 The lists of habitat indicator species in Sections 2.5.2 and 2.6.2 (as well as Sections 2.3 and 2.4) have been taken verbatim from the LORP Action Plan. It is acknowledged that Virginia rail, sora, and American coot are the species that belong to the rail family and are found in or near the LORP area.

16-116 Regarding threatened and endangered species, please see response to comment 16-107.

The primary goal for the Blackrock Waterfowl Area is to create and maintain habitat for resident and migratory waterfowl populations. The proposed management for the Blackrock area is not intended and is not expected to create substantial areas of dense willow/cottonwood (Table 7-1). Instead, such riparian forest habitat will be created and maintained in the Riverine-Riparian System (Table 4-11). Please also see response to comment 16-262.

16-117 After implementation of LORP, shorebirds are expected to utilize newly created open water habitats in the Blackrock area.

16-118 Regarding fish habitat, please see response to comment 2-14. Regarding open water habitat isolated from the river, please see response to comment 6-21/6-22.

16-119 The specifics of the alternative described in Section 11.4.6 have not been identified.

The significant obstacles to creating and maintaining flow connections between the Blackrock management units are the site topography and the presence of roads, dikes, and berms. To create and maintain flow connections between the management units, installation of pumps and/or modifications of the roads, dikes and berms (in addition to those proposed for the LORP) would be required.

16-120 Please see response to comment 26-8.

16-121 During the process of developing the LORP land management plan, complete exclusion of livestock from riparian areas for extended periods was considered as one of the alternative management strategies. However, with the exception of the proposed 10-year non-use provision for a portion of the Thibaut Lease, LADWP has determined that this approach is not necessary for adequate protection of existing and future riparian vegetation that would be established by the proposed flows in the river. Past experience in management of LADWP leases in Long Valley has demonstrated that grazing, when managed and monitored properly, is compatible with successful recruitment of riparian vegetation. Furthermore, exclusion of grazing from all riparian areas would substantially reduce the amount of available forage and would have an adverse effect on the continuation of livestock grazing, which is one of the sustainable uses identified by the MOU.

A 10-year non-use provision (rest from grazing) is proposed for a portion of the Thibaut Lease because it is grazed by mules and horses, which have greater potential to impact riparian vegetation than cattle. The Twin Lakes, Lone Pine, Island, Delta, and Blackrock Leases are cattle operations. The proposed changes in grazing strategies for these leases are anticipated to facilitate the establishment of riparian vegetation while allowing for sustainable grazing.

Therefore, a non-use provision is not considered necessary at the Twin Lakes, Lone Pine, Island, Delta, and Blackrock Leases. (Small riparian exclosures in the Blackrock, Island, Delta and Lone Pine leases are proposed for monitoring controls.)

The upper AUM range for the Twin Lakes lease is 2,113. Section 2.8.2.1 has been revised to correct this typographical error.

Under LORP, riparian vegetation health, including understory, will be improved over existing conditions from the establishment of a permanent flow in the river. The proposed changes in grazing practices (introduction of utilization standards, shorter grazing periods, and riparian fencing) are designed to facilitate riparian recruitment, and are expected to have beneficial impacts on ground and understory nesters. Section 9.2.2.1 has been revised to include reference to understory-nesting birds.

- 16-122 Regarding non-use provisions and grazing impacts to nesting birds, please see response to comment 16-121.

The Twin Lakes Lease is relatively small in area (4,912 acres). It is currently grazed as one single pasture and will be divided into two pastures with the implementation of LORP. In contrast, the Blackrock Lease is substantially larger in size (32,674 acres). It also has multiple pastures, which allow more flexibility for grazing operations (i.e., rotation of cattle among different pastures). Therefore, the Blackrock lease as a whole can be grazed for a longer period than the Twin Lakes Lease.

- 16-123 After 10 years of implementing the non-use provision in the proposed Riparian Exclosure at Thibaut Lease, LADWP Watershed Resources staff will assess the condition of vegetation in the exclosure then determine whether grazing will be reintroduced into the area. If grazing is to be reintroduced, riparian utilization rates similar to those prescribed in other leases will be established. Section 2.8.2.3 has been revised to incorporate this information.

- 16-124 The flooded wetlands in Blackrock, including the Winterton Management Unit, will be monitored annually as part of the rapid assessment surveys (see revised Section 2.10.1.1). Conditions to be monitored under the rapid assessment surveys include extent of wetted area, water elevations, extent of emergent vegetation, exotic/noxious plants, and recreation/land management activities and impacts.

Detailed measurement of habitat characteristics in the Blackrock area, including species composition, cover, and structure, will be conducted as part of the Habitat Development Surveys (see revised Section 2.10.1) during years 2, 5, 7, 10, and 15. LADWP and Inyo County will conduct the monitoring, and data will be reported as part of the annual report to be reviewed by the Technical Group.

- 16-125 Conversion of a particular unit to a dry phase will be based on the objective of maintaining the ratio of open water wetlands to emergent wetlands so that emergent wetlands do not exceed about 50 percent of the flooded area of any management unit (see Section 2.5.3). Please also see response to comment 5-3 regarding triggers for adaptive management under LORP.
- 16-126 The proposed berms are designed to isolate management units from each other and to contain water to achieve the required flooding acreage. Please also see response to comment 16-112.

- 16-127 Most of the flooded wetlands in Blackrock will be managed as semi-permanent wetlands that are flooded for several years then dried to remove emergent vegetation. When full, these water bodies would have depths ranging from a few inches to several feet (see Section 7.1.3.2).
- 16-128 The long-term estimated future annual water use for Waggoner Unit and Winterton Unit combined is 750 acre-feet per year. Table 2-15 (labeled 2-16 in Draft EIR/EIS) has been revised to clarify that 750 acre-feet per year is the estimated water use for the two units combined.
- 16-129 In most years, the Thibaut Unit will receive water from only the Thibaut Spillgate. In extremely wet years, it will receive water from both the Thibaut Spillgate and the Winterton Diversion. Sections 2.5.10.3 and 2.5.9 have been revised to clarify this information.
- 16-130 The acreage to be flooded in the Blackrock area will be determined each year by the Standing Committee in consultation with CDFG and in accordance with the MOU requirements.
- 16-131 A chart showing the Owens Valley annual runoff for the past 50 years has been included in Section 2.3.5.3. Normal runoff is defined as the mean of annual runoff volume over 50 years, and is adjusted every 5 years. Please also see response to comment 5-27 regarding the relationship between the magnitude of seasonal habitat flow and forecasted runoff.
- 16-132 The proposed management plan for the Blackrock area was developed based on evaluation of existing site topography, soils, and vegetation/habitat types, and in consideration of the physiological needs of wetland vegetation types and habitat indicator species. Please refer to Technical Memorandum No. 15 (Ecosystem Sciences, November 1998), which includes a list of literature cited. As part of adaptive management, the timing and duration of the drying and flooding cycles may be modified based on results of habitat monitoring (see revised Section 2.10.1).
- 16-133 As described in Section 7.1.1, the dominant species that make up the alkali marsh vegetation type are cattails and bulrushes.
- 16-134 As described in Section 11.4.7, the alternative flooding regime suggested by CDFG will be considered as part of adaptive management, as necessary and to the extent it is consistent with the MOU, based on monitoring results.
- 16-135 In general, the LORP will be managed to avoid the use of controlled burns in Blackrock. The proposed wetting and drying cycle is expected to introduce the hydrologic disturbance needed to limit tule growth. If monitoring indicates that plant diversity is not responding to the wetting and drying cycles and a monoculture of tules is developing, additional forms of disturbance (physical removal or controlled burning) will be considered to improve plant diversity and reduce monocultures. The specific protocol for controlled burning, if implemented, would be developed in consultation with CDFG and in consideration of impacts on birds and other wildlife. Please also see response to comment 5-3 regarding triggers for adaptive management under LORP.
- 16-136 Please see responses to comments 2-11/2-12.
- 16-137 Section 10.4.4 has been revised to include Mitigation Measure V-3, which commits funding for a saltcedar monitoring and treatment program to be implemented by the Inyo County Saltcedar Control Program in the LORP area, including Blackrock. Please also see responses to

comments 2-11/2-12 and revised Section 10.4.4.

Regarding funding for post-implementation costs of the overall project, please see response to comment 26-2 and revised Section 2.2.2.2.

- 16-138 Native plant seeds and seedlings will be used preferentially for revegetation under Mitigation Measure B-1. Naturalized species that are known to be invasive or otherwise undesirable will not be used. A specific restoration plan for implementation of Mitigation Measure B-1 will be designed in coordination with CDFG, including a plant species list for use in revegetation. A Mitigation Monitoring or Reporting Plan is currently in preparation which further details all mitigation measures contained in the EIR/EIS. For each mitigation measure adopted as part of the project, the MMRP will describe the schedule for implementation, monitoring action, party responsible for implementation, and relevant enforcement agency (if any).
- 16-139 The potential for noxious weed infestation is expected to be greatest in the initial years after construction of berms and ditches in the Blackrock area when the disturbed site conditions would be favorable to noxious weeds. The intent of Mitigation Measure B-1 (Section 7.1.4) is to provide site-specific and concentrated weed monitoring and treatment for 3 years after construction in the Blackrock area in addition to the overall LORP mitigation measures for noxious weeds described in revised Section 10.4.4. After 3 years, monitoring and treatment of weeds in the Blackrock area will be continued as necessary as part of Mitigation Measures V-2 and V-3 (Section 10.4.4).

Section 10.4.2.2 has been revised to describe general methods of noxious weed control, which are also the measures that would likely be used under Mitigation Measures B-1, V-2, and V-3. If new effective methods become available in the future, they may also be incorporated.

- 16-140 The Twin Lakes, Blackrock, and Thibaut Leases encompass the Blackrock Waterfowl Habitat Area and the Off-River Lakes and Ponds. The grazing management actions (i.e., utilization rates, grazing periods, and fenced riparian pastures; see revised Sections 2.8.2.1, 2.8.2.2, and 2.8.2.3) proposed for these leases, together with the proposed flooding regime for the Blackrock Area and the maintenance of Off-River Lakes and Ponds, are designed to protect and enhance the natural habitats in these areas. Please note that the existing adverse effects on the natural habitats in the Blackrock Area are primarily due to the dikes and berms (constructed to comply with the court injunction regarding release of water to the Owens Lake – see Section 2.5.1 for additional details).

Regarding access to grazing management plans, please see response to comment 15-11.

- 16-141 The strategies for management of recreation uses and impacts from increased recreation within the entire project area are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1. As part of the LORP, parking areas or sanitation facilities may be installed if needed based on intensity of use, or if vehicle or foot traffic patterns are observed to threaten or damage sensitive resources
- 16-142 Monitoring requirements for Blackrock are included in revised Section 2.10 along with monitoring requirements for other physical areas of the LORP. The proposed duration and frequency of wetting and drying cycles are designed to introduce the appropriate amount of hydrologic disturbance necessary to create more diverse vegetation types in an area that currently does not undergo any drying periods. One of the first adaptive management actions to be considered will be modifying the frequency and/or duration of the currently proposed

wetting and drying cycle. If monitoring indicates that plant diversity is not responding to the wetting and drying cycles and a monoculture of cattails/bulrushes is developing, additional forms of disturbance (physical removal or controlled burning of tules) will be considered to improve plant diversity and reduce monocultures.

Regarding funding commitments for adaptive management, please see response to comment 16-13.

- 16-143 The acreage to be flooded in the Blackrock area will be determined each year by the Standing Committee in consultation with CDFG and in accordance with the MOU requirements.
- 16-144 Please see response to comment 5-19.
- 16-145 Table 2-15 (labeled 2-16 in the Draft EIR/EIS) and Section 7.1.1 have been revised to correct the typographical errors noted by the commentor.
- 16-146 Section 7.1.2 has been revised to correct the typographical error noted by the commentor. Regarding controlled burning, please see response to comment 16-135.
- 16-147 Section 7.1.3.4 has been revised to correct the typographical errors noted by the commentor.
- 16-148 The proposed management of Off-River Lakes and Ponds would be similar to existing conditions. Therefore, implementation of LORP is not expected to result in substantial changes in environmental conditions in these areas. With the exception of fish (which are described in Section 8.2), wildlife species found at Off-River Lakes and Ponds are similar to those found in the Blackrock Area (see response to comment 16-107).

Grazing plans for LADWP leases that include the Off-River Lakes and Ponds area (i.e., Blackrock Lease and Thibaut Lease) are discussed in Section 2.8.2. Regarding cowbird management, please see response to comment 1-4. Regarding tule control under LORP, including for the Off-River Lakes and Ponds, please see response to comment 16-9. Please see revised Section 10.4 for a description of the proposed approach to deleterious species control, including noxious weeds and saltcedar. For a description of the proposed approach to mosquito control, please see revised Section 10.3.

- 16-149 As described in revised Section 2.10.1.2, the Off-River Lakes and Ponds will be monitored by habitat mapping. Detailed field sampling of habitat attributes is not proposed for the Off-River Lakes and Ponds because the proposed management approach is similar to existing conditions. Therefore, implementation of LORP is not expected to result in substantial changes in environmental conditions in these areas. If unexpected changes are detected by habitat mapping, then additional monitoring may be introduced.
- 16-150 LORP is based on the concept of habitat, and not individual species based management. The proposed management for off-river lakes and ponds is similar to existing conditions, and is expected to maintain the tules at current levels. The tules currently, and will continue to, provide habitat for game fish and waterfowl and wading birds.
- 16-151 The primary goal for the Off-River Lakes and Ponds is to maintain habitat for fisheries, waterfowl and wading birds. The proposed management for Off-River Lakes and Ponds is not intended and is not expected to create substantial areas of dense willow/cottonwood. Instead, such riparian forest habitat will be created and maintained in the Riverine-Riparian System within LORP. Therefore, management for Off-River Lakes and Ponds does not include

specific provisions for the five species noted by the commentor. Please also see response to comment 16-226.

- 16-152 LORP is expected to create and enhance habitats suitable for threatened and endangered species and habitat indicator species. LORP is based on the concept of habitat, and not individual species based management. Regarding special status species in the Off-River Lakes and Ponds area, please see response to comment 16-114.
- 16-153 Please see response to comment 16-115.
- 16-154 Please see responses to comments 2-14 and 16-247.  
16-155
- 16-156 Grazing management practices for LADWP leases in the Off-River Lakes and Ponds area (i.e.,  
16-157 Blackrock Lease and Thibaut Lease) are discussed in Section 2.8.2 (under Land Management Plan). Regarding off river lakes, ponds and tule management, please see response to comment 33-3. The depth at the deepest part of each lake or pond is not known. A survey of the lakes and ponds has not been conducted.
- 16-158 Please see response to comment 16-135.
- 16-159 Please see response to comment 16-101.
- 16-160 Please see responses to comments 26-2 and 26-3.
- 16-161 Please see responses to comments 2-11/2-12.
- 16-162 Grazing is an existing use within the off-river lakes and ponds area, which spans the Twin Lakes, Blackrock, and Thibaut Leases. The proposed grazing management strategies for these leases are expected to have a beneficial impact on the natural habitats in this area. Please also see response to comment 16-140. Regarding access to grazing management plans, please see response to comment 15-11.
- 16-163 The strategies for management of recreation uses and impacts from increased recreation within the entire LORP area are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1. As part of the LORP, parking areas or sanitation facilities may be installed if needed based on intensity of use, or if vehicle or foot traffic patterns are observed to threaten or damage sensitive resources.
- 16-164 The importance of monitoring and adaptive management is noted.
- 16-165 Regarding funding commitments for adaptive management, please see response to comment 16-13. Please note that references to limitations associated with funding availability for implementation of adaptive management measures have been deleted throughout the EIR/EIS, including Section 2.0.
- 16-166 Please see responses to comments below.  
16-167
- 16-168 LADWP and Inyo County acknowledge that the adaptive management is an integral part of the project. Section 2.10 Under monitoring and adaptive management topic has been revised to

expand the description of the approach to adaptive management. Expanded descriptions of adaptive management measures described in Tables 2-19, 2-20, 2-21, and 2-22 (labeled Tables 2-19, -21, -23, and -25 in the Draft EIR/EIS) cannot be provided at this time since specifics of the adaptive management measures will be determined based on monitoring results. Regarding funding for adaptive management, please see response to comment 16-13 and 26-2. Regarding active management measures, please see response to comment 16-9.

16-169 Regarding active management, please see response to comment 16-9.

16-170 Regarding dispute resolution, please see response to comment 16-10. Regarding LORP goals, please see response to comment 5-3.

16-171 LADWP and Inyo County have assumed joint responsibility for funding LORP, including costs  
16-172 associated with monitoring and adaptive management. In addition to the resources already  
16-173 identified in Section 2.2.2.3, both agencies will actively seek additional funds from outside  
16-174 sources. Please note that LADWP's commitment is to contribute one-half of the post-  
16-175 implementation costs. A maximum expenditure has not been identified. Please also see  
16-176 response to comment 16-13.  
16-177

Section 2.10 has been revised to more fully describe the proposed monitoring program. Regarding adaptive management, please note that the timing of implementation of specific measures, if any, is not known. As adaptive management measures are proposed, the governing boards of LADWP and Inyo County will determine funding availability (see also Section 2.10 for a description of the process for adoption of adaptive management measures).

16-178 Monitoring activities (including data compilation, analysis, and report preparation) and  
16-179 development and implementation of adaptive management measures are all considered post-  
16-180 implementation costs to be shared equally between LADWP and Inyo County. Both LADWP  
and Inyo County have staff with experience in conducting hydrological and biological  
monitoring and in making adaptive management decisions. Ecosystem Sciences or other  
consultants will also assist in monitoring, compilation and analysis of data, report writing, and  
recommendations for adaptive management. Please note that LADWP Watershed Resources  
has added three staff positions specifically in response to LORP needs.

16-181 Section 2.10 has been revised to reflect the consensus reached on funding commitments for  
16-182 LORP. Please see response to comment 16-13.  
16-183

16-184 Data compilation, analysis, report preparation, and implementation of adaptive management  
measures are all considered post-implementation costs to be shared equally between LADWP  
and Inyo County.

16-185 Please see response to comments 16-1, 16-2, and 16-3.

16-186 Please see response to comment 16-4 regarding baseline surveys, which included surveys and  
mapping of the river. Please also note that water levels at the Off-River Lakes and Ponds are  
currently monitored using existing staff gages.

16-187 Please see response to comment 16-3.

16-188 Section 2.10.3 has been revised to provide an expanded discussion of the analysis of

monitoring data.

16-189 LADWP and Inyo County have committed to conducting habitat monitoring for the LORP for  
16-190 the first 15 years. This time period is widely accepted to be the amount of time generally  
needed for an ecosystem to approach a steady state (M. Hill, Ecosystem Sciences, pers.  
comm., 2003). If monitoring indicates that trends are in the wrong direction or if habitat goals  
have not been met, adaptive management measures could be implemented at any point in time  
over the course of 15 years. Extension of the habitat monitoring period beyond 15 years is not  
deemed necessary at this time.

16-191 Please see response to comment 5-3.

16-192

16-193

16-194 Section 2.10 has been revised to reflect the consensus reached on funding commitments for  
LORP. Please see response to comment 16-13.

16-195 Please see response to comment 5-3.

16-196 Section 2.10 has been revised to reflect the consensus reached on funding commitments for  
16-197 LORP. Please see response to comment 16-13.

16-198 “Meet as necessary” means that the Technical Group will meet to discuss and address  
problems in a timely manner if any are identified by the various monitoring activities that will  
take place throughout the year. For example, if a problem is identified during one of the rapid  
assessment surveys, the Technical Group may meet to address the specific problem instead of  
waiting until the annual report is available. “Modified within the framework of the adaptive  
management approach” refers to the implementation of adaptive management measures  
identified in Tables 2-19, 2-20, 2-21, and 2-22 as well as other measures deemed appropriate  
by the Technical Group.

16-199 Tables 2-19, 2-20, 2-21, and 2-22 (Section 2.10; descriptions of currently identified potential  
adaptive management measures, labeled Tables 2-19, -21, -23, and -25 in the Draft EIR/EIS)  
have been revised to eliminate the column “Implementation Dependent on Outside Funding.”  
Please see response to comment 16-13.

16-200 Please see responses to comments 16-1, 16-2, 16-3, and 16-4.

16-201 Please see response to comment 15-10.

16-202 The protocols for fish habitat surveys are summarized in revised Section 2.10.1.4. General  
habitat needs of the habitat indicator fish species are described in Section 46. Additional  
details of habitat parameters preferred by habitat indicator fish species are provided in  
Technical Memorandum #14 (Fisheries and Habitat in the Lower Owens River).

An angling census will be used to evaluate the relationship between changes in habitat  
conditions as measured by the fish habitat surveys with the game fish populations in the river  
and off-river lakes and ponds. Netting and electroshocking were not selected as sampling  
techniques due to physical constraints on the LORP such as deep water and dense tules, which  
make these techniques less effective. Please also note that electroshocking is not preferred  
since it can cause spine and bone damage to fish, resulting in injury or death.



The fish habitat surveys include monitoring of parameters such as channel width; wetter perimeter width; average and thalweg depths; substrate; canopy cover; organic debris; and bank undercut. Monitoring results for these parameters will be used to evaluate the suitability for native habitat indicator fish species.

16-203 Please see response to comment 4-5.

16-204 Please see response to comment 15-15 and 15-16.

16-205 The primary factors in considering adjustments to seasonal habitat flow releases is the recruitment of riparian vegetation and enhancement of the channel. Adjustments to seasonal habitat flows for water conservation purposes would be considered only if consistent with habitat enhancement. For example, if monitoring indicates that the currently proposed ramping pattern of seasonal habitat flows is exceeding the water needs of the riparian vegetation, flows may be adjusted.

16-206 Regarding modifications of seasonal habitat flows as part of adaptive management, please see response to comment 16-20.

The aerial survey to be conducted during the peak of each seasonal habitat flow release will help determine the extent and duration of flooding, where flows are leaving the existing channel and recharging the streambanks and floodplains. However, because the river channel and the floodplains have been dry for many years, it will take several years for the proposed releases to rewet the banks and the floodplains and bring the hydrologic and soil conditions of the river system to an equilibrium. Therefore, the effectiveness of the seasonal habitat flows in creating and maintaining riparian habitats cannot be determined only from the observed physical behavior of the seasonal habitat flows. Field monitoring of vegetation attributes (e.g., recruitment and establishment of riparian woody species) will be necessary to determine whether the system has equilibrated, how the riparian vegetation is responding to the proposed flow regime, and whether adjustments in duration, timing, or amount of seasonal habitat flows will be necessary.

16-207 Please see response to comment 16-205.

16-208 Regarding modifications of seasonal habitat flows as part of adaptive management, please see response to comment 16-20. Regarding recharge of streambanks and floodplains, please see response to comment 16-206.

Monitoring of parameters related to riparian recruitment and survivorship will be conducted as part of the Habitat Development Surveys as described in revised Section 2.10.1.3.

16-209 Please see response to comment 16-9.

16-210 Under LORP, several rare plant exclosures will be established (one to be reconstructed in Twin Lakes, four in the Blackrock lease, and one in the Thibaut lease) to monitor the effects of controlled grazing on rare plant populations (See Section 2.8.2). Several years of monitoring at these rare plant exclosures and comparison to areas outside of the exclosures will be necessary to determine whether these exclosures would be beneficial to the rare plants and whether additional exclosures are needed as part of adaptive management. Monitoring will be conducted at trend plots established in the rare plant populations both inside and outside

exclosures. The trend plots will be circular areas that are 0.01 acre in size, with a permanent stake at the center. Data on recruitment, persistence, size of individuals and flowering and seed presence will be collected at these trend plots. Results from these trends plots will be analyzed to determine the influence of the grazing management actions and the need for adaptive management on a site-by-site basis.

Section 2.8.1.5 has been revised to describe how percentages of forage utilization will be measured.

16-211 Please see response to comment 16-9.  
16-212

16-213 As indicated in Tables 2-19, 2-20, 2-21, and 2-22, removal of tules, control of exotic plants, beaver and beaver dam removal are possible adaptive management measures for the Riverine-Riparian System and the Delta as well as Blackrock. Burning as a method of tule removal is not proposed along the river since it would have adverse effects on recruitment of riparian woody species. Please also see response to comment 16-9. Regarding monitoring triggers, please see response to comment 5-3.

16-214 Section 10.4.4 has been revised to include Mitigation Measures V-2 and V-3, which commit funding for noxious weed monitoring and treatment programs to be implemented in the LORP area (including Off-River Lakes and Ponds) by the Agricultural Commissioner (V-2, for non-saltcedar weeds) and the Inyo County Saltcedar Control Program (V-3, for saltcedar). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.

16-215 Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which  
16-216 outline the strategies and funding commitments for prevention, monitoring, and treatment of  
16-217 noxious weed infestations that could result from the LORP. With implementation of these  
16-218 mitigation measures, the potential impact of noxious weed infestations is considered  
16-219 significant, but mitigable (Class II) (see revised Section 10.4.3). Please also see responses to  
16-220 comments 2-11/2-11 and revised Section 10.4.4.

16-221

As described in Table 12-2 (Section 12.4), LORP implementation would have cumulative impacts on weed infestation with several related projects (e.g., Owens Lake Dust Mitigation Program). Mitigation measures to reduce impacts of weed infestation have been identified for both the LORP (as described above) and for the Dust Mitigation Program.

There is no written report documenting the results of the perennial pepperweed control program by the Inyo-Mono County Agricultural Commissioner's Office. The Agricultural Commissioner notes that the program has achieved some success with use of the herbicide Telar®, but the program is ongoing (G. Milovich, pers. comm., May 2003).

ESWMA's Strategic Management Plan has been provided as Appendix I to the EIR/EIS. The Strategic Management Plan does not include provisions for funding weed control in LORP areas.

Section 10.4.3.3 has been revised to acknowledge that, without mitigation, an increase in saltcedar within the LORP boundary would increase the seed source throughout the region, potentially resulting in increases in saltcedar outside the project area.

Section 10.4.2.2 has been revised to include the locations and citations of other regional

restoration projects where flow and land management practices were successful in preventing noxious weed infestations.

- 16-222 Section 10.4.4 has been revised to include Mitigation Measures V-2 and V-3, which commit funding for noxious weed monitoring and treatment programs to be implemented under LORP. Under Mitigation Measure V-2, LADWP will provide funding to the Inyo-Mono County Agricultural Commissioner to implement a monitoring and treatment program for non-saltcedar weeds. Under Mitigation Measure V-3, LADWP will provide funding to the Inyo County Saltcedar Control Program to implement a monitoring and treatment program for saltcedar (in addition to funds provided under the Inyo County/Los Angeles Long Term Water Agreement). Please also see revised Section 10.4.4.

LADWP and Inyo County have assumed joint responsibility for funding LORP, including costs associated with monitoring and adaptive management. Please see response to comments 16-13 and 26-2.

- 16-223 Native mammals, reptiles and amphibians present in the Owens Valley are listed in the 1991 EIR. These descriptions are incorporated by reference into the LORP EIR/EIS. Special status mammal species known (or with the potential) to occur in or near the LORP area are discussed in Technical Memorandum No. 20 (Ecosystem Sciences, April 1999).

Implementation of land management changes proposed under LORP is expected to have an overall beneficial impact on upland habitats used by reptiles. Aquatic habitats used by amphibians will be enhanced by the proposed rewatering of the river and water management in Blackrock.

The LORP monitoring program is habitat, not species, based. As described in revised Section 2.10.1, variables that are indicators of biodiversity and habitat suitability for threatened and endangered species and other habitat indicator species will be measured under the proposed monitoring program. Baseline monitoring was conducted in 2002 and 2003 to collect data on existing habitat conditions, including plant species richness and vegetation structure (indicators of biodiversity and habitat suitability).

- 16-224 Section 6.1.4 has been revised to recognize that the Owens Lake is an Important Bird Area and is also part of the U.S. Shorebird Conservation Plan.

- 16-225 Please see response to comment 6-6.

- 16-226 LORP is expected to create and enhance habitats suitable for threatened and endangered species and habitat indicator species. LORP is based on the concept of habitat, and not individual species based management. As described in Section 2.7, specific actions to manage threatened and endangered species (e.g., creation of sanctuaries and reintroduction of species) will be considered as part of a future HCP, which will be developed in consultation with CDFG and USFWS.

Additional details on special status bird, mammal, and plant species known (or with the potential) to occur in or near the LORP area are described in Technical Memorandum No. 20 (Ecosystem Sciences, August 1999).

- 16-227 Please see response to comment 6-14.

- 16-228 Please see responses to comments 16-226 and comment 6-14.
- 16-229 Please see response to comment 6-14.
- 16-230 Please see response to comment 5-33.
- 16-231 Please see response to comment 5-19.
- 16-232 Please see response to comment 16-3.
- 16-233 With implementation of the 50 cfs pump station, impacts on aquatic and wetland habitats in the Delta (including the brine pool transition area) are predicted to be less than significant (Class III). Please see response to comment 26-5. Section 14.6 has been revised to include a description of the relationship between the proposed project and the Migratory Bird Treaty Act.
- 16-234 As described in Section 4.7.2, rewatering the Lower Owens River is expected to increase the diversity, extent, and productivity of riparian forest habitats along the river, which would provide habitat suitable for Swainson's hawk, western yellow-billed cuckoo, willow flycatcher, southwestern willow flycatcher, and least Bell's vireo. Please also see response to comment 16-226.
- 16-235 Please see response to comment 16-226.
- 16-236 As noted by the commentor, the federal status applies to only the Pacific coast population of the western snowy plover. The Pacific coast population is defined as "those individuals that nest adjacent to or near tidal waters, and includes all nesting colonies on the mainland coast, peninsulas, offshore islands, adjacent bays, and estuaries." (USFWS, 2004; and R. McMorran, USFWS, pers. comm., February 25, 2003). Point Reyes Bird Observatory, through intensive banding and monitoring studies, has documented only two coastal individuals intermixing with interior populations. There has been report of only one listed western snowy plover observed within the Owens Valley (R. McMorran, USFWS, pers. comm., February 25, 2000). Regarding LORP compliance with Endangered Species Act, please see response to comment 121-1.
- 16-237 Construction activities for the LORP are not expected to have direct adverse impacts on threatened and endangered species. Therefore, no mitigation measures for direct impacts to threatened and endangered species have been identified in the EIR/EIS. Regarding plans for management of threatened and endangered species, please see response to comment 16-226.
- 16-238 Regarding the court injunction related to the release of water to the Owens Lake, please see  
16-239 responses to comments 16-11/16-12 and 16-88. Regarding impacts to the brine pool transition area, please see response to comment 26-5.
- 16-240 Please see response to comment 16-233 regarding Migratory Bird Treaty Act compliance. Regarding ESA compliance, please see response to comment 121-1. Please also see Section 6.1.7 regarding sensitive species present in the Delta and their State and Federal regulatory status.
- 16-241 Consistent with your comment, Section 14.6 indicates that willow flycatcher is a rare spring and fall migrant, summer resident, and/or possible spring/summer breeder. Appendix D has been revised to indicate that it is a rare spring and fall migrant and summer resident.

As described in Section 4.7.2, the rewatering of the river under LORP is expected to have beneficial impacts on riparian habitat and birds that use riparian areas, including the willow flycatcher. Section 10.4.4 has been revised to include Mitigation Measures V-1, V-3, and V-4, which outline the strategies and funding commitment for prevention, monitoring, and treatment of saltcedar infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). These mitigation measures would further facilitate the restoration of riparian habitat, a beneficial impact on willow flycatcher and overall biological diversity of the area.

Please see response to comment 16-226 regarding management of threatened and endangered species including the willow flycatcher.

16-242 As described in Section 2.9, changes in grazing management, including in riparian areas, will be implemented as part of the LORP. These changes are expected to facilitate the establishment and enhancement of riparian habitats that will result from the rewatering of the river. Establishment and enhancement of riparian habitats is also expected to reduce the vulnerability of nesting riparian song birds to parasitism by cowbirds.

16-243 Please see response to comment 16-233.

16-244 Please see response to comment 2-14.

16-245 Please see responses to comments 15-19 through 15-26.

16-246 Please see response to comment 2-14.

16-247 The non-native fishes listed in Table 8-1 currently have access to the river, off-river lakes and ponds, and the Delta. In addition to increasing and enhancing non-native fish habitat in the river and in the off-river lakes and ponds, implementation of LORP will also increase habitat complexity and provide localized areas suitable for native fishes. Please also see response to comment 2-14.

Within the LORP area, the only existing population of Owens pupfish is located near Well 368 in the Blackrock Lease. The flow regimes proposed under LORP will not create a connection between this area and the river or the Off-river Lakes and Ponds. Therefore, LORP would not have adverse impacts to the existing population of Owens pupfish.

Currently, there are no known populations of Owens tui chub, Owens speckled dace or Owens sucker in the LORP area. LORP would therefore not have adverse impacts to these native fishes.

16-248 Please see response to comment 2-14.

16-249

16-250 The potentially suitable habitat for pupfish and tui chub in the Delta identified by Ecosystem Sciences consists of areas that are dominated by water, including alkali marsh, wet alkali meadow, riparian scrub, open water, and brine pool transition area. While the total acreage of these habitat types in the Delta is 567 acres (1996 conditions), only a portion within each

habitat type would contain surface water expected to be suitable for pupfish and tui chub. Section 6.1.7 has been revised to clarify this information.

- 16-251 Please see response to comment 16-252.
- 16-252 Grazing will be eliminated from all rare plant exclosures during the flowering, fruiting and seeding period of the rare plants. Section 2.7.4 has been revised accordingly.

When the Owens Valley checkerbloom was nominated for endangered species status in California in 1979, there was only one known population of this plant. Several new populations were found soon after the plant was listed, bringing documented populations to ten by 1981. Since 1982, LADWP biologists have been conducting surveys for the checkerbloom and the Inyo County star-tulip on LADWP lands. Currently, there are over 40 populations of Owens Valley checkerbloom and over 60 populations of Inyo star-tulip that are known to occur on LADWP lands in the Owens Valley, ranging from Round Valley in the north to Olancho in the south. New populations of these plants are still being discovered. One population of Owens Valley checkerbloom has over 1 million plants and several populations have more than 100,000 plants. These sites that contain these plants have been and are currently being grazed. (Section 9.2.1 has been revised to incorporation the description above.) Limited grazing within the proposed rare plant exclosures is intended to maintain and enhance these existing populations. Monitoring will determine whether future actions, such as additional exclosures or changes to the grazing limitations in the exclosures, will be necessary (please see response to comment 16-210).

Grazing will be eliminated from all rare plant exclosures during the flowering, fruiting, and seeding periods (from April to July). Sections 2.7.4, 2.8.2, and 9.2.2 have been revised accordingly.

- 16-253 Please see response to comment 16-252.
- 16-254 The rare plant exclosures are proposed solely for the purpose of protecting the rare plants and monitoring the effects of limited grazing.
- 16-255 Please see response to comment 16-114.
- 16-256 Please see response to comment 2-14. While 40-cfs may not be optimal flow for the dace, the  
16-257 proposed baseflow will be within the range of suitable habitat for this species.  
16-258
- 16-259 Please see response to comment 16-3.
- 16-260 Please see response to comment 16-115.
- 16-261 Please see response to comment 1-4.
- 16-262 Please see response to comment 1-4.
- 16-263 The increase in habitat diversity and cover in riparian areas within the LORP area is expected to increase and enhance habitat for song birds and also reduce their vulnerability to parasitism by cowbirds.

- 16-264 Cowbirds are present but are not considered to be abundant in the LORP area. Baseline bird surveys in the LORP were conducted in 2002 and 2003. Data collected during these surveys are currently being compiled by LADWP, and will be available for review by MOU parties. Since significant impacts related to cowbirds have not been identified related to LORP, additional discussion has not been provided. The commentor is referred to the North American Cowbird Advisory Council (<http://cowbird.lscf.ucsb.edu/>).
- 16-265 Please see response to comment 1-4.
- 16-266 Please see response to comment 16-242.
- 16-267 Please see response to comment 16-264.
- 16-268 It is recognized that some species may not have the capability to reneest.
- 16-269 Please see responses to comments 16-242 and 16-264.
- 16-270 Please see response to comment 1-4.
- 16-271 Please see response to comment 16-263.
- 16-272 The nine proposed actions listed in Section 12.7 were taken directly from the Southwestern Willow Flycatcher Recovery Plan (USFWS, 2002). Actions related to cowbirds are included under several of the steps..
- The referenced sentence relates to funding limitations for implementation of the USFWS Recovery Plan (2002) and not the implementation of the LORP.
- 16-273 Please see response to comment 16-9. Regarding funding for post-implementation costs of the proposed project, please see response to comment 26-2.
- 16-274 As described in revised Section 2.3.7, prior to the release of flows to the river under LORP, beaver dams that are obstructing the channel, if any, and would inhibit the establishment of the proposed flow regime in the river will be removed. In the future, additional beaver dam removal will be implemented in the LORP area if beaver activity is causing excessive flooding, restricting flow significantly, or is inhibiting the development of diverse vegetation types. Beaver dam removal will be accompanied by the trapping and removal of beavers. Beaver trapping is typically conducted immediately following beaver dam removal when beavers become active to rebuild the dam. Complete eradication of beaver populations is not possible.
- 16-275 Please see response to comment 16-274.
- 16-276 As described in Section 2.8.1.3, special large mammal fence crossings will be constructed at known elk/deer trails to allow elk and deer to cross safely and to reduce fence damage. Other smaller mammals will not be affected by the proposed fencing since they will be able to go under the lowest strand of wire.
- 16-277 Please see response to comment 2-14.
- 16-278 Please see response to comment 2-14.

- 16-279 “Long anal fin and deeply forked tail” refers to the channel catfish.
- 16-280 Please see responses to comments 4-5 and 15-15.
- 16-281 Section 4.6.2 has been revised to delete inconsistent statements regarding the potential impacts of proposed flows to the Delta. Please also see response to comment 26-1.
- The Delta contains two major channels with numerous shallow braided channels and pools scattered throughout the area. The hydrologic and topographic conditions in the Delta are conducive to creation of isolated waters where native fishes may be able to avoid predatory fishes and persist. The proposed flow regime to the Delta (e.g., pulse and seasonal habitat flows to spread water out of the main channels) is expected to result in such isolated water areas.
- 16-282 Please see responses to comments 4-5 and 15-15.
- 16-283 Please see response to comment 16-32.
- 16-284 Please see response to comment 16-247.
- 16-285 Regarding coexistence of native and non-native fishes, please see responses to comments 16-104 and 2-14.
- 16-286 Please see response to comment 16-101.
- 16-287 Please see response to comment 5-19.
- 16-288 Permanent fencing across the river will accommodate navigation by small watercraft. Where depths are too shallow to prevent cattle movement into the stream, a hinged fence will be employed. In the latter case, when the fences are in place (anticipated to be approximately 1 month per year when cattle are in riparian areas) an alternative access around the fences will be provided. Fences will have smooth (barbless) and flexible wires at the bottom and reflective strips to make them visible and safe for boaters. Once the locations have been determined, this information will be posted on LORP signage. Section 2.8.1.2 has been revised to incorporate the above information.
- 16-289 Separately from the surveys conducted for the EIR/EIS, baseline bird surveys for the Riverine-Riparian area were conducted by PRBO in 2002. The methods used in the 2002 survey are described in the *Lower Owens River Project – Draft Report / Baseline Data Methodologies* (Ecosystem Sciences, 2003a). The survey included documentation of the number of birds detected (by species), breeding behavior, and location (inside or outside of riparian area). In the future, volunteer-based bird censuses will be conducted as part of LORP monitoring (see revised Sections 2.10.1.5 and 2.10.1.6) using similar methods.
- 16-290 As described in Section 4.7.1, the bird survey was conducted by Eremico, ornithological subconsultant to URS, the Draft EIR/EIS consultant. The method consisted of point count censuses conducted along three stretches of the Lower Owens River using the guidelines described in Ralph, et al. (1993 and 1995).
- 16-291 Section 4.7.2 has been revised to correct the omission and include Red-shouldered hawk in the reference to habitat indicator bird species for the river.



16-292 Please see response to comment 16-9.  
16-293

16-294 Under Mitigation Measure RW-1, if tule removal will occur during nesting season, LADWP Watershed Resources staff biologist or other qualified biologists experienced in identification of nesting birds will be included in the survey crew to determine the presence of nesting birds in the work area.

16-295 Please see response to comment 16-65.

16-296 It is acknowledged that Appendix D is not consistent with the taxonomic order used by the A.O.U. checklist. Appendix D has been revised to correct the common and scientific names of the species. Separately from the surveys conducted for the EIR/EIS, baseline bird surveys in the LORP area were conducted in 2002 and 2003 by LADWP, Inyo County, and the Point Reyes Bird Observatory. Data collected during these surveys are currently being compiled by LADWP, and will be available for review by MOU parties.

16-297 Implementation of LORP is anticipated to beneficially impact rangeland conditions. Therefore, the alternative of excluding grazing from all riparian areas is not evaluated as one of the CEQA alternatives described in Section 11. (CEQA requires an EIR to describe alternatives which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.) In addition, the goal of the LORP includes maintaining a balance between the natural communities and agricultural uses within the LORP area. LADWP experiences in Long Valley have demonstrated that application of appropriate grazing practices facilitates growth of riparian vegetation and enhances bank stability.

Please also see response to comment 16-121 regarding why non-use provisions or rest in riparian areas are not proposed for leases in the LORP area except at Thibaut Lease.

16-298 Section 2.8 has been revised to clarify and expand upon the elements of the LORP land management plan, particularly with respect to the proposed changes in grazing strategies and monitoring of grazing and rangeland conditions. The proposed grazing strategies and adaptive management measures will promote biodiversity and sustainability (Section 9.2.2.1).

16-299 Please see response to comment 15-11.

16-300 Please see response to comment 16-223. Regarding the habitat requirements of indicator species, please see response to comment 16-3.

16-301 A map indicating the locations of the seeps and springs has been included as Figure 2-16A in Appendix A. The seeps and springs inventory document, which is too large to be included as an appendix to the EIR/EIS, is also available for review at the LADWP office in Bishop.

The locations of rare plants were excluded from the EIR/EIS in order to minimize the potential for site vandalism or other disturbances to the rare plants. Section I.D.2 of the Green Book (technical appendix to the Long Term Water Agreement) contains a similar policy (rare plant populations will be monitored, but these areas will not be publicly identified in the interest of protecting the plants).

- 16-302 Threatened and endangered species known to be present in the LORP area, including the Riverine-Riparian system, are listed in Section 2.7. Section 2.7 has been revised to add the American peregrine falcon in addition to the yellow-billed cuckoo and the willow flycatcher. Bank swallow and least bell's vireo currently are not known to occur in the LORP area. The Owens Valley vole is a state species of special concern and does not have any federal status, and is therefore not included under Section 2.7. The Owens Valley vole and other special status bird and mammal species known (or with the potential) to occur in or near the LORP area are described in Technical Memorandum 20 (Ecosystem Sciences, August 1999).
- 16-303 Please see response to comment 16-289.
- 16-304 Please see response to comment 16-291.
- 16-305 Section 9.2.1.1 (labeled Section 9.2.2 in Draft EIR/EIS) has been revised to incorporate the changes noted by the commentor.
- List 1B plants with no federal or state status were considered in the EIR/EIS impact analysis. As described in revised Section 9.2.1.1, Inyo County star-tulip is the only CNPS List 1B plants with no state or federal status known to be present in the LORP area. Inyo phacelia is a List 1B plant with no state or federal status known to occur in the Owens Valley, but no known populations exist within the LORP area.
- 16-306 Baseline bird surveys in the LORP area were conducted in 2002 and 2003 by LADWP, Inyo County, and the Point Reyes Bird Observatory. Data collected during these surveys are currently being compiled by LADWP, and will be available for review by MOU parties. During this survey, willow flycatcher was identified in the Delta Habitat Area. Please also see response to comment 16-226 regarding management of threatened and endangered species including the willow flycatcher.
- 16-307 Please see response to comment 16-296.
- 16-308 Please see response to comment 15-11 regarding baseline rangeland conditions. Please note that the rangeland classification of Class 1 through 4 will not be used in future monitoring under LORP. The decision to implement adaptive management actions in response to observed "significant change" will be made on a case-by-case basis.
- 16-309 Section 9.2.1 has been revised to acknowledge existing grazing impacts on understory.
- 16-310 The sentence referenced by the commentor has been deleted from Section 9.2.1.
- 16-311 Section 10.1.1 has been revised to include the best available information on existing recreation conditions in the LORP area, based on observations by LADWP staff present in the field and reports from existing recreational users. However, since LADWP does not currently collect data on recreational uses on their lands, numerical baseline data could not be provided in the EIR/EIS. As described in revised Section 10.1.2.2, monitoring reports prepared for the project will qualitatively document observed recreational activities and impacts. Based on LADWP staff experience, resource conflicts related to recreational use are limited both in the LORP area and in currently wetted reaches of the river north of the River Intake. Therefore, qualitative documentation of recreational impacts is expected to be adequate for resource protection. In response to the commentor, a map of existing roads within the LORP area has been provided (Figure 2-24, Appendix A).

Section 10.1.2.2 provides a discussion of impacts on natural resources and human uses from increased recreation use throughout the LORP area. As noted in this revised section, an increase in visitors could increase the dispersion of noxious weeds/animals or incidental disturbance to sensitive species possibly including threatened and endangered species (which could reduce biodiversity in localized areas). An increase in visitors could also increase the potential for disturbance of grazing practices and facilities, a sustainable use in the LORP.

- 16-312 Section 2.8.1.5 has been revised to expand the description of monitoring and adaptive management measures for rangeland management. Regarding monitoring and adaptive management of recreational uses, please see response to comment 2-1.

Regarding installation of fences around seeps/springs, please see response to comment 6-26. Regarding exclosures for rare plants, please see response to comment 16-210.

Monitoring of rangeland trend will include parameters such as vegetation structure and forage and non-forage plant species composition (see Section 2.8.1.5). In addition, riparian areas within the rapid assessment survey will also cover portions of the rangelands along the river and assess the vegetation and habitat conditions in those areas (see revised Section 2.10). In addition, the overall LORP monitoring program, including rapid assessment surveys, habitat development surveys, and fish habitat surveys, will also cover portions of the LADWP leases and assess the vegetation and habitat conditions in those areas. The LORP will employ habitat-based monitoring and does not include monitoring for specific animal species. Please also see response to comment 6-14.

- 16-313 The grazing utilization criteria are designed to promote both a healthy river/riparian ecosystem/habitat and sustainable livestock grazing, both of which are goals of LORP per the MOU.

Key vegetation species are those species that are preferred by livestock for foraging, and which are abundant enough to be used to monitor utilization rates. Through appropriate grazing management, plant vigor and seedling recruitment are expected to improve for these key forage species while also minimizing direct (consumption) and indirect (excessive trampling, soil compaction, etc.) impacts to other species. Appropriate grazing management practices promote long-term productivity of the land in terms of forage for grazing livestock, while promoting biodiversity through an increase of available resources (cover, food, diverse vegetation structure) for other plant and animal species, including Habitat Indicator Species. Key species that will be used to monitor utilization include: saltgrass (*Distichlis spicata*), sedges (*Carex* spp.), alkali muhly (*Muhlenbergia asperifolia*), beardless wild rye (*Leymus cinereus*), creeping wild rye (*Leymus triticoides*), and alkali sacaton (*Sporobolus airoides*). Other forage species may be included on a site-specific basis if they are found to be abundant in an area and used by livestock for forage.

The percent of vegetation cover is the primary factor in preventing erosion. The specific species composition is site-specific and varies by soil type, climate, etc. For example, stream banks need a higher percent of vegetation cover to control soil erosion than a flat, brushy upland site. As described in revised Section 2.8.1.5, rangeland trend parameters include cover both by plant species and by substrate type (bare ground, litter, rock, dung, and cryptogamic crust) to monitor soil conditions.

Regarding baseline information on rangeland conditions, please see response to comment 15-

11.

- 16-314 Herbaceous forage will be monitored for changes in species composition through rangeland trend monitoring. One parameter of trend is species composition as described in revised Section 2.8.1.5.

As part of adaptive management, utilization rates and/or grazing periods will be modified if substantial decrease in biodiversity occurs due to preferential grazing of certain species.

Vegetation will be monitored in each pasture at least twice during the grazing period to determine utilization rates.

Trend monitoring under LORP includes both woody forage species and non-forage species. While woody species are not parameters of utilization, 40 percent has been selected as the initial maximum allowable utilization rate, since livestock are not likely to graze woody species if herbaceous forage utilization stays below 40 percent.

- 16-315 LADWP will have the primary responsibility of monitoring rangeland conditions. However, after training by LADWP personnel, lessees will have a supporting role in the monitoring of utilization rates. Section 2.8.1.5 has been revised to expand the descriptions of protocols for monitoring utilization rates and rangeland trend. Please also response to comment 16-3

Benchmark riparian sites are sites within pastures that contain key forage species and can be used to monitor grazing utilization.

- 16-316 Section 2.8.1.5 has been revised to expand the description of the monitoring protocols for rangeland conditions, including utilization.

Utilization rate refers to weight of biomass. The biomass is determined by measuring the height of vegetation and using a pre-determined height-weight curve to calculate the corresponding biomass (dry weight). Please see revised Section 2.8.1.5 and the Interagency Technical Reference (BLM et al., 1996b) for an expanded description of methodologies for measuring utilization.

Vegetation will be monitored in each pasture at least twice during the grazing period to determine utilization rates.

Woody vegetation is one of the parameters that will be included in rangeland trend, rapid assessment and photo point monitoring. Please see revised Section 2.8.1.5 for protocols for monitoring rangeland trend. For a description of rapid assessment monitoring, please see Section 2.10.

Rangeland trend monitoring methods used under LORP will be based on the guidelines included in *Sampling Vegetation Attributes – Interagency Technical Reference* (Bureau of Land Management, U.S. Forest Service, Natural Resource Conservation Service, and Utah State University Cooperative Extension Service, 1996; BLM/RS/ST-96/002+1730). The specific methodology for determining utilization can be found in Appendix G, which has been adapted from the *Utilization Studies and Residual Measurements - Interagency Technical Reference* (Bureau of Land Management, U.S. Forest Service, Natural Resource Conservation Service, and Utah State University Cooperative Extension Service. BLM/RS/ST-96/004+1730). Both references are available on the BLM website

(<http://www.blm.gov/nstc/library/techref.htm>) and at LADWP office in Bishop. Section 2.8.1.5 has been revised to reference these documents.

- 16-317 The photos will be taken annually at the height of the growing season (June - July). The photos alone will not be used to determine when to implement adaptive management actions. Photos are intended as a visual aid that will be used in conjunction with quantitative measurement of utilization rates and trend monitoring. LADWP will be responsible for monitoring photo point stations and analyzing the photos. If significant change is documented based on all relevant monitoring results, the adaptive management actions listed in Section 2.8.1.5 will be implemented. Please also see response to comment 16-315.

The protocols for monitoring data collection, analysis and reporting under LORP are summarized in revised Section 2.10.1.

- 16-318 The locations of rangeland monitoring sites (i.e., photo points, utilization cages, and sampling transects for trend monitoring) are not disclosed in the EIR/EIS to minimize potential for site vandalism or other disturbances. In addition, utilization cages will be moved annually to ensure that the utilization of current year's forage production is measured. Therefore, the location of these cages will change and cannot be disclosed in the EIR. Please see revised Section 2.8.1.5 for a description of protocols for rangeland monitoring under LORP.

Rare plant enclosure locations will not be disclosed in the interest of protecting the plants. Please see response to comment 16-301.

The locations of livestock enclosures are shown in Figure 2-19 (Blackrock Lease), Figure 2-20 (Thibaut Riparian Enclosure), Figure 2-22 (Lone Pine Riparian Enclosure), and Figure 2-23 (Delta Riparian Enclosure). These figures show the general area where the fencing will be installed.

- 16-319 Please see response to comment 15-10.

- 16-320 As part of the LORP adaptive management approach, the initial allowable maximum riparian and upland utilization rates and grazing periods may be increased or decreased on a case-by-case basis depending on the changes in rangeland conditions as indicated by monitoring of rangeland "trend" (Please see revised Section 2.8.1.5). Please note that the rangeland classification of Class 1 through 4 will not be used in future monitoring under LORP.

- 16-321 Please see revised Section 2.9 and response to comment 2-1 regarding monitoring for recreational impacts in the LORP area. Since LADWP and Inyo County personnel will be present in the LORP project area for monitoring and maintenance activities and will report violations of recreational policies, patrols specifically for recreational compliance are not proposed. Violations observed by other individuals can be reported to LADWP or Inyo County Water Department.

The strategies for management of recreation uses and impacts from increased recreation within the entire LORP area are part of the LORP project description. Section 2.9 has been revised to document these strategies (see also response to comment 2-1). The management strategies do not include quantifiable triggers.

As noted in revised Section 2.9, upon implementation of the LORP, LADWP will install signs at key access points to the LORP area (such as Mazourka Canyon Road, Manzanar Reward

Road, the pump station, and the Delta) describing LADWP policies on recreational uses of city-owned lands and contact information to report violations. As described in revised Section 2.9, posting signs or putting flyers on windshields to inform people of recreation rules are possible management actions that LADWP would take if persistent violations of LADWP recreation policies are identified. LADWP policies for recreational uses of City-owned lands in the Eastern Sierra are, and will continue to be, published in brochures available at LADWP offices, the Interagency Visitor Center in Lone Pine, and on the agency's website.

- 16-322 Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitment for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II) (see revised Section 10.4.3). Please also see responses to comments 2-11/2-11 and revised Section 10.4.4.

Sections 10.1.2.2 (Recreation) and 10.4.3 (Deleterious Species) have been revised to acknowledge the risk of weed infestation due to increased seed dispersion by foot and vehicular traffic.

The grazing management actions proposed under LORP are not expected to result in increased risk of weed infestation. Implementation of the maximum utilization rates, prescribed grazing periods, and establishment of riparian pastures (see Section 2.8) will reduce grazing in riparian areas during the early spring and summer season when riparian vegetation recruitment will occur. As a result, soil compaction by livestock, herbivory of native plants, and concentrated areas of nutrient-rich soils would be reduced. In addition, since the proposed changes in grazing practices would not increase the number of livestock or expand the area available for grazing, transport of noxious weed seeds by livestock would not increase over existing conditions. As noted in Section 9.2.2, the overall impact of grazing management under LORP is beneficial.

In addition to the weed monitoring and treatment programs under Mitigation Measures V-2 and V-3, a training program on weed identification and reporting will be implemented for lessees and LADWP and County personnel (see Mitigation Measure V-4) to facilitate early detection and timely treatment. As noted in revised Section 10.4.2.2, public outreach by ESWMA regarding noxious weeds is ongoing at various local events through use of informational booths, posters, brochures, and handouts.

- 16-323 Please see response to comment 16-242.
- 16-324 Please see response to comment 16-262.
- 16-325 Please see response to comment 16-265.
- 16-326 Please see response to comment 16-269.
- 16-327 Please see response to comment 6-15.
- 16-328 Please see response to comment 15-11.
- 16-329 On LADWP leases in the project area, placing salt and supplements at ¼ mile or more away from natural water sources may result in attracting cattle to upland areas that are not

appropriate for grazing. Therefore, the placement of salt and supplements will be determined based on site-specific conditions.

- 16-330 Please see response to comment 16-252.
- 16-331 Please see response to comment 16-121.
- 16-332 Please see responses to comments 16-122 and 16-252.
- 16-333 Please see response to comment 16-123.
- 16-334 The northern-most portion of the River Pasture will be fenced to establish the Carasco Riparian Pasture. The southern-most portion of the River Pasture will be fenced to establish the Depot Riparian Pasture. In the remaining portions of the River Pasture, introduction of prescribed grazing periods and utilization rates and monitoring of rangeland trend will ensure that existing and new riparian vegetation in this pasture remains healthy and productive.

Regarding the grazing and leases, please see response to comment 16-121.

Based on review of site conditions by Ecosystem Sciences staff, existing livestock grazing has not negatively impacted riparian vegetation in the bosque area on the Island lease. Therefore, change in animal distribution/rotation through creation of multiple pastures is not considered necessary. The proposed utilization rates and grazing prescriptions are designed to control the timing and intensity of grazing to enhance bosque vegetation.

- 16-335 Regarding grazing management for the Delta lease, please see response to comment 16-121. Regarding cattle drift onto state lands, please see response to comments 5-31 and 5-18. Please note that the LADWP lessee has been grazing the Delta lease since 1958 when he acquired the lease from the previous lessee that had grazed the area since the early 1900s.

- 16-336 Significant increases in plant production and cover in riparian areas along the entire river are anticipated, but will vary depending on the existing condition of a specific river reach.

Seventy-two percent of the Island Lease has been designated for seasonal restrictions; 7.5 miles of fencing are proposed to create the Carasco and Depot Riparian Pastures. Seventy-three percent of the Lone Pine Lease will be fenced (4.5 miles) and designated for seasonal restrictions. In addition to seasonal restrictions, the proposed grazing management guidelines for all leases represent an improvement over current management practices and are designed to benefit and enhance riparian resources.

Regarding the River Pasture, please see response to comment 16-334.

- 16-337 Please see response to comment 11-10/11-11.
- 16-338 Please see response to comment 15-12.
- 16-339 Regarding groundwater pumping in relationship to the LORP, please see response to comment 15-12. Under the 150 cfs alternative, the larger pump station would have been used only for conveyance of Lower Owens River waters.
- 16-340 Water losses associated with implementation of LORP, including in the initial years, will not affect in-valley water use including mitigation projects in the Valley. Please also see response

to comment 15-2.

16-341 Section 10.5.1 has been revised to correct the typographical errors noted by the commentor.

16-342 As noted by the commentor and described in Section 4.3.1, groundwater pumped above the River Intake is conveyed to the river prior to entering the Los Angeles Aqueduct. In addition, groundwater pumped from areas south of the River Intake is delivered directly to the Aqueduct. Therefore, part of the water to be supplied to the LORP via the River Intake and the Aqueduct spillgates will be pumped groundwater in origin. Section 10.5.1 has been revised to incorporate this information. Regarding groundwater pumping in relationship to the LORP, please see response to comment 15-12.

16-343 Please see response to comment 15-12.

16-344 The amount of water supplied to the LORP (total of the amount currently supplied to “Early LORP” and the additional amount released for LORP) will be accounted for separately from E/M water use.

LORP does not include installation of new wells or increases in groundwater pumping in the Owens Valley (aside from new or replacement stockwater wells with no substantial increase in groundwater pumping over exiting conditions; see Section 2.8.1.2). LADWP is committed to conducting its groundwater pumping operations in conformance with the LTWA. Please also see response to comment 15-12.

16-345 Please see response to comment 11-10/11-11.

16-346 LADWP’s groundwater pumping activities in the Owens Valley are conducted in accordance with the LTWA. LADWP will maintain the 40-cfs baseflow as specified in the MOU, and has no plans to increase or decrease this baseflow. Please also see response to comment 15-12.

16-347 Section 11.4.1 (identified as Section 10.7 in the Draft EIR/EIS) has been revised to correct the typographical errors noted by the commentor.

16-348 The current dispute resolution process identified in the LTWA is functional as a tool for resolving disagreements between the County and the City of Los Angeles.

16-349 Section 5.1.1 has been revised to correct the typographical error noted by the commentor. The sentence referenced by the commentor in Section 5.1.2 has been deleted since LADWP proposes to implement the 50-cfs pump station alternative. Please also see response to comment 5-16.

16-350 Please see Mitigation Measure P-1 for the restoration plan for the upland areas disturbed during construction of the pump station.

16-351 Please see response to comment 6-30.

16-352 Please see response to comment 16-380.

16-353 Please see response to comment 16-50.

16-354 LADWP is currently developing a native seed farm near Bishop that will produce a reliable



supply of native plant seeds for use in revegetation efforts in the Valley. Native plant seeds and seedlings will be used preferentially for revegetation under Mitigation Measure P-1. As necessary, seedlings will be irrigated and protection from herbivory and weed infestation will be provided. A specific restoration plan for implementation of Mitigation Measure P-1 will be designed in coordination with CDFG and in accordance with the Section 1602 Streambed Alteration Agreement.

Regarding the noxious weed control plan for the pump station and diversion construction area, please see response to comment 5-17. A noxious weed control plan for the power line areas is not considered necessary since soils will not be physically scraped or removed except in localized areas at the base of the poles (Section 5.1.3). Please also see revised Section 10.4 regarding the approach to overall noxious weed management under LORP.

16-355 The loss of 5.3 acres of riparian forest from the creation of the forebay is a less than significant impact. While Mitigation Measure P-2 was considered and included in the Draft EIR/EIS, it has been deleted from the Final EIR/EIS. However, LADWP will meet all permit requirements as defined by CDFG in the Streambed Alteration Agreement for the project. Sections 5.1.2 and 5.1.4 have been revised accordingly.

16-356 The construction date for the pump station cannot be determined at this time since it is contingent on the permit acquisition schedule. The court stipulation (February, 2004) requires that implementation of Phase 1 flows begin within 6 months after necessary permits have been granted.

Measures to avoid or minimize impacts on nesting birds during construction, as necessary, may be specified as part of permit conditions for the Streambed Alteration Agreement with CDFG. Please see response to comment 1-2 and revised Section 14.6.2.

16-357 Under Mitigation Measure AQ-2, water or other stabilization methods would be applied to minimize dust as necessary depending on wind conditions and observed aerial dispersal of soils. A Mitigation Monitoring or Reporting Program is currently in preparation which further details all mitigation measures contained in the EIR/EIS.

16-358 Section 2.2.2.2 describes the method used to develop the cost estimate for implementing the monitoring program. Section 2.2.2.2 has been revised to state that since the future need for adaptive management is unknown, it is not possible to accurately estimate these components of the post-implementation costs.

Tables 2-19, 2-20, 2-21, and 2-22 (Section 2.10; descriptions of currently identified potential adaptive management measures, labeled Tables 2-19, -21, -23, and -25 in the Draft EIR/EIS) have been revised to eliminate the column "Implementation Dependent on Outside Funding." In addition, with commitment of funding for saltcedar (revised Section 10.4.4) and mosquito control (revised Section 10.3.3) significant environmental impacts related to funding shortfalls (previously described in Draft Section 10.8) are not anticipated. Since these impacts are considered Class II (significant, but mitigable), Section 10.8 of the Draft EIR/EIS has been deleted. Please also see response to comment 16-13.

16-359 Please see response to comment 16-45.

16-360 LADWP and Inyo County are committed to funding the project, including funding for the mitigation measures identified to control noxious weeds (see Section 10.4.4). Regarding

decreased flows to the Delta, please note that with selection of the 50-cfs pump station alternative, impacts on the Delta habitats are considered less than significant (see response to comment 26-5 and revised Section 6.3). The cumulative impacts associated with other projects in the valley are discussed in Section 12.4. Regarding cumulative impacts related to the spread of noxious weeds, please also see responses to comments 16-215 ~ 16-220.

- 16-361 With implementation of the 50 cfs pump station, impacts on aquatic and wetland habitats in the Delta (including the brine pool transition area) are predicted to be less than significant (Class III). Please also see Section 12.4 for a discussion of the cumulative impacts of the LORP with the dust control project on the Owens Lake. Since impacts to wetlands and aquatic habitats in the Delta are predicted to be less than significant, adoption of alternatives that may reduce impacts on the Delta is not proposed. Regarding the project alternative with 50 cfs pump station, higher baseflows, and modified seasonal habitat flows, please see response to comment 5-49.
- 16-362 Please see response to comment 26-5.
- 16-363 Please see response to comment 11-10/11-11.  
16-364
- 16-365 EPA has not conducted further economic analysis regarding the feasibility of the 150-cfs pump station since LADWP proposes to implement the 50-cfs pump station alternative.
- 16-366 The MOU stated that the pump station will convey water from the river to the Los Angeles Aqueduct. All of the water used for the dust control project, which began after the MOU was developed, is supplied from the aqueduct. Therefore, using the pump station to supply water to the dust control project is consistent with the MOU.
- 16-367 As noted by the commentor, Danskin (1998) states that groundwater pumping on the east side of the Lower Owens River may be possible but long term yield is dependent upon additional artificial recharge. Danskin also notes that poor water quality is a potential concern in this area (salinity), and development of a wellfield is limited by the presence of abundant fine grained deposits and lack of recharge. Based on Danskin's and other available information, LADWP believes that this area has limited potential for significant water production. Therefore, the statement "the aquifer is not conducive to significant water production because of the tight lake bed formation and faulting" is accurate.
- 16-368 Please see response to comment 16-340.
- 16-369 The objectives of the Southwestern Willow Flycatcher Recovery Plan (USFWS, 2002; final plan was approved in August 2002) are to "establish recovery goals and objectives, describe site-specific management actions recommended to achieve those goals, and estimate the time and cost required for recovery." A recovery plan "is not self-implementing, but presents a set of recommendations for managers and the general public" (USFWS, 2002). While the LORP is consistent with many of the objectives and actions identified in the Recovery Plan, the LORP project description was defined based on the MOU, and there is no requirement for LADWP and Inyo County to implement all the actions recommended in the Recovery Plan.

While the Recovery Plan identifies specific actions that are needed to achieve the recovery goals for the southwestern willow flycatcher, it does not include any reasonably foreseeable or probable projects to implement those actions. Therefore, the cumulative impact analysis

presented in Section 12.7 was conducted at a programmatic level.

- 16-370 The referenced sentence relates to funding limitations for implementation of the USFWS Recovery Plan (2002) and not the implementation of the LORP.
- 16-371 While LADWP supports protection of willow flycatcher populations, specific measures proposed by USFWS could, depending on the specific location and action proposed, be incompatible with operation of LADWP water and power facilities.
- 16-372 Grazing practices along the river will be modified through use of riparian fences, prescribed grazing periods, and utilization rates (Section 2.8). Implementation of the LORP, including the modification of grazing practices, is anticipated to benefit willow flycatcher populations (Section 4.7.2). Regarding grazing and management plans, please see response to comment 15-11.
- 16-373 Please see response to comment 16-263.
- 16-374 With implementation of the 50 cfs pump station alternative, significant impacts on the brine pool transition area (as identified in the draft EIR/EIS) will be avoided (see revised Section 6.3). The overall impact of LORP on birding opportunities will be beneficial and consistent with Inyo County General Plan policy ED-2.1. Please also see response to comment 26-5.
- 16-375 While there is a potential that increases in mosquito populations may discourage tourism, the overall impact of LORP on recreation will be beneficial and consistent with Inyo County General Plan policy ED-2.1.
- 16-376 The sediment stockpile area associated with the pump station has been changed to two upland locations to avoid impacts to the wetland located in the oxbow previously proposed as the stockpile site. Section 2.4.3.1, Figure 2-7, and Figure 11-2 have been revised to incorporate this information.

Regarding seasonal habitat flows reaching the Delta, please see response to comment 16-398.

Sediment removed from the river as part of LORP (e.g., initial channel clearing and forebay at the pump station) will be considered for reuse in the Valley, including revegetation projects.

- 16-377 LADWP acknowledges that an increase in the number of vehicles in the LORP area could degrade existing dirt roads, causing an increase in erosion and some localized increase in fugitive dust related to driving on unpaved roads. Please see revised Section 10.1.2.2. If degradation of maintained roads occurs, LADWP will implement appropriate management actions to minimize soil erosion and fugitive dust (e.g., install speed control devices or signs; compact, grade, and/or place gravel on road surface; and/or install barriers to prevent access). Section 2.9 has been revised to specify these management actions LADWP will implement to minimize soil erosion and fugitive dust.

Inyo County General Plan policy S-2.1 calls for the minimization of soil erosion from wind and water related to new development. Inyo County General Plan regulations to reduce PM10 Policy AQ-1.1 calls for support for the implementation of the State Implementation Plan and agreement between the GBUAPCD and LADWP to reduce PM10. As described above, if degradation of maintained roads occurs, LADWP will implement appropriate management actions to minimize soil erosion and fugitive dust. Therefore, the project is consistent with

Inyo County General Plan Policies with respect to soil erosion and dust.

- 16-378 With implementation of the 50 cfs pump station alternative, significant impacts on the brine pool transition area (as identified in the draft EIR/EIS) will be avoided (see revised Section 6.3). The overall impact of LORP on biodiversity will be beneficial and consistent with Inyo County General Plan policy BIO-1.3. Please also see response to comment 26-5.

Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP, including those that would affect existing and new wetlands. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.

- 16-379 Please see response to comment 16-377.
- 16-380 As noted by the commentor, both acreage and quality should be considered in wetlands protection. Under the LORP monitoring program, wetland and aquatic habitats will be monitored for both extent and habitat attributes (see Section 2.10.1). Overall, implementation of LORP is anticipated to result in an increase in wetlands acreage and habitat quality. Also, please note that with implementation of the 50-cfs pump station, impacts on aquatic and wetland habitats in the Delta (including the brine pool transition area) are predicted to be less than significant (Class III). Please also see responses to comments 26-1 and 26-5 and revised Sections 6.3. Regarding the oxbow area, please see response to comment 6-30.
- 16-381 Please see response to comment 6-30.
- 16-382 It is acknowledged that in the absence of mitigation, the increase in noxious weeds could have adverse effects on the habitat restoration goals. However, the areal extent of potential noxious weed infestations in wetlands that may develop over time cannot be quantified. Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP, including those that would affect existing and new wetlands. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4. Wetlands acreages presented in Section 14.5 have not been discounted to account for the potential impacts of noxious weeds since LORP includes mitigation to control noxious weeds.
- 16-383 Regarding impacts to endangered species, please see response to comment 16-237. Please see response to comment 16-236 regarding the status of the snowy plover population found in the LORP area. Regarding the impacts to the brine pool transition area, please see response to comment 26-5.
- 16-384 Please see response to comment 16-226.
- 16-385 Please see response to comment 16-322.
- 16-386 Please see response to comment 16-241.
- 16-387 Please see response to comment 16-241.

- 16-388 Regarding the relationship between coastal and interior snowy plover populations, please see response to comment 16-236. Regarding the impacts to the brine pool transition area, please see response to comment 26-5.
- 16-389 Regarding the relationship of LORP to the Migratory Bird Treaty Act, please see response to comment 16-233. Regarding flows to the Delta under existing conditions, please see response to comment 16-64.
- 16-390 Please see response to comment 5-37.
- 16-391 Please see response to comment 16-233.
- 16-392 Regarding the court injunction related to the release of water to Owens Lake, please see response to comment 16-11/16-12. Regarding impacts to the brine pool transition area, please see response to comment 26-5.
- 16-393 Please see response to comment 16-88.
- 16-394 Please see response to comment 16-233 regarding Migratory Bird Treaty Act compliance. Regarding ESA compliance, please see response to comment 121-1.
- 16-395 Please see response to comment 16-233.
- 16-396 Section 14.1 has been revised to include saltcedar infestation as a potential impact on resources. Please also see responses to comments 2-11/2-12 and revised Section 10.4.4 regarding strategies and funding commitments for prevention, monitoring, and treatment of noxious weeds (including saltcedar) under LORP.
- 16-397 The first seasonal habitat flow will be released in the winter to reduce the potential for adverse effects on fish health (revised Section 2.3.5.3). Additionally, the proposed spillgate releases (revised Sections 2.3.5.2 and 2.3.5.4) are designed to provide fish with refuge areas of higher quality water at the confluences of spillgate channels with the river channel. Furthermore, if substantial fish kills occur and natural re-colonization does not take place after water quality conditions improve, Mitigation Measure F-1 will be implemented to facilitate fisheries recovery (Section 4.6.3).
- With implementation of the 50 cfs pump station alternative (see revised Section 2.4), potential impacts on aquatic and wetland habitats in the Delta (including the brine pool transition area), if any, are predicted to be less than significant (Class III).
- Overall, implementation of LORP is anticipated to increase fishing and other outdoor recreation opportunities.
- 16-398 The 50-cfs pump station will allow bypass flows to the Delta during seasonal habitat flows and other high flow events, conveying some sediments to the Delta. However, deposition of channel sediments is expected to occur primarily on the banks and floodplain terraces along the river upstream of the pump station.
- 16-399 While LADWP has not developed a Historical Preservation plan for its properties in the Owens Valley, the agency has worked with entities such as the Laws Museum and the Eastern

California Museum to preserve buildings of historical importance.

The River Intake Structure has been thoroughly documented by Far Western and JRP, cultural resources consultants for the LORP EIR/EIS. The structure was recommended eligible to the National Register of Historic Places (Far Western 2001 and JRP, 2001). JRP assessed the modifications of the River Intake proposed as part of the LORP using the Advisory Council on Historic Preservation's Criteria of Adverse Effect. JRP concluded that the proposed project would result in no adverse effect on the River Intake Structure because it will not involve demolition or irreversible construction and will not diminish the property's historic integrity. The proposed modifications will not alter the structure's characteristics that qualify it for inclusion in the National Register of Historic Places. Therefore, additional documentation, such as archivally stable photographic documentation and measured drawings, is not necessary.

- 16-400 There are many previously recorded cultural resources sites in the Lower Owens River area, as identified by the records and literature searches conducted for the LORP (see Section 4.8.3.2). Most of the previously recorded sites are located outside of the Area of Potential Effect (APE), i.e., areas that are subject to identifiable land disturbances by construction activities proposed under LORP. The APE was determined through consultations between the EPA and State Office of Historic Preservation. The APE comprises a small portion of the total LORP area as described in Sections 4.8, 5.4, and 7.3.

The EIR/EIS does not list or describe the known cultural resources located outside of the APE (but within the LORP area) since it was determined that LORP-related activities would not disturb these resources.

Regarding potential cultural resources located in the vicinity of the channel clearing and associated roadway construction areas, a separate cultural resources inventory was completed (Far Western, 2003). Sections 4.8.3.3 and 4.8.4.2 have been revised to incorporate the results of the inventory.

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**Responses to Letter No. 17    AADAP, Inc.  
Mike Watanabe, MSW, Executive Director**

17-1        Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.

*June 2004*

**Responses to Letter No. 18    Adro Environmental, Inc.  
Ade Adeniji, Chief Executive Officer**

18-1        Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.



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**Responses to Letter No. 19     Hilton Los Angeles Airport**  
**Jim Davis, Director of Property Operations**

19-1     Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.

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**Responses to Letter No. 20     Anheuser-Busch, Inc.**  
**Gary P. Lee, Plant Manager, Los Angeles**  
**Brewery**

20-1     Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.

**Responses to Letter No. 21      California Exotic Pest Plant Council**  
**Doug Johnson, Executive Director**

- 21-1      Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.

**Responses to Letter No. 22      California Native Plant Society, San Francisco  
Jacob Sigg, Chair, Invasive Exotics Committee**

22-1      Section 10.4.4 has been revised to include Mitigation Measure V-3, which commits funding for a saltcedar monitoring and treatment program to be implemented by the Inyo County Saltcedar Control Program (in addition to funds provided under the Inyo County/Los Angeles Long Term Water Agreement). As described in revised Section 10.4.3.3, with implementation of Mitigation Measures V-1, V-3, and V-4, the potential impact of saltcedar infestations is considered significant, but mitigable (Class II).

As described in Table 12-2 (Section 12.4), LORP implementation would have cumulative impacts on weed infestation with several related projects (e.g., Owens Lake Dust Mitigation Program). Mitigation measures to reduce impacts of weed infestation have been identified for both the LORP (as described above) and for the Dust Mitigation Program.

## **Responses to Letter No. 23      California Native Plant Society, Bishop Stephen Ingram, President**

- 23-1      Please see response to comment 16-215.
- 23-2      Section 10.4.4 has been revised to include Mitigation Measure V-3, which commits funding for a saltcedar monitoring and treatment program. Under Mitigation Measure V-3, LADWP will provide funding to the Inyo County Saltcedar Control Program in addition to funds provided under the Inyo County/Los Angeles Long Term Water Agreement. Please also see revised Section 10.4.4.
- Regarding funding for post-implementation costs of the overall project, please see response to comment 26-2 and revised Section 2.2.2.2.
- 23-3      Please see response to comment 16-45.
- 23-4      Mitigation Measure V-1 has been revised to include use of weed-free construction fill as a measure to prevent introduction of noxious weeds. Please see revised text in Section 10.4.4.
- 23-5      Please see response to comment 16-354.
- 23-6      Please see response to comment 16-98.
- 23-7      Please see response to comment 16-138.
- 23-8      Please see response to comment 16-305.
- 23-9
- 23-10
- 23-11     Table 10-5 has been revised to correct the mathematical error indicated by the commentor.
- 23-12     Please see response to comment 16-342.
- 23-13
- 23-14     Please see response to comment 15-12.
- 23-15     Please see response to comment 16-344.
- 23-16
- 23-17     As described in Section 2.1.5, LORP does not include installation of new pumps or increases in  
to         groundwater pumping (aside from new or replacement stock water wells with no substantial  
23-27     increase in groundwater pumping over exiting conditions; see Section 2.8.1.2). Regardless of  
the volume of water used in LORP or other enhancement/mitigation projects, LADWP's  
groundwater pumping activities are and will be conducted in accordance with the LTWA.

While LORP is a mitigation project identified in the LTWA, the effectiveness of the LTWA is a separate issue from the environmental effects of implementing LORP. Outside of the LORP EIR/EIS process, LADWP has considered CNPS' comments regarding the LTWA. Currently, LADWP and Inyo County are conducting cooperative studies to evaluate whether

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modifications to existing groundwater management practices are necessary.

23-28 Please see response to comment 16-219.  
23-29

23-30 Please see response to comment 16-220.

23-31 Please see response to comment 16-222.

23-32 Please see response to comment 16-396.

23-33 Please see response to comment 16-382.

23-34 Please see response to comment 16-241.

**Responses to Letter No. 24     Center for Biological Diversity  
Daniel R. Patterson, Desert Ecologist**

- 24-1     Center for Biological Diversity's support for restoration of the river is noted. Please see response to comment letter No. 16 for responses to the comments submitted by Owens Valley Committee and Sierra Club.
- 24-2     Complete elimination of grazing in riparian areas is not proposed since it is considered not necessary for adequate protection and establishment of riparian vegetation. The proposed land management actions are intended to reduce the impacts of livestock on the existing and future riparian areas within the LORP area. Implementation of the maximum allowable utilization rates and prescribed grazing periods, establishment of riparian pastures, and other proposed actions will result in reduced grazing intensity in riparian areas during the early spring and summer season when riparian vegetation recruitment will occur. Therefore, LORP is expected to reduce livestock impacts, including trampling of banks and erosion/sedimentation, water quality degradation, disturbance of potential archaeological sites, and impacts on native vegetation. In areas where even limited seasonal grazing is anticipated to be incompatible with riparian vegetation recruitment (i.e., in Thibaut lease which is grazed by horses and mules), elimination of grazing for a minimum of 10 years has been proposed (see Section 2.8.2.5).

Water gaps are proposed in order to limit the grazing impacts on riparian areas. As indicated in Section 2.8.1.1, additional off-river watering sites will be provided to improve livestock distribution outside of the river corridor.

As described in Section 2.8.1.3, special large mammal fence crossings will be constructed at known elk/deer trails to allow elk and deer to cross safely and to reduce fence damage. Other smaller mammals will not be affected by the proposed fencing since they will be able to go under the lowest strand of wire.

- 24-3     Regarding the potential for livestock to introduce noxious weeds, please see responses to comments 16-322 and 24-2.

The LORP Land Management Plan is designed to manage grazing intensity in riparian pastures and upland areas of LADWP leases. Since the proposed changes in grazing practices would not increase the number of livestock or expand the area available for grazing, increases in cowbird populations related to livestock are not anticipated. Please also see response to comment 1-4 regarding cowbirds in relationship to LORP.

- 24-4     Complete removal of livestock from the LORP area is not considered to be necessary and would be inconsistent with the project goal of providing sustainable grazing. Please also see response to comment 24-2.

- 24-5     The LORP is designed to achieve the MOU goal of establishing and maintaining a healthy ecosystem while continuing and managing recreational use and livestock grazing in a manner that is sustainable and consistent with habitat and other goals of the LORP. The City requires its ranch lessees to leave approximately 75 percent of their lands open to the public for recreational uses. Therefore, LORP does not include any immediate actions to restrict use of existing roads for recreational uses. However, as described in revised Section 2.9, if recreational uses are determined to threaten or damage biological resources, grazing operations,

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cultural resources, existing recreational uses, or roadways, LADWP will implement actions to manage recreational uses, including restricting or prohibiting motor vehicle access from certain areas.



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**Responses to Letter No. 25    Community Enhancement Services  
Zigmund Vays, President**

25-1        Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.

## **Responses to Letter No. 26    Defenders of Wildlife Cynthia Wilkerson, CA Species Associate**

26-1        In the 1991 Inyo/Los Angeles Long Term Water Agreement, a 50-cfs pump station was considered adequate since the magnitude of the seasonal habitat flows had not yet been defined. Since then, consultants (Ecosystem Sciences) have recommended a 200-cfs seasonal habitat flow, which warranted a larger pump station to recover the additional releases. However, in acknowledgement of the controversy regarding the 150-cfs pump station and in consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative (presented as "Option 2" in the Draft EIR/EIS) under LORP (see revised Sections 2.4.3 and 6.3).

The range of possible effects on Delta habitats from the proposed flow regime is presented in revised Section 6.3. As described in Section 6.3, there are many uncertainties in predicting the effects of the proposed flows on wetland and aquatic habitats in the Delta. Due to the limited availability of reliable data (including information needed to accurately estimate existing flows into the Delta), there is incomplete understanding of the complex ecological and hydrologic processes.

Based on the analysis presented in Sections 6.3.1 (Impact Assessment No. 1 prepared by Ecosystem Sciences and White Horse Associates), 6.3.3, 6.3.4, and 6.3.5, LADWP, as CEQA lead agency, has determined that impacts to existing aquatic and wetland habitats of the Delta would range from beneficial to less than significant (Class III). LADWP concurs with the model of the Delta presented in Impact Assessment No. 1 which describes the Delta as a basin that fills to capacity then overflows and, consequently, that the water needs of existing vegetation (including and evapotranspiration and freshwater in the root zone) are met if there is an outflow from the Delta. Since the proposed baseflows will be established to ensure a minimal amount of outflow from the Delta throughout the first year (thereby exceeding the water demands of the Delta wetlands that exist at that time), the proposed baseflows is expected to be sufficient to at least maintain the vegetated wetlands that exist at the time of project initiation. In addition, as part of the LORP monitoring and adaptive management program, LADWP will make adjustments to the amount and timing of the baseflows and pulse flows to the Delta up to an average annual flow of 9 cfs as necessary to reduce adverse effects on the existing aquatic and wetland habitats in the Delta.

The analysis presented in Section 6.3.2 (Impact Assessment No. 2 prepared by URS) was considered. However, LADWP does not concur with Impact Assessment No. 2 because it is based primarily on a comparison of the total annual inflow to the Delta under existing conditions and does not sufficiently take into account the seasonal changes in evapotranspiration demand. LADWP does not concur with the viewpoint that reduction in the outflow from the Delta would adversely affect habitat (except in the brine pool transition area as described in Section 6.3.5). It should also be noted that Impact Assessment No.2 concluded that, with implementation of the 50 cfs pump station and by adjusting the baseflows and pulse flows up to an average annual flow of 9 cfs under the proposed monitoring and adaptive management program (identified as Mitigation Measure D-1 in the Draft EIR/EIS but already included in the project description for LORP), impacts to the Delta wetland and aquatic habitats can be avoided. Therefore, for all intents and purposes, project impacts to the Delta wetland and aquatic habitats are less than significant under both Impact Assessment Nos. 1 and 2.

Since impacts to wetlands and aquatic habitats in the Delta are predicted to be less than significant, adoption of alternatives that may reduce impacts on the Delta is not proposed.

LADWP has no plans to use the pump station for water conveyance other than for purposes of implementing LORP. Please note that LADWP's groundwater pumping and water export activities are limited by the provisions of the Long Term Water Agreement (see also response to comment 15-12). Water supply infrastructure, including conveyance facilities, does not currently limit exports from the Owens Valley.

- 26-2 The Draft EIR/EIS identified two options for funding post-implementation costs (activities related to operation and maintenance, monitoring and reporting, adaptive management, and mitigation measures) of the project (options 1 & 2). During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach. Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4).

As described in revised Section 2.2.2.2, substantial sources of funding necessary for the LORP have already been identified and set aside for this project. Both LADWP and Inyo County will continue to pursue additional grant opportunities. LADWP will also fund the LORP from rate payer revenues. Decisions as to the availability of funding for the LORP will be made annually by the Inyo County Board of Supervisors and by the LADWP Board. In the event that one or both governing boards determine that there are insufficient funds available to cover the entity's share of the costs of the LORP, each entity will evaluate the situation and will take such action as it deems appropriate.

Tables 2-19, 2-20, 2-21, and 2-22 (Section 2.10; descriptions of currently identified potential adaptive management measures, labeled Tables 2-19, -21, -23, and -25 in the Draft EIR/EIS) have been revised to eliminate the column "Implementation Dependent on Outside Funding." In addition, references to limitations associated with funding availability for implementation of monitoring, adaptive management measures, and mitigation measures have been deleted throughout the EIR/EIS (e.g., in Sections 2.2, 2.10, 10.3, and 10.4).

With commitment of funding for saltcedar (revised EIR/EIS Section 10.4.4) and mosquito control (revised EIR/EIS Section 10.3.3) significant environmental impacts related to funding shortfalls (previously described in Draft EIR/EIS Section 10.8) are not anticipated. Since these impacts are considered Class II (significant, but mitigable), Section 10.8 of the Draft EIR/EIS has been deleted.

Section 10.4.4 has been revised to include Mitigation Measures V-2 and V-3 (replaces Mitigation Measure V-2 in the Draft EIR/EIS), which commit funding for noxious weed monitoring and treatment programs to be implemented under LORP. Under Mitigation

Measure V-2, LADWP will provide \$200,000 per year for the first 7 years of LORP implementation to the Inyo-Mono County Agricultural Commissioner to implement a monitoring and treatment program for non-saltcedar weeds. Under Mitigation Measure V-3, LADWP will provide a minimum of \$560,000 and up to \$1.5 million in matching funds to the Inyo County Saltcedar Control Program to implement a monitoring and treatment program for saltcedar (in addition to the funds provided under the Inyo County/Los Angeles Long Term Water Agreement). Once the funding commitments by LADWP described above have been exhausted and continuation of Mitigation Measures V-2 and V-3 is required, this will be an ongoing post-implementation cost, to be shared equally between LADWP and Inyo County.

With the exception of funding commitments by LADWP for noxious weed control described above, implementation of all other mitigation measures identified in the Final EIR/EIS (including revised Mitigation Measure PS-1 for mosquito control, which replaces PS-1 and PS-2 in the Draft EIR/EIS) is considered an ongoing post-implementation cost, to be shared equally between LADWP and Inyo County.

26-3 Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.

26-4 Existing recreation conditions in the LORP area are described in revised Section 10.1.1 based on observations by LADWP staff present in the field and reports from existing recreational users. Please also see response to comment 16-5. Anticipated future uses are described in revised Section 10.1.2.1.

The strategies for management of recreation uses and impacts from increased recreation, including impacts to habitats and cultural resources, are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1. Please see response to comment 11-6 regarding protection of cultural resources from increased recreational use.

26-5 As described in revised Section 6.3.5, the project is likely to decrease the volume of water reaching the brine pool transition area and, consequently, reduce the extent of sheet flow in the intermittently flooded playa habitat area during the months of October to April relative to existing conditions. Within the context of existing conditions in the Delta and the overall increase of shallow flooded playa habitat types created under LORP, the potential reduction in this type of habitat within the Delta brine pool transition area is considered less than significant. Mitigation to address this impact (including annual average baseflows of above 9 cfs) is therefore not necessary. As described in Section 7.1, under the proposed project hundreds of acres of shallow flooded areas will be developed within the Blackrock Waterfowl Habitat Area. Overall, habitat for waterfowl, wading birds, and shorebirds (including the species currently present in the Delta brine pool transition area) will be increased after implementation of LORP.

A court injunction (People vs. City of Los Angeles, et al., 34 Cal.2d 695, 701; 214 P.2d 1., 1950) originally prohibited the City of Los Angeles from diverting any water from its aqueduct system onto Owens Lake. This complete ban was modified by the Superior Court pursuant to a stipulation entered into between the City of Los Angeles and the People of the State of

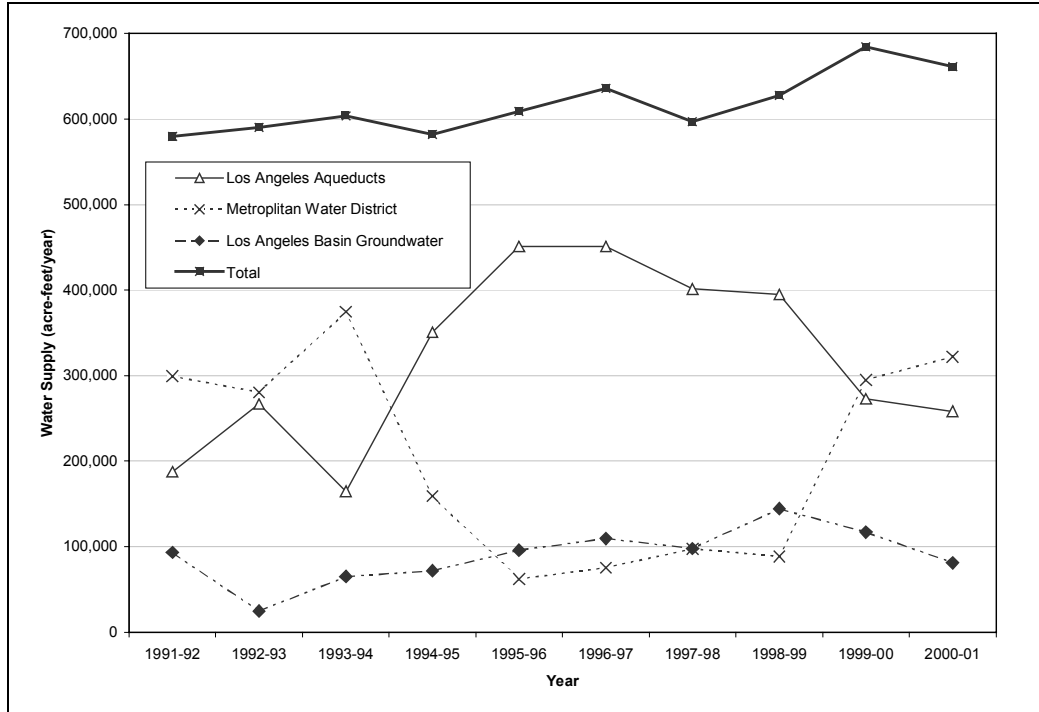
California in September 2000 (People vs. City of Los Angeles, et al., Riverside Superior Court No. 34042, amended September 29, 2000) to specifically allow release of water onto Owens Lake as necessary for the purpose of implementing the LORP (and the dust control project) in accordance with the Long Term Water Agreement and the MOU. However, releases in excess of those specified in the MOU (i.e., within the range of approximately 6 to 9 cfs annual average) are still prohibited by the modified injunction. Therefore, releasing flows in excess of 9 cfs annual average to increase flows to the brine pool transition area is infeasible due to the September 2000 injunction. Additionally, water supply concerns prohibit LADWP from discharging water in excess of MOU and injunction requirements of approximately 6 to 9 cfs annual average.

Please note that Section 6.1.4 has been revised to recognize that the Owens Lake is an Important Bird Area and is also part of the U.S. Shorebird Conservation Plan.

26-6 As described in Section 2.1.5, LORP does not include installation of new wells or increases in groundwater pumping in the Owens Valley (aside from new or replacement stockwater wells with no substantial increase in groundwater pumping over existing conditions; see Section 2.8.1.2). Similarly, LORP does not include any changes in surface water management practices in the Valley except for those changes within the LORP area specifically described in the project description. However, within the confines of the Long-Term Water Agreement, in any given year LADWP's groundwater extractions from the Valley may increase or decrease.

As described in Section 10.5, the water requirements of LORP have been accounted for in LADWP's Urban Water Management Plan (2000). LADWP obtains water from three primary sources: the Los Angeles Aqueduct, Metropolitan Water District of Southern California, and Los Angeles Basin Groundwater. As shown in Table 10-6 and Chart 10-1, the amount of water supplied by the Aqueduct varies considerably from year to year, with annual fluctuations substantially exceeding 16,000 acre-feet. (During the 10-year period between 1991-92 and 2000-01, the average difference between years was approximately 73,500 acre-feet.) Therefore, the reduction in the amount supplied via the Aqueduct resulting from LORP implementation is within LADWP's existing operational flexibility, and can be accommodated by augmenting supplies with Metropolitan purchases and Los Angeles Basin groundwater. Sections 10.5.2 has been revised to incorporate the above information.

#### **CHART 10-1 SUMMARY OF LADWP WATER SUPPLIES**



LADWP is committed to conducting its groundwater pumping operations in conformance with the LTWA. The LTWA establishes procedures for managing groundwater pumping to avoid/minimize impacts to groundwater-dependent vegetation, monitoring pumping and surface water management practices to identify vegetation impacts, and implementing mitigation measures, if necessary. The Green Book, a technical appendix to the LTWA for managing groundwater pumping, was designed to be a living document that will be modified as deemed necessary based on available information. Currently, LADWP and Inyo County are conducting cooperative studies to evaluate whether modifications to existing groundwater management practices are necessary.

26-7 Under LORP, understory in riparian areas is anticipated to be improved over existing conditions. The establishment of a permanent flow in the river, combined with the introduction of utilization standards and riparian fencing will facilitate the recruitment of woody riparian species and the development and maintenance of a healthy understory in the riparian corridor.

Monitoring for understory development will be conducted under LORP as part of the Habitat Development Surveys. As described in revised Section 2.10.1, a number of parameters related to riparian understory will be measured, including plant species in the various height layers (herb, shrub, or tree) and vertical vegetative cover density. Please see revised Sections 2.10.1 and 2.10.2 regarding data collection, 2.10.3 for data analysis, and 2.10.4 for reporting.

26-8 The LORP land management plan as presented in the LORP Plan and the EIR/EIS are based on lease-specific grazing management plans (Ecosystem Sciences, 1999), which were developed by Ecosystem Sciences and LADWP in cooperation with each leaseholder. The methodology used to prepare the grazing management plans included interviewing the lessees on their past livestock grazing practices (number and type of livestock, pasture uses and rotations, etc.). Some of the information obtained during the interviews and documented in the grazing management plans are proprietary, as they are related to marketing strategies and other business management plans of the individual lessees. Lessees agreed to provide the proprietary

information to Ecosystem Sciences and LADWP with the understanding that the information would remain confidential. Therefore, the lease-specific grazing management plans are not available for public review. The information contained in the EIR/EIS (Sections 2.8 and 9) was excerpted from the LORP Plan (Chapter 4, "Land Management Plan"), which is a public document available for review. Sections 2.1.2 and 2.8.1 have been revised to include the above information.

A description of current grazing practices is presented in Section 2.8.2 for the seven affected leases: Twin Lakes, Thibaut, Blackrock, Island, Lone Pine, Delta, and Intake leases. Prior to 2002, LADWP leases within the LORP area did not have formal protocols for quantitative monitoring and evaluation of rangeland conditions. However, using the monitoring protocols described in Section 2.8.1.5, a rangeland trend monitoring program was initiated in 2002 on all leases within the LORP area. Minimally, the first two years of rangeland trend monitoring will be considered baseline. Please note that LADWP will report the results of rangeland monitoring, as they apply to achieving LORP goals, as part of the annual report presented to the Technical Group. Section 9.1.1 has been revised to include this information.

**Responses to Letter No. 27    Eastern Sierra Audubon Society  
James Wilson, President**

- 27-1      Please see response to comment 26-1.
- 27-2      Please see response to comment 26-2.
- 27-3      Please see response to comment 26-3.
- 27-4      Please see response to comment 26-4.
- 27-5      Please see response to comment 26-5.
- 27-6      Please see response to comment 26-6.
- 27-7      Please see response to comment 26-7.
- 27-8      Please see response to comment 26-8.



**Responses to Letter No. 28     El Dorado Audubon Society**  
**Carolyn Vance, Newsletter Editor**

28-1     Please see response to comment 26-2.  
28-2

28-3     Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.

Deleterious animal species of concern for the project area include New Zealand mud snails, beavers, and cowbirds. Regarding New Zealand mud snails, please see response to comment 6-15. Regarding removal of beaver dams and beaver control under LORP, please see response to comment 16-9. Funding for adaptive management measures including future beaver dam removal is addressed in response to comment 26-2. Regarding cowbirds, please see response to comment 1-4.

28-4     Under CEQA, public hearings on the Draft EIR are encouraged but not required (CEQA Guidelines Section 15087(i)). EPA regulations for implementation of NEPA (*Procedures for Implementing the Requirements of the CEQ on NEPA*) requires that hearings “be held at times and places which, to the maximum extent feasible, facilitate attendance by the public. Accessibility of public transportation, and use of evening and weekend hearings, should be considered. In the case of actions with Statewide interest, holding more than one hearing should be considered” (40 CFR 25.5(c)).

The locations of the public hearings (Bishop and Lone Pine) for the LORP EIR/EIS were selected to facilitate attendance by members of the public that would be most affected by the project (i.e., those who reside in the Owens Valley near the project area). The Draft EIR/EIS and notices were made available on LADWP’s website.

28-5     The strategies for management of recreation uses and impacts from increased recreation are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1.

28-6     Please see response to comment 26-5.

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**Responses to Letter No. 29     Federal Express Corporation  
Rick Llewelyn, FedEx Contract Advisor**

29-1     Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.

**Responses to Letter No. 30 Friends of Placer County Communities, Inc.  
Dr. V. Dale Smith, Executive Director**

- 30-1 Please see response to comment 26-1.
- 30-2 Please see response to comment 26-4.
- 30-3 Please see response to comment 26-2.
- 30-4 Please see response to comment 26-3.
- 30-5 Please see response to comment 26-5.
- 30-6 Regarding compliance with the Long-Term Water Agreement, please see response to comment 11-7/11-8.

LADWP, EPA and Inyo County have worked together to develop feasible and effective mitigation measures to reduce the significant impacts identified in the EIR/EIS. LADWP is committed to implementing all mitigation measures identified in the Final EIR/EIS. A Mitigation Monitoring or Reporting Plan is currently in preparation which further details all mitigation measures contained in the EIR/EIS. For each mitigation measure adopted as part of the project, the MMRP will describe the schedule for implementation, monitoring action, party responsible for implementation, and relevant enforcement agency (if any).

- 30-7 Regarding pump station sizing, please see response to comment 11-10/11-11.

LADWP has no plans to use the pump station for water conveyance other than for purposes of implementing LORP. Please note that LADWP's groundwater pumping and water export activities are limited by the provisions of the Long-Term Water Agreement (see also response to comment 15-12). Water supply infrastructure, including conveyance facilities, currently do not limit exports from the Owens Valley.

- 30-8 Please see response to comment 26-2.
- 30-9 Regarding baseline conditions, please see response to comment 16-4.

During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to

comment 26-2 for additional detail on the new funding approach.

If deemed necessary, beaver dam and tule removal would be included in this commitment to fund adaptive management measures. Mosquito control is considered an ongoing post-implementation cost, to be shared equally between LADWP and Inyo County for the life of the project (please see revised Mitigation Measure PS-1, Section 10.3.3).

For additional information, please also see response to comment 16-274 regarding beaver removal and response to comment 16-9 regarding tule removal under LORP.

30-10 The EIR/EIS public review process is designed to inform the public of the proposed project. The Final EIR/EIS will be available for review at LADWP and Inyo County offices in Bishop.

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**Responses to Letter No. 31    Guess?, Inc.  
Steve Chapnick, Director of Facilities**

31-1      Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.

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**Responses to Letter No. 32 Harbor Association of Industry & Commerce  
Edward J. Rogan, President**

32-1 Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.

**Responses to Letter No. 33    Independence Chamber of Commerce**  
**Rich White, President**  
**Arlene Grider, President**

- 33-1        Independence Chamber of Commerce's support for the project is noted.
- 33-2        LADWP has considered the comments regarding the LORP project description that were originally included in the Independence Chamber's NOP letter for the LORP EIR/EIS. However, these actions are not included in the LORP project description since they are not necessary to meet the mitigation identified in the 1991 EIR or 1997 MOU. Please note that active irrigation ditches are maintained regularly to remove sediments and vegetation.
- Water application on a rotational basis is currently practiced by LADWP lessees.
- Regarding control of exotic plants, please see response to comment 2-11/2-12.
- 33-3        While some increase in tules around the perimeter has occurred at Off-River Lakes and Ponds,  
33-4        tule encroachment appears to have stabilized. The proposed management for the Off-River Lakes and Ponds is similar to existing conditions, and is not expected to increase tules above current levels. While the presence of tules may not be ideal for recreational access, they provide habitat for game fish, waterfowl and wading birds. Therefore, no tule removal is proposed at the Off-River Lakes and Ponds.
- 33-5        Due to the low-gradient of the Lower Owens River, the velocities associated with the seasonal habitat flows of up to 200 cfs will not have substantial adverse effects on spawning or eggs of game fish (USACE, 1991). Therefore, the proposed timing of the seasonal habitat flows would not affect the survival of game fish.
- 33-6        LADWP has committed to extending the supplemental releases from spillgates to create fish refuge beyond the timeframe previously described in Sections 2.3.5.2 and 2.3.5.4 of the Draft EIR/EIS if water quality does not improve. Sections 2.3.5.2 and 2.3.5.4 have been revised accordingly, and Mitigation Measure F-1 has been deleted from Section 4.6.3 since it is now proposed as part of the project. Similarly, spillgate release to create refuge areas has been deleted as an adaptive management measure from Table 2-19 (Section 2.10). As indicated in Table 2-19, modification of seasonal habitat flows would be implemented as part of adaptive management, if determined to be necessary based on monitoring, to facilitate both riparian habitat development and to enhance fish habitat.
- 33-7        As noted in revised Section 2.9, LADWP will install signs at key access points to the LORP  
33-8        area (such as Mazourka Canyon Road, Manzanar Reward Road, the pump station, and the Delta) describing LADWP policies on recreational uses of city-owned lands. Environmental impacts from increased recreation are anticipated to be minimized if visitors restrict their travel to the designated access routes. In addition, LADWP will prepare a brochure that identifies major access locations to the LORP area.
- 33-9        Please see response to comment 6-25.
- 33-10       LADWP invites the Chamber or other interested organizations to contact the LADWP Watershed Resources Section to discuss eco-tourism or low-impact tourism development in the

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Owens Valley. Please note that tourism programs on LADWP lands would require a permit from LADWP, which would specify conditions to protect natural resources and address potential liability issues.

33-11 Please see response to comment 33-2.  
through  
33-16



**Responses to Letter No. 34 Inyo County Cattlemen's Association & Inyo  
Mono County Farm Bureau  
Zack Smith and Scott Kemp**

34-1 The goal of the LORP is the establishment of a healthy, functioning ecosystem while providing  
34-2 for the continuation of sustainable uses including recreation, livestock grazing, agriculture and  
other activities. LADWP is committed to promoting sustainable agriculture and livestock  
grazing; however LORP must achieve a balance between continuation of recreation, grazing,  
agriculture, and other human uses with the ecosystem goals. The proposed land management  
actions will modify the timing, duration, and distribution of grazing; however, the stocking rate  
is expected to remain unchanged in most leases. These changes are necessary to facilitate the  
recruitment of riparian vegetation that will occur as a result of rewatering the river.

34-3 Please see responses to comments below.

34-4 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement  
34-5 the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). More  
seasonal habitat flows will be bypassed to the Delta under the 50-cfs pump station alternative  
compared to the 150-cfs alternative. The bypass of seasonal habitat flows is expected to have  
only short-term (5 to 9 days with a maximum release of 200 cfs) adverse effects on forage due  
to inundation.

Water recovered by the pump station will be used for the Owens Lake dust control project or  
delivered to the Los Angeles Aqueduct for export, and will not be used for stock water,  
irrigation of pastures, or other agricultural uses. Except for providing additional sources of  
stock water within the LORP area to improve livestock distribution (as described in Section  
2.8.2), LADWP has no plans to change the source or method of conveyance of stockwater to  
leases as part of the LORP. Separately from the LORP, LADWP will continue to pursue water  
conservation measures on its lands in the Owens Valley where appropriate.

34-6 Since the publication of the Draft EIR/EIS, a modified initial release regime for the LORP has  
been selected by LADWP and Inyo County in consultation with the other MOU parties. As  
described in revised Section 2.3.5, the modified release regime is designed to reduce the  
potential for water quality impacts by releasing the first seasonal habitat flow in the winter,  
when the potential for substantial decreases in dissolved oxygen and adverse effects on fish  
health are lower. However, under the modified initial release regime, the procedure for  
establishment of the 40-cfs baseflow is the same as proposed in the Draft EIR/EIS. Therefore,  
there is still potential for significant water quality impacts to occur. Section 4.4.3.1 has been  
revised to incorporate this information.

Alternative Initial Release Regime 1 as described in Section 11.3.1 is technically and  
logistically feasible and would further reduce the water quality impacts associated with the  
currently proposed release regime. However, it was not selected as the proposed release  
regime because it would delay establishment of the 40-cfs baseflow by up to 3 years.

34-7 Upon initial implementation, LORP does not include programs for controlled burning or  
mechanical tule removal. The proposed flow releases to the river are expected to increase  
production of both inedible vegetation (e.g., tules, rushes, and wild rose) and forage species.  
Burning is not proposed as a method of controlling tules in riparian areas since it would be

ineffective and would also inhibit recruitment of riparian vegetation such as willow and cottonwood. In the Blackrock Area, tule growth will be controlled by the proposed flooding cycle as described in Section 2.5. Along the river, shade from new riparian canopy trees and deeper water resulting from increased flow is expected to hinder tule growth. Tule removal by mechanical means would be considered in rare instances if excessive tule growth is causing significant obstructions to flow along the river or at culverts.

If brush is found to be invading the meadows in upland areas, controlled burning may be used as a part of adaptive management in order to prevent substantial degradation of forage quality. For any future management actions within the LORP area, including tule removal, LADWP will be required to balance the goals of sustainable agriculture/livestock grazing and maintenance/enhancement of ecosystem health and wildlife habitat.

With the exception of the channel clearing near the River Intake described in Section 2.3.6, the LORP does not include any actions to physically remove muck or other organic debris from the river channel either prior to, or after, the establishment of baseflows and the release of seasonal habitat flows since muck is expected to be transported by the seasonal habitat flows in the river.

During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). If deemed necessary, tule removal would be included in this commitment to fund adaptive management measures.

Commentor's support for the beaver removal program is noted.

- 34-8 The duration of Period 4 pulse flow is the shortest of the four pulse flows (5 days vs. 10 days for Periods 1 through 3) to minimize the potential impact on grazable forage. The Period 4 pulse flow is necessary to enhance habitat for wintering waterfowl (habitat indicator species for the Delta).
- 34-9 Currently, LADWP leases within the LORP area do not have formal protocols for quantitative monitoring and evaluation of rangeland conditions and grazing strategies. The proposed land management actions are designed to meet the project goals of establishment riparian habitat while providing for continuation of sustainable uses, including grazing. The proposed riparian utilization rates are necessary to prevent overgrazing of new riparian vegetation recruitment (particularly the woody species such as cottonwood and willow). Forty percent in riparian areas has been selected as the initial utilization rate, since livestock are not likely to graze woody species if herbaceous forage utilization stays below 40 percent. Utilization rates may be adjusted based on changes in rangeland conditions based on results of rangeland trend monitoring and other factors. This adaptive management approach is designed to manage grazing in a flexible and sustainable manner.
- 34-10 Sections 2.1.2 and 2.8.1.2 have been revised to state that 1) the grazing management plans are not available for public review since they contain proprietary information (please also see

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response to comment 15-11), and 2) contents of the grazing management plans that are not proprietary are included in Chapter 4 of the LORP Ecosystem Management Plan and Section 2.8 of the EIR/EIS.

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**Responses to Letter No. 35    JBL Professional  
James Langdon, Facilities Manager**

35-1      Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.

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**Responses to Letter No. 36    The J. Paul Getty Trust**  
**Bradley Wells, Vice President, Finance**

36-1      Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.

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**Responses to Letter No. 37    Korean Youth Center**  
**Dore Burry, Environmental Unit Manager**

37-1        Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.

**Responses to Letter No. 38 Lacey Livestock  
Mark Lacey, Owner**

- 38-1 LADWP, EPA, Inyo County and MOU parties are committed to working collaboratively to finalize the EIR/EIS and to implement LORP.
- 38-2 Please see response to comment 34-2.
- 38-3 Please see response to comment 34-10.
- 38-4 The LORP is designed to achieve the MOU goal of establishing and maintaining a healthy ecosystem while continuing and managing recreational use and livestock grazing in a manner that is sustainable and consistent with habitat and other goals of the LORP. Achieving a balance between recreational uses and livestock grazing is required. The City requires its ranch lessees to leave approximately 75 percent of their lands open to the public for recreational uses. Therefore, LORP does not include any immediate actions to restrict existing recreational uses. However, if recreational uses are determined to threaten or damage biological resources, grazing operations, cultural resources, existing recreational uses, or roadways, LADWP will implement actions to manage recreational uses, including restricting or prohibiting access from certain areas. The strategies for management of recreation uses and impacts from increased recreation are described in revised Section 2.9. Implementation of the recreation management strategies described in Section 2.9 will be considered an ongoing post-implementation cost, to be shared equally between LADWP and Inyo County (see revised Section 2.2.2.2).

We assume the commentor is referring to the proposed plan to expand the wilderness area in the Eastern Sierra. LADWP concurs that if the proposed wilderness area plan is implemented, recreation uses on LADWP lands may increase due to the resulting reduction in the overall availability of lands open to recreation in the surrounding area. The proposed plan is still in its preliminary stages, and its implementation (and therefore its potential impacts on recreational uses of LADWP lands) is uncertain at this time. LADWP has and will continue to comment on the plan and any future environmental document.

- 38-5 LADWP recognizes the contribution that ranchers have made in protecting the land. The proposed land management actions are necessary to protect the new riparian vegetation and habitats which will be created under LORP. Please also see response to comment 34-2.
- 38-6 The AUMs listed for the Blackrock Lease in the EIR/EIS were obtained through interviews with the lessee and represents the existing operation, though it they may differ from the numbers in the lease agreement. The AUMs as stated in the lease agreement were established only for determining rent.

Initially, changes in AUMs are not anticipated under LORP. Subsequent modification of stocking rates is one of the potential adaptive management actions.

- 38-7 Regarding prescribed burns, please see response to comment 34-7.

Temporary elimination of grazing or other changes in grazing practices after wildfires may be necessary in many cases to prevent the adverse effects of grazing on newly recruited vegetation and minimize invasion by noxious weeds in areas affected by wildfires. The length of the

resting period will be determined on a case-by-case basis by LADWP Watershed Resources staff.

38-8 LADWP concurs that the description presented in Section 9.1.1 of the Draft EIR/EIS (i.e., using the assessment classes of Class 1 to 4) does not adequately represent existing rangeland conditions. This method will not be used for the baseline or future monitoring under LORP. Please see revised Section 2.8.1.5 for description of utilization and rangeland trend monitoring under LORP.

38-9 In response to this comment, Section 10.2 has been revised to describe anticipated socioeconomic impacts to ranchers. Overall, implementation of the LORP is anticipated to have a beneficial economic impact to ranchers.

38-10 The MOU provides resolution of conflicts among the MOU parties over LORP as well as other provisions of the 1991 EIR. As such, the MOU includes commitments that are separate from the LORP and cover areas outside of the LORP area. One of these commitments is the development of Owens Valley Management Plans which will address grazing, recreation, and other uses of LADWP lands outside of the LORP area. As required by the MOU, the MOU parties will be consulted regarding land management issues during the development of the Owens Valley Management Plans. This will promote mutual understanding between various parties regarding the relationship between grazing, recreation, and wildlife uses of LADWP lands.

Regarding grazing management plans, please see response to comment 38-4.

38-11 Please see response to comment 34-9.

38-12 Please see response to comment 34-4.

38-13 Regarding flow regimes, please see response to comment 34-6.

As described in revised Section 2.3.7, beaver dams along the river will be removed prior to initial flow releases to facilitate the establishment of the baseflow. After the river has been rewatered, beaver dams will be removed as part of adaptive management if they are substantially obstructing flow or are found to have substantial adverse effects on riparian trees.

38-14 Please see response to comments 2-3 and 2-4.



**Responses to Letter No. 39      Law Offices of Charles E. Steidtmann  
Charles E. Steidtmann**

- 39-1      Please see response to comment 26-1.
- 39-2      Please see response to comment 26-2.
- 39-3      Please see response to comment 26-3.
- 39-4      Please see response to comment 26-4.
- 39-5      Please see response to comment 26-5.
- 39-6      Please see response to comment 26-6.
- 39-7      Please see response to comment 26-7.
- 39-8      Please see response to comment 26-8.

**Responses to Letter No. 40     League of Women Voters of the Eastern Sierra  
Pat Williams, President**

- 40-1     In consultation with Inyo County and the other MOU parties, LADWP proposes to implement  
40-2     the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3).  
           Regarding the economic feasibility of the 150-cfs pump station, please see response to  
           comment 11-10/11-11. Regarding impacts to wetland vegetation, please see response to  
           comment 26-1 and revised Section 6.3.
- 40-3     The proposed flow regime, which will be managed to fulfill the water needs of wetland  
           vegetation within the 6 to 9 cfs annual average, is expected to provide a sufficient amount of  
           freshwater to minimally sustain the wetland vegetation existing at the time of project  
           implementation. The proposed releases of Period 1 and Period 4 pulse flows are designed to  
           replenish the freshwater lens at key periods (i.e., prior to plant emergence from dormancy (late-  
           March to mid-April) and after the growing season has ended (November-December)).  
           Outflows to the brine pool are expected to occur during releases of the four pulse flows and  
           during seasonal habitat flows (in most years). Please also see response to comment 7-12.
- 40-4     Please see response to comment 26-5.
- 40-5     Regarding impacts to vegetation and habitat in the Delta, please see response to comment 26-1  
           and revised Section 6.3.

**Responses to Letter No. 41 Lone Pine Chamber of Commerce & Inyo  
County Film Commission  
Bob Meador, DDS, President**

- 41-1 Upon initial implementation, the LORP does not include construction of specific new facilities to support new or expanded recreational uses, and no road paving is proposed under LORP. However, as described in the revised Section 2.9, if recreational impacts on existing maintained roads are observed, maintenance or improvement of such roads (e.g., grading, compaction, or surface with gravel) would be implemented as necessary. The project does not include any actions to restrict existing access to the river and the off-river lakes and ponds, or to pave roads. However, if degradation (e.g., rutting, widening, or pot holes) of these existing maintained dirt roads is observed, LADWP will implement management actions as described in Section 2.9.
- 41-2 Sustainable recreation is one of the LORP goals identified in the MOU. However, development of specific recreational facilities (including bike paths) as part of LORP is not called for in the MOU and is not part of the project. Since there are no plans for development of a bike path as a part of the LORP, the EIR/EIS does not include an analysis of environmental impacts associated with installation of a bike path. Implementation of any future bike path project would require separate environmental review, including public review and comment.
- 41-3 Upon initial implementation, the LORP does not include construction of specific new facilities to support new or expanded recreational uses. However, as described in revised Section 2.9, if recreational uses are observed to threaten or damage sensitive resources, designation of a wildlife viewing area is one possible management action that may be implemented by LADWP; locations of wildlife viewing areas, if any, will be determined at that time based on various factors including improvements in ecological conditions.
- 41-4 Current recreation opportunities will be sustained and enhanced by LORP as described in revised Section 10.1.2.1. However, LORP is designed to achieve the MOU goal of establishing and maintaining a healthy ecosystem while continuing and managing recreational use and livestock grazing in a manner that is sustainable and consistent with the habitat and other goals of the LORP. Therefore, if increased recreational uses are observed to threaten or damage biological resources, grazing operations, cultural resources, existing recreational uses, or roadways, LADWP will implement the recreation management strategies described in revised Section 2.9.

Regarding tourism programs, please see response to comment 33-10.

LADWP invites the Chambers or other interested organizations to contact the LADWP Watershed Resources Section to discuss LADWP's actions taken to manage recreational impacts. However, except as legally required, LADWP does not plan to formally seek input from organizations or individuals prior to taking actions to control recreational use.

- 41-5 Under CEQA, project impacts are evaluated based on changes over existing conditions at the time of EIR preparation, and cannot be assessed based on changes from pre-1913 conditions. Section 10.3.2.2 has been revised to state that the impact of LORP implementation on public health is considered significant, but mitigable (Class II).

41-6 Please see revised Section 2.8.1.5 for a description of the rangeland monitoring program under LORP, including in riparian areas. In addition, as described in revised Section 2.10.1, riparian areas will be monitored under the habitat monitoring program for LORP.

41-7 Please note that the amount of time needed for water quality in the river to recover from the impacts of initial releases is not known. Please also see response to comment 4-3 and 4-4 for a discussion of water quality impacts due to initial flow releases.

Regarding impacts to vegetation and habitat in the Delta, please see response to comment 26-1 and revised Section 6.3. Regarding water quality impacts associated with rewatering of the river, please see Section 4.4.3.

41-8 No action to reduce or eliminate water loss due to evaporation and bank leakage will be taken.

41-9 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). As described in Section 2.4, the dust control project will be the first priority use of the water recovered by the pump station.

41-10 Section 10.4.4 has been revised to include Mitigation Measure V-3, which commits funding for a saltcedar monitoring and treatment program to be implemented by the Inyo County Saltcedar Control Program (in addition to funds provided under the Inyo County/Los Angeles Long Term Water Agreement). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.

LADWP would encourage any organization or group to develop a volunteer saltcedar control program. LADWP will provide coordination, training, and materials to such organizations or groups. Interested organizations or groups should contact the LADWP Watershed Resources staff.

41-11 Regarding baseline data, please see response to comment 5-42. LORP goals include maintaining existing ponds and off-river lakes.

41-12 Tule growth will be monitored as part of the monitoring program described in revised Section 2.10.1. Regarding removal of tules, please see response to comment 16-9.

41-13 Please see responses to comment letter No. 33.

41-14 During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please note that revenues

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from LADWP's rate payers will be used, in part, to fund the LORP. Please also see response to comment 26-2 for additional detail on the new funding approach.

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**Responses to Letter No. 42    Los Angeles Area Chamber of Commerce  
Russell J. Hammer, President and CEO**

42-1        Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.

**Responses to Letter No. 43      Mojave Desert-Mountain Resource  
Conservation & Development Council  
Donna C. Thomas, Vice-President**

43-1      LADWP has prepared a LORP newsletter to inform the public regarding the project, including  
43-2      its benefits to habitat and wildlife. The brochure is available at the LADWP office in Bishop  
and can also be viewed on the LADWP website  
(<http://www.ladwp.com/ladwp/cms/ladwp004418.jsp>). In addition, LADWP provides in-kind  
support (staff participation in field trips) to the Eastern Sierra Watershed Program, an outdoor  
science education program that addresses topics related to the rewatering of the Lower Owens  
River, which is being implemented by the University of California White Mountain Research  
Station and the Eastern Sierra Institute for Collaborative Education.

As noted in Section 2.7, an HCP will be prepared for all LADWP lands in the Owens Valley,  
including the LORP area, under a separate process from the LORP.

43-3      As noted in revised Section 10.4.1.6, LADWP and Inyo County are both ESWMA member  
organizations, and support the goal of controlling saltcedar and other weeds. Section 10.4.4  
has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the  
strategies and funding commitments for prevention, monitoring, and treatment of noxious weed  
infestations that could result from the LORP. With implementation of these mitigation  
measures, the potential impact of noxious weed infestations is considered significant, but  
mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section  
10.4.4.

Regarding land management plans, please see response to comment 16-322.

**Responses to Letter No. 44 Mono Lake Committee**  
**Lisa Cutting, Eastern Sierra Policy Director**

44-1 Regarding monitoring timelines, please see response to comments 16-189 and 16-190.

44-2

44-3 During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.

If deemed necessary, beaver dam and tule removal would be included in this commitment to fund adaptive management measures. For additional information, please also see response to comment 16-274 regarding beaver removal and response to comment 16-9 regarding tule removal under LORP.

Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.

LADWP would encourage any organization or group to develop a volunteer saltcedar control program. LADWP will provide coordination, training, and materials to such organizations or groups. Interested organizations or groups should contact the LADWP Watershed Resources staff.

LADWP is currently applying for a USEPA Clean Water Act Section 319 watershed grant, which includes funding for weed management. If funds are obtained through this grant, they would be used for weed management on LADWP lands in the Owens Valley, including the LORP area.

44-4 Regarding project objectives, please see response to comment 5-3. Regarding baseline data, please see response to comment 16-4. The description of the monitoring and adaptive management program in Section 2.10 has been revised to incorporate additional details on monitoring protocols.

Please see response to comment 16-3 regarding habitat needs of indicator species. As



described in Section 2.10.1, exotics will be identified during rapid assessment surveys and habitat development surveys. Regarding management goals and monitoring, please see response to comment 5-3.

44-5 As described in Section 2.10.4, the Technical Group meetings are open to the public, and meeting agendas are provided to the public in advance of each meeting.

44-6 As defined by scientists at Ecosystem Sciences, remote imagery will be acquired during the growing season in years 2, 5, 7, 10, and 15. Imagery will be collected as close to July 15 as possible (after spring blooming and before fall die-off), dependent on weather and satellite conditions.

44-7 Under LORP, the brine pool transition area in the Delta Habitat Area will be monitored by remote imagery as part of habitat mapping for the Delta Habitat Area. Modification to flow releases to the Delta will be based on the overall extent and quality of wetland and aquatic habitats in the Delta Habitat Area. Please also see response to comment 26-5.

44-8 As noted by the commentor, the timing of the seasonal habitat flow will be determined each year based on the projected timing of seeding by cottonwoods and willows, which varies from year to year depending on temperature, rainfall, and other environmental factors. Section 2.3.5.3 has been revised to incorporate this information. The timing of seasonal habitat flow releases would be determined by LADWP and Inyo County staff and presented to the Technical Group.

44-9 The strategies for management of recreation uses and impacts from increased recreation, including impacts to habitats, are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1. It is recognized that the management strategies described in Section 2.9 may need to be modified in the future in response to increased recreational uses and associated human impacts. Such changes would be made as part of adaptive management through the process described in Section 2.10.5.

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**Responses to Letter No. 45    Moss Group  
Richard F. Moss**

45-1        Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.

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**Responses to Letter No. 46    MountainGate Country Club  
David Bermudez, Golf Course Superintendent**

46-1        Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.

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**Responses to Letter No. 47    Park LaBrea Apartments**  
**Chris Scroggin, General Manager, Park**  
**LaBrea Management**

47-1        Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.

**Responses to Letter No. 48     Pestmaster Services, Inc.  
Ted Erlwin**

48-1     Mosquito control in the LORP area is under the jurisdiction of OVMAP. Under revised Mitigation Measure PS-1 (replaces Mitigation Measures PS-1 and PS-2 from the Draft EIR/EIS), LADWP will provide funding to OVMAP for control of mosquitoes in the newly created habitats resulting from the LORP. (Please see revised text in Sections 10.3.2 and 10.3.3). OVMAP will use these funds to implement the most appropriate and effective mosquito control measures for the LORP area, which may or may not include use of private contractors.

48-2     Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.

Under Mitigation Measures V-2 and V-3, the Agricultural Commissioner and Inyo County Water Department will use the funds provided by LADWP to implement the most appropriate and effective weed control measures for the LORP area, which may or may not include use of private contractors.

## **Responses to Letter No. 49     Rock Creek Pack Station Craig London, D.V.M.**

49-1     Regarding baseline conditions of grasslands, please see response to comment 15-11. Section 10.4.1 has been revised to incorporate additional information regarding distribution of saltcedar. Section 10.1.1 has been revised to incorporate information regarding impacts from existing recreational uses.

Please see response to comment 16-5 concerning baseline recreational use. Regarding the baseline condition of grasslands, please see response to comment 15-11. Section 10.4.1.4 has been revised to expand the description of existing saltcedar populations in the LORP area.

49-2     Regarding socioeconomic impact to ranchers, please see response to comment 38-9.

49-3     Please see response to comment 16-377, which addresses impacts of vehicular traffic associated with recreation. Please see revised Section 2.9 regarding LADWP strategies for managing recreation and revised Section 10.1.2.2 regarding environmental impacts from increased recreation.

49-4     Regarding the pump station capacity, please see response to comment 10-1 and revised Section 10.5.

49-5     Installation of additional fencing, including cross fencing, is a possible adaptive management measure if considered necessary to achieve LORP goals. Please also see response to comment 34-9 regarding establishment of utilization criteria for LORP. The utilization criteria and other grazing management actions for LORP were developed in consultation with Ecosystem Sciences personnel experienced in grazing management.

49-6     

- Cattle guards without gates that allow equines to get caught should not be allowed. They should be “equine safe”.

In pastures where horses or mules are grazed, gates will be installed next to the cattle guard to allow safe passage of horses and mules. Figure 2-16F in Appendix A presents a diagram of a typical gate that will be installed in areas primarily grazed by horses and mules.

49-7     Trapped beavers will not be relocated.

49-8     Section 10.4.3.3 has been revised to acknowledge that an increase in saltcedar infestations in the LORP area would increase water consumption and could also result in displacement of existing native riparian vegetation, which would have adverse impacts on the abundance and variety of wildlife.

Section 10.4.4 has been revised to include Mitigation Measure V-3, which commits funding for a saltcedar monitoring and treatment program to be implemented by the Inyo County Saltcedar Control Program (in addition to funds provided under the Inyo County/Los Angeles Long Term Water Agreement). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.

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**Responses to Letter No. 50      University of Southern California  
Bingham Cherrie, Associate Vice-President**

50-1      Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.

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**Responses to Letter No. 51     Volunteers of America  
Edmund Gonzales**

51-1     Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.



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**Responses to Letter No. 52    Western San Bernardino County Landowner's  
Association  
Douglas Parham, President**

52-1        Please see response to comment 26-1.

52-2        Please see response to comment 26-2.

52-3        Please see response to comment 26-4.

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**Responses to Letter No. 53    Michael Allen**

53-1        Please see response to comment 26-1.

53-2        Please see response to comment 26-2.

53-3        Please see response to comment 26-4.

## Responses to Letter No. 54    Jan Almquist

- 54-1        Please see responses to comments below.  
54-2  
54-3
- 54-4        In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Regarding compliance with the Long Term Water Agreement, please see response to comment 11-7/11-8. The discussion of the 150-cfs pump station in the Final EIR/EIS is presented in revised Section 11.4.1 – Alternatives.
- 54-5        Please see response to comment 11-10/11-11.  
54-6
- 54-7        Please see responses to comment 26-1.
- 54-8        Please see response to comment 26-6.  
54-9
- 54-10       During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please note that revenues from LADWP's rate payers will be used, in part, to fund the LORP. Please also see response to comment 26-2 for additional detail on the new funding approach.
- 54-11       Please see response to comment 26-4.
- 54-12       Please see response to comment 26-1.

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**Responses to Letter No. 55    Kathy Anderson**

55-1        Please see response to comment 26-1.

55-2        Please see response to comment 26-2.

## Responses to Letter No. 56    Thomas V. Arbanas

56-1        Please see response to comment 26-1.

56-2        Please see response to comment 26-2.

56-3        Please see response to comment 26-4.

56-4        LADWP is a signatory to the California Urban Water Conservation Council's (CUWCC) Memorandum of Understanding Regarding Urban Water Conservation in California. Under this Memorandum of Understanding, LADWP and other signatory agencies in the Los Angeles Basin are committed to implementing 14 Best Management Practices (available at: <http://www.cuwcc.org>) designed to promote water conservation in urban areas.

LADWP's ongoing water conservation programs include: promotion of ultra-low-flush toilets through rebates or exchange programs, provision of water-saving showerheads to residential customers, implementation of an irrigation controller pilot program, and water audits for large landscapes. LADWP also plans to implement a large landscape water audit and incentives program, as outlined in one of CUWCC's Best Management Practices.

Additional information regarding LADWP's ongoing water conservation programs can be obtained from the Urban Water Management Plan (available at: <http://www.ladwp.com/ladwp/cms/ladwp001354.jsp>).

**Responses to Letter No. 57    Richard Arnold**

57-1        Please see response to comment 26-1.

57-2        The strategies for management of recreation uses and impacts from increased recreation are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1.

**Responses to Letter No. 58     Janice Aten-McRoberts**

- 58-1     Please see response to comment 26-1.
- 58-2     Please see response to comment 26-2.
- 58-3     Please see response to comment 26-3.
- 58-4     Please see response to comment 26-4.
- 58-5     Please see response to comment 26-5.
- 58-6     Please see response to comment 26-6.
- 58-7     Please see response to comment 26-7.
- 58-8     Please see response to comment 26-8.

## Responses to Letter No. 59    Rod Ayers

- 59-1        LADWP and Inyo County have assumed joint responsibility for funding of mitigation measures. During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.
- 59-2        Please see response to comment 34-4.
- 59-3        Please see response to comment 59-1.
- 59-4        Implementation of LOPR will allow for multiple exiting uses of the area to continue. Please also see revised Section 2.9 regarding recreation management under LORP.
- 59-5        LORP includes management of both land and water to achieve project goals. Proposed land management actions are described in Section 2.8.
- 59-6        Please see response to comments on letter No. 34.



**Responses to Letter No. 60    Rosanne Beach**

- 60-1      Please see response to comment 26-1.
- 60-2      Please see response to comment 26-2.
- 60-3      Please see response to comment 26-3.
- 60-4      Please see response to comment 26-4.
- 60-5      Please see response to comment 26-5.
- 60-6      Please see response to comment 26-6.
- 60-7      Please see response to comment 26-7.
- 60-8      Please see response to comment 26-8.

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***Numbers 61 through 69 were not assigned to any letters.***

**Responses to Letter No. 70    Don and Debbie Becker**

- 70-1        Please see response to comment 26-1.
- 70-2        Please see response to comment 26-2.
- 70-3        Please see response to comment 26-3.
- 70-4        Please see response to comment 26-4.
- 70-5        Please see response to comment 26-5.
- 70-6        Please see response to comment 26-6.
- 70-7        Please see response to comment 26-7.
- 70-8        Please see response to comment 26-8.

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***Numbers 71 through 79 were not assigned to any letters.***

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**Responses to Letter No. 80    Janice and Rod Bedayn**

80-1        Please see response to comment 26-1.

80-2        Please see response to comment 26-2.

80-3        Please see response to comment 26-4.

## Responses to Letter No. 81 Dan Beets

81-1 The amount of seasonal habitat flow each year will depend on the amount of runoff forecasted for the Owens Valley. As part of its operations, LADWP uses a Runoff Forecast Model to predict each year's water supply for the Aqueduct based on the results of snow surveys, precipitation data, and weather forecasts. Snow surveys consist of measuring depth and water content of snow in the Eastern Sierra Nevada Mountains. The forecasts correspond to the runoff year (April 1 to March 31). Section 2.3.5.3 has been revised to incorporate this information.

81-2 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement  
81-3 the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3).  
Regarding compliance with the Long-Term Water Agreement, please see response to comment 11-7/11-8.

The range of possible effects on Delta habitats from the proposed flow regime is presented in revised Section 6.3. As described in Section 6.3, there are many uncertainties in predicting the effects of the proposed flows on wetland and aquatic habitats in the Delta. Due to the limited availability of reliable data (including information needed to accurately estimate existing flows into the Delta), there is incomplete understanding of the complex ecological and hydrologic processes.

Based on the analysis presented in Sections 6.3.1 (Impact Assessment No. 1 prepared by Ecosystem Sciences and White Horse Associates), 6.3.3, 6.3.4, and 6.3.5, LADWP, as CEQA lead agency, has determined that impacts to existing aquatic and wetland habitats of the Delta would range from beneficial to less than significant (Class III). The analysis presented in Section 6.3.2 (Impact Assessment No. 2 prepared by URS) was considered. However, LADWP does not concur with Impact Assessment No. 2 because it is based primarily on a comparison of the total annual inflow to the Delta under existing conditions and does not sufficiently take into account the seasonal changes in evapotranspiration demand. Please also see response to comment 26-1.

81-4 LADWP and Inyo County have assumed joint responsibility for funding of mitigation measures. During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). With commitment of funding for saltcedar (revised Section 10.4.4) and mosquito control (Mitigation Measure PS-1 in revised Section 10.3.3) significant environmental impacts related to funding shortfalls (previously described in Draft Section 10.8) are not anticipated.

Since these impacts are considered Class II (significant, but mitigable), Section 10.8 of the Draft EIR/EIS has been deleted. Please also see response to comment 26-2 for additional detail on the new funding approach.

- 81-5 Please see response to comment 81-2/81-3.
- 81-6 Please see response to comments 81-4.
- 81-7 LADWP and Inyo County have assumed joint responsibility for implementation of Mitigation Measure H-1. As described in Mitigation Measure H-1, the County will maintain County culverts/roads, and LADWP will maintain LADWP culverts/roads.
- 81-8 The existing riparian vegetation within the proposed forebay area upstream of the pump station site is dead or in the process of dying due to beaver activity and inundation from dams. Therefore, creation of the forebay will not result in any adverse impact on riparian vegetation. Therefore, Mitigation Measure P-2 described in the Draft EIR/EIS, is not warranted and will not be adopted by LADWP. Sections 5.1.2 and 5.1.4 have been revised to incorporate the above information.
- 81-9 LADWP and Inyo County have assumed joint responsibility for funding of mitigation measures. Please see response to comments 81-4.
- 81-10 Please see response to comment 16-10.
- 81-11 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Section 2.2.2.1 and Table 2-1A (labeled Table 2-1 in Draft EIR/EIS) have been revised to delete references to the implementation costs associated with the 150-cfs pump station alternative.
- 81-12 LADWP and Inyo County have assumed joint responsibility for funding of adaptive  
81-13 management and mitigation measures. Please see response to comment 81-4.

## Responses to Letter No. 82    Jean Benner

- 82-1        In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Regarding compliance with the Long Term Water Agreement, please see response to comment 11-7/11-8. Regarding the economic feasibility of the 150-cfs pump station, please see response to comment 11-10/11-11.
- 82-2        During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please note that revenues from LADWP's rate payers will be used, in part, to fund the LORP. Please also see response to comment 26-2 for additional detail on the new funding approach.
- Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.
- 82-3        The proposed changes in grazing practices under LORP are designed to protect the existing vegetation and the new vegetation growth that will result from the re-watering. The proposed grazing prescriptions will shorten the grazing periods in riparian areas and establish and monitor utilization rates to prevent overuse and improve animal distribution. Changes in stocking rates are not proposed at this time, since the proposed riparian fencing, grazing periods, and utilization rates are expected to be sufficient for protecting and facilitating re-growth of vegetation. (See revisions to Sections 2.8.1 and 2.8.2 for details on the proposed land management actions.)
- 82-4        The strategies for management of recreation uses and impacts from increased recreation, including impacts to riparian habitat, are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1.



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**Responses to Letter No. 83 L. Berlin and E. Pachucki**

83-1 Please see response to comment 26-1.

83-2 Please see response to comment 26-2.

83-3 Please see response to comment 26-4.

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**Responses to Letter No. 84    Roger Berning  
Purchasing Manager, Alpha Therapeutic Corp.**

84-1        Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.

## Responses to Letter No. 85 Larry and Ruth Blakely

- 85-1 Please see response to comments 26-1 and 26-5.
- 85-2 The proposed land management actions (Section 2.8) are intended to reduce the impacts of livestock on the existing and future riparian areas within the LORP area. Implementation of the maximum allowable utilization rates and prescribed grazing periods, establishment of riparian pastures, and other proposed actions will result in reduced grazing intensity in riparian areas during the early spring and summer season when riparian vegetation recruitment will occur. Therefore, LORP is expected to reduce livestock impacts on riparian habitat and water quality (Section 9.2).
- 85-3 LORP land management actions take into account the needs of wildlife and recreational users. Proposed actions include limiting grazing near the river and in sensitive areas (i.e., through establishment of fenced riparian pastures/exclosures, rare plant exclosures and a waterfowl management area). Fences will be designed to accommodate elk/deer movement and access for recreational uses. Please see revised Section 2.8.1.3.
- 85-4 As described in Section 10.1.2.1, implementation of LORP is expected to result in beneficial impacts on recreational uses and opportunities, including fishing, birding, botanizing, hiking, bicycling, photograph, and scenic enjoyment.

Upon initial implementation, the LORP does not include construction of specific new facilities to support new or expanded recreational uses. However, as described in revised Section 2.9, if recreational uses are observed to threaten or substantially damage sensitive resources, installation of new facilities to direct visitors away from sensitive resources is one possible management action that may be implemented. Implementation of the recreation management strategies will be considered an ongoing post-implementation cost, to be shared equally between LADWP and Inyo County (revised Section 2.2.2.2).

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## **Responses to Letter No. 86    Patricia Boyer**

- 86-1        The project description in the EIR/EIS has been revised based on the court stipulation (February 2004), which was a result of the negotiations between LADWP and other MOU Parties.

**Responses to Letter No. 87    Karen M. Brorson**

- 87-1        Please see response to comment 26-1.
- 87-2        Please see response to comment 26-2.
- 87-3        Please see response to comment 26-3.
- 87-4        Please see response to comment 26-4.
- 87-5        Please see response to comment 26-5.
- 87-6        Please see response to comment 26-6.
- 87-7        Please see response to comment 26-7.
- 87-8        Please see response to comment 26-8.

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**Responses to Letter No. 88    Michael Brorson**

88-1        Please see response to comment 26-1.

88-2        Please see response to comment 26-2.

88-3        Please see response to comment 26-4.

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**Responses to Letter No. 89    Stacey Brown, MD**

89-1        Please see response to comment 26-1.

89-2        Please see response to comment 26-2.

89-3        Please see response to comment 26-5.

## Responses to Letter No. 90 Tom Budlong

- 90-1 LADWP and Inyo County are committed to implementing a monitoring program for LORP in order to ensure success of the project. During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.
- 90-2 Section 10.4.4 has been revised to include Mitigation Measure V-3, which commits funding for a saltcedar monitoring and treatment program to be implemented by the Inyo County Saltcedar Control Program in the LORP area. Under this mitigation measure, LADWP will provide funding to the Inyo County Saltcedar Control Program in addition to funds provided under the Inyo County/Los Angeles Long Term Water Agreement. Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.
- 90-3 Please see response to comment 26-6.
- 90-4 Regarding understory health, please see response to comment 15-10.
- 90-5 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Regarding compliance with the Long Term Water Agreement, please see response to comment 11-7/11-8. Regarding pump station capacity versus proposed operation, please see response to comment 16-50.
- 90-6 The strategies for management of recreation uses and impacts from increased recreation are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1.



## Responses to Letter No. 91     John Burnstrom

- 91-1        Please see response to comment 26-1.
- 91-2        Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.
- 91-3        The strategies for management of recreation uses and impacts from increased recreation are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1.
- 91-4        Grazing will be monitored through utilization rates and rangeland trend. Section 2.8.1.5 has been revised to expand the description of methodologies for monitoring grazing.

## Responses to Letter No. 92     David Carle

- 92-1     As part of Final EIR/EIS preparation, the funding commitments for the LORP have been clarified. Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). With commitment of funding for saltcedar (revised Section 10.4.4) and mosquito control (revised Section 10.3.3) significant environmental impacts related to funding shortfalls (previously described in Draft Section 10.8) are not anticipated. Since these impacts are considered Class II (significant, but mitigable), Section 10.8 of the Draft EIR/EIS has been deleted. Please also see response to comment 26-2 for additional detail on the new funding approach.

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**Responses to Letter No. 93    Marvin B. Center**

93-1        Please see response to comment 26-1.

93-2        Please see response to comment 26-2.

93-3        Please see response to comment 26-4.

## **Responses to Letter No. 94     Richard Cervantes**

- 94-1        Regarding the pump station capacity, please see response to comment 26-1. Regarding saltcedar removal, please see revised Section 10.4. Regarding recreational uses/impacts, please see revised Sections 2.9 and 10.1. LADWP, EPA, Inyo County and MOU parties are committed to working collaboratively to finalize the EIR/EIS and to implement LORP.
- 94-2        LADWP would encourage any organization or group to develop a volunteer saltcedar control program. LADWP will provide coordination, training, and materials to such organizations or groups. Interested organizations or groups should contact the LADWP Watershed Resources staff.

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**Responses to Letter No. 95    Laurie Chamberlin**

95-1        Please see response to comment 26-1.

95-2        Please see response to comment 26-2.

95-3        Please see response to comment 26-4.

**Responses to Letter No. 96 L.K. Chavez**

- 96-1 Please see response to comment 26-1.
- 96-2 Please see response to comment 26-2.
- 96-3 Please see response to comment 26-3.
- 96-4 Please see response to comment 26-4.
- 96-5 Please see response to comment 26-5.
- 96-6 Please see response to comment 26-6.
- 96-7 Please see response to comment 26-7.
- 96-8 Please see response to comment 26-8.

## Responses to Letter No. 97 Cheryl Chipman

- 97-1      Regarding pump station capacity, please see response to comment 11-10/11-11. Regarding  
97-2      water supply for the project, please see response to comment 15-12.
- 97-3      During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). With commitment of funding for saltcedar (revised Section 10.4.4), significant environmental impacts related to funding shortfalls (previously described in Draft Section 10.8) are not anticipated. Please also see response to comment 26-2 for additional detail on the new funding approach.
- If deemed necessary, beaver dam and tule removal would be included in this commitment to fund adaptive management measures. For additional information, please also see response to comment 16-274 regarding beaver removal and response to comment 16-9 regarding tule removal under LORP.
- 97-4      The strategies for management of recreation uses and impacts from increased recreation are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1.
- 97-5      Please see response to comments 26-1 and 26-5. The LORP will benefit public waterways by restoring continuous flows to the Lower Owens River.

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## **Responses to Letter No. 98 Charles Church**

98-1 Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.



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**Responses to Letter No. 99    Michelle Cobos**

99-1        Please see response to comment 26-1.

99-2        Please see response to comment 26-2.

99-3        Please see response to comment 26-4.

## Responses to Letter No. 100 Don and Lorelee Cole

- 100-1 Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.
- 100-2 Regarding tamarisk control, please see response to comment 2-11/2-12. Regarding tule removal at Off-River Lakes and Ponds, please see response to comment 33-3. Regarding tule control for the riverine-riparian area and Blackrock, please see response to comment 16-9. Existing water supply to Goose Lake and Billy Lake will be maintained to provide a continuous spillover to the river.
- 100-3 Although it may be beneficial to water quality, a flushing flow higher than the proposed 200 cfs or beyond the proposed 14 days is not proposed since it would have adverse effects on riparian habitat development by:

- Spreading water outside the channel for extended periods (facilitates tule growth and discourages development of woody riparian species)
- Causing excessive scour of channel substrate and creating an unstable channel

Please also see responses to comments 4-3/4-4 and revised Section 2.3.5 regarding the initial release regime currently proposed.

As described in Section 2.3.5.4, the proposed project includes water quality monitoring (including hydrogen sulfide and ammonia) during and up to two weeks after release of the first three seasonal habitat flows that are in excess of 40 cfs.

As described in Section 4.9, the initial rewatering of the river could result in objectionable odors from off-gassing of hydrogen sulfide and methane from organic sediments. If LADWP and the County become aware (through reports from field staff or information received from the public) that odors are noticeable, LADWP and the County will post signs and/or notify the media to inform people of the potential exposure to objectionable odors.

- 100-4 Reestablishment of all previous dikes between the River Intake and Alabama Gates is not proposed, since it is not needed to achieve project goals. However, as part of the LORP management plan for the Blackrock Waterfowl Habitat Area, approximately 3 miles of new or repaired berms will be constructed. The Blackrock area will be managed primarily to establish emergent wetlands for waterfowl and other indicator species. Creation of ponds for fishes is not proposed for Blackrock.
- 100-5 While implementation of LORP is expected to result in creation/maintenance of habitat suitable for Owens tui chub and Owens pupfish, introduction of these species or creation of native fish sanctuaries will not be implemented as part of the LORP. Please also see response to comment 16-226 regarding threatened and endangered species habitat.

- 100-6 As described in Section 2.8.1, cattle guards, gates, walk-overs, and/or walk throughs will be provided to maintain existing access to the LORP area for recreational uses. However, if increased recreational uses are substantially impacting biological resources, grazing operations, cultural resources, existing recreational uses, or roadways, LADWP will implement the recreation management strategies described in revised Section 2.9.
- 100-7 Upon initial implementation, the LORP does not include construction of specific new facilities to support new or expanded recreational uses, and no road paving is proposed under LORP. Existing roads used for LADWP operations will be maintained as needed. However, as described in the revised Section 2.9, if recreational impacts on existing unpaved roads are observed, maintenance or improvement of such roads (e.g., grading, compaction, or surface with gravel) would be implemented as necessary. The project does not include any actions to restrict existing access to the river and the off-river lakes and ponds. However, if substantial impacts from increased recreational uses (including fugitive dust) are observed, LADWP will implement necessary management actions.

**Responses to Letter No. 101 Charlene Collins  
Big Pine Paiute Tribe – Owens Valley Indian  
Water Commissioner**

- 101-1 Please see response to comment 26-1.
- 101-2 Please see response to comment 26-2.
- 101-3 Please see response to comment 26-3.
- 101-4 Please see response to comment 26-4.
- 101-5 Please see response to comment 26-5.
- 101-6 Please see response to comment 26-6.
- 101-7 Please see response to comment 26-7.
- 101-8 Please see response to comment 26-8.

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## **Responses to Letter No. 102 Beverly Coons**

- 102-1 Please see response to comment 26-1.
- 102-2 Please see response to comment 26-2.
- 102-3 Please see response to comment 26-4.

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## **Responses to Letter No. 103 Don Coustaus**

103-1 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3).

## **Responses to Letter No. 104 Diana Cunningham**

- 104-1 Beaver dams will be removed in accordance with the conditions of the Streambed Alteration Agreement with CDFG. Removal of individual beavers by trapping, if any, will be conducted under a permit from CDFG in compliance with the California Fish and Game Code and California Code of Regulations (Title 14, Section 463). Trapped beavers will not be relocated.

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## **Responses to Letter No. 105 Barbara and Tom Danielsen**

- 105-1 Please see response to comment 26-1.
- 105-2 Please see response to comment 26-2.
- 105-3 Please see response to comment 26-4.



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## **Responses to Letter No. 106 Estelle Delgado**

106-1 Please see response to comment 26-1.

106-2 Please see response to comment 26-2.

106-3 Please see response to comment 26-4.

106-4 Please see response to comment 56-4.

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**Responses to Letter No. 107 Kelly Denver**

107-1 Please see response to comment 26-1.

107-2 Please see response to comment 26-2.

107-3 Please see response to comment 26-4.

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**Responses to Letter No. 108 Don C. Dillinger**

108-1 Please see response to comment 26-1.

108-2 Please see response to comment 26-2.

108-3 Please see response to comment 26-4.

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## **Responses to Letter No. 109 Paula Dillinger**

109-1 Please see response to comment 26-1.

109-2 Please see response to comment 26-2.

109-3 Please see response to comment 26-4.

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**Responses to Letter No. 110 Nicole Dondero**

110-1 Please see response to comment 26-1.

110-2 Please see response to comment 26-2.

110-3 Please see response to comment 26-4.

## Responses to Letter No. 111 Dorothy Dowell

- 111-1 All parties are committed to the success of the LORP. During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS; see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.
- 111-2 Under the Inyo County/Los Angeles Long Term Water Agreement, LADWP has provided and will continue to provide funding to Inyo County for rehabilitation, development, and maintenance of recreational facilities and programs on LADWP lands in the Owens Valley. Inyo County has completed many of the recreational improvements noted in the Agreement, but has no plans to use the funds provided by LADWP for development of a recreational plan. Under LORP, personnel from both LADWP and Inyo County will be involved with monitoring.
- 111-3 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Section 2.4). LADWP is committed to conducting its groundwater pumping operations in conformance with the LTWA and applicable regulations, including CEQA.

## **Responses to Letter No. 112 Kathy Duvall**

- 112-1 Please see responses to comments 26-1 and 26-5.
- 112-2 Please see response to comment 26-2.
- 112-3 The strategies for management of recreation uses and impacts from increased recreation, including impacts to habitats and cultural resources, are part of the LORP project description. Section 2.9 has been revised to document these strategies. Implementation of these strategies will address unwanted activities such as ATVs in wetlands, unlicensed hunting, overnight camping, dumping, and unpermitted wood cutting. Please also see response to comment 2-1. Regarding recreation impacts on cultural resources, please see response to comment 11-6. LADWP invites the Chambers or other interested organizations to contact the LADWP Watershed Resources Section to discuss the LORP.

## **Responses to Letter No. 113 Jack and Marilyn Ferrell**

113-1 Please see response to comment 26-1.

113-2 Please see response to comment 26-2.

113-3 The strategies for management of recreation uses and impacts from increased recreation, including impacts to habitats and cultural resources, are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1. Please see response to comment 16-5 concerning existing recreational uses in the LORP. Anticipated future uses are described in revised Section 10.1.2.1. Regarding protection of cultural resources from increased recreational use, please see response to comment 11-6.

Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.



## Responses to Letter No. 114 Karen Ferrell-Ingram

- 114-1 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Regarding compliance with the Long Term Water Agreement, please see response to comment 11-7/11-8. Regarding impacts to Delta vegetation and wildlife, please see response to comment 26-1 and revised Section 6.3.
- 114-2 Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.
- 114-3 Please see response to comment 15-12.
- 114-4 During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4).

As described in revised Section 2.2.2.2, substantial sources of funding necessary for the LORP have already been identified and set aside for this project. Both LADWP and Inyo County will continue to pursue additional grant opportunities. LADWP will also fund the LORP from rate payer revenues. Please also see response to comment 26-2 for additional detail on the new funding approach.

## **Responses to Letter No. 115 Clara Fields**

- 115-1 Please see response to comment 26-1.
- 115-2 Please see response to comment 26-2.
- 115-3 Please see response to comment 26-3.
- 115-4 Please see response to comment 26-4.
- 115-5 Please see response to comment 26-5.
- 115-6 Please see response to comment 26-6.
- 115-7 Please see response to comment 26-7.
- 115-8 Please see response to comment 26-8.

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**Responses to Letter No. 116 Joyce E. Floyd**

- 116-1 Please see response to comment 26-3.
- 116-2 Please see response to comment 26-4.
- 116-3 Please see response to comment 26-2.
- 116-4 Please see response to comment 26-1.
- 116-5 Please see response to comment 26-5.

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**Responses to Letter No. 117 Kim F. Floyd**

- 117-1 Please see response to comment 26-3.
- 117-2 Please see response to comment 26-4.
- 117-3 Please see response to comment 26-2.
- 117-4 Please see response to comment 26-1.
- 117-5 Please see response to comment 26-5.

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**Responses to Letter No. 118 Patricia Foley**

118-1 Please see response to comment 26-1.

118-2 Please see response to comment 26-2.

118-3 Please see response to comment 26-4.

**Responses to Letter No. 119 Gail E. Fox**

- 119-1 Please see response to comment 26-1.
- 119-2 Please see response to comment 26-2.
- 119-3 Please see response to comment 26-3.
- 119-4 Please see response to comment 26-4.
- 119-5 Please see response to comment 26-5.
- 119-6 Please see response to comment 26-6.
- 119-7 Please see response to comment 26-7.
- 119-8 Please see response to comment 26-8.

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## **Responses to Letter No. 120 Sally Gaines**

120-1 Please see response to comment 26-1.

120-2

120-3 Please see response to comment 26-2.

120-4 Please see response to comment 26-3.

## **Responses to Letter No. 121 Carolyn Gann**

121-1 Regarding the capacity of the pump station and the impacts to the Delta, please see responses to comments 26-1 and 26-5.

Per Section 7 of the ESA, EPA has initiated consultation with USFWS regarding federally-listed species that could be potentially affected by implementation of the LORP. Regarding compliance with MBTA, please see response to comment 16-233. NEPA compliance is being conducted by EPA through preparation of the EIS, publication of federal register notices and the Record of Decision, tribal consultations, and consultations with federal agencies, including USACE and USFWS.

121-2 Please see response to comment 26-2.

121-3 Please see response to comment 16-226.



## Responses to Letter No. 122 Martha S. Gilchrist

122-1 Please see response to comment 26-1.

122-2 During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.

Mitigation Measure PS-1 (Section 10.3.3) has been revised (and replaces Mitigation Measures PS-1 and PS-2 from the Draft EIR/EIS) to describe a program for monitoring, treating and, when possible, adjusting management to reduce mosquito sources within the LORP that threaten nearby communities. Implementation of Mitigation Measure PS-1 is considered an ongoing post-implementation cost that will continue for the life of the project (to be shared equally by LADWP and the County as described in Section 2.2.2.2). Appendix H describes the specific measures to be taken under Mitigation Measure PS-1. Please see revised text in Section 10.3.3.

122-3 Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.

122-4 Existing recreation conditions in the LORP area are described in revised Section 10.1.1 based on observations by LADWP staff present in the field and reports from existing recreational users. Please also see response to comment 16-5. Anticipated future uses are described in revised Section 10.1.2.1.

The strategies for management of recreation uses and impacts from increased recreation, including impacts to cultural resources and habitats, are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1. Please see response to comment 11-6 regarding protection of cultural resources from increased recreational use.

## **Responses to Letter No. 123 John Gorham**

- 123-1 Please see response to comment 26-1.
- 123-2 Please see response to comment 26-2.
- 123-3 Please see response to comment 26-4.
- 123-4 Please see response to comment 26-5.
- 123-5 Please see response to comment 26-6.
- 123-6 Please see response to comment 26-7.
- 123-7 Please see response to comment 26-8.

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## **Responses to Letter No. 124 Ross and Maiya Gralia**

124-1 Please see response to comment 26-1.

124-2 Please see response to comment 26-2.

124-3 Please see response to comment 26-4.

**Responses to Letter No. 125 Andrew M. Harvey**

- 125-1 Please see response to comment 26-1.
- 125-2 Please see response to comment 26-2.
- 125-3 Please see response to comment 26-3.
- 125-4 Please see response to comment 26-4.
- 125-5 Please see response to comment 26-5.
- 125-6 Please see response to comment 26-6.
- 125-7 Please see response to comment 26-7.
- 125-8 Please see response to comment 26-8.

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## **Responses to Letter No. 126 Victoria Hamilton**

- 126-1 Please see response to comment 26-1.
- 126-2 Please see response to comment 26-2.
- 126-3 Please see response to comment 26-4.

## Responses to Letter No. 127 Marilyn Hayden

127-1 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3).

During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.

The strategies for management of recreation uses and impacts from increased recreation, including impacts to cultural resources and habitats, are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1. Implementation of the recreation management strategies will be considered an ongoing post-implementation cost, to be shared equally between LADWP and Inyo County (see revised Section 2.2.2.2).

**Responses to Letter No. 128 Mark A. Heckman**

- 128-1 Please see response to comment 26-1.
- 128-2 Please see response to comment 26-2.
- 128-3 Please see response to comment 26-3.
- 128-4 Please see response to comment 26-4.
- 128-5 Please see response to comment 26-5.
- 128-6 Please see response to comment 26-6.
- 128-7 Please see response to comment 26-7.
- 128-8 Please see response to comment 26-8.

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## **Responses to Letter No. 129 Darla J. Heil**

129-1 Please see responses to comments 15-19 through 15-29.  
through  
129-5



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**Responses to Letter No. 130 Jo Heindel**

130-1 Please see response to letter No. 16.

## Responses to Letter No. 131 Tom Heindel

- 131-1 As described in Section 10.1, LORP is expected to have a beneficial impact on recreation. Please also see revised Section 2.9 for proposed recreation management under LORP.
- 131-2 LADWP is committed to implementing the LORP and other mitigation projects identified in the 1991 EIR, which addressed the impacts of LADWP's water management practices and facilities associated with the second Aqueduct from 1970-1990, and the impacts of projects and water management practices that would occur after 1990 under the LTWA.
- 131-3 All parties are committed to ensuring the success of the LORP. During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.
- 131-4 Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.
- Regarding tule removal at Off-River Lakes and Ponds, please see response to comment 33-3. Regarding tule control for the riverine-riparian area and Blackrock, please see response to comment 16-9.
- 131-5 Please see response to comment 16-88.
- 131-6 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3).
- 131-7 The proposed baseflows and seasonal habitat flows to the river are expected to enhance and establish riparian habitats, including riparian forest consisting of cottonwoods and willows (see Section 4.5.3 and Table 4-11).
- 131-8 LADWP and Inyo County have assumed joint responsibility for funding LORP. Please see response to comment 131-3.

- 131-9 The strategies for management of recreation uses and impacts from increased recreation are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1.

LADWP is aware of the impacts increased recreation has had at Klondike Lake, and is currently in the process of evaluating installation of restroom facilities. Coordination with the Regional Board regarding this proposal is ongoing. In the early 1990s, there was substantial public opposition to the development of recreational facilities at Klondike Lake in order to preserve its character as an area attractive to wildlife, which limited LADWP's ability to respond to the impacts caused by recreational use. For example, providing restroom facilities could have encouraged more recreation use, which would have had impacts on wildlife, and was opposed by the public. However, recreation at Klondike Lake is concentrated in one area, and includes water skiing, sailing, and windsurfing, unlike the large linear open water area of the Owens River. Thus, recreational uses at Klondike Lake are much more concentrated than along the river currently or as expected under LORP.

Please note that LADWP has successfully managed recreational uses on city-owned lands in Mono Basin, Long Valley, and Northern Owens Valley to protect the environment while maintaining recreational uses. For example, in areas tributary to Crowley Lake in Long Valley, LADWP worked with CalTrout to identify appropriate locations for installation of parking areas and access points for recreation users (cross-overs, walk throughs, etc.) to minimize impacts on riparian habitat from vehicle traffic while maintaining existing access for fishing. These efforts were acknowledged in 1997 when LADWP received the CalTrout Golden Trout award for restoration of wild trout populations.

Other examples of LADWP's successful past and ongoing recreation management include:

- Working with BLM to install a designated parking area and restrooms and reduce multiple trails to Happy Boulders climbing area (located outside of Bishop).
- Working with climbing clubs to install restrooms at Owens River Gorge. LADWP provides pumping of toilets.
- Installation of fencing around springs to prevent impacts from fishermen and vehicle traffic and designated areas for vehicle parking at Crowley Lake.

The same approach to recreation management strategies used in these examples will be applied in the LORP.

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**Responses to Letter No. 132 Sarah C.V. Hendrickson**

132-1 Please see response to comment 26-1.

132-2 Please see response to comment 26-2.

132-3 Please see response to comment 26-4.

**Responses to Letter No. 133 Julie L. Hess**

- 133-1 Please see response to comment 26-1.
- 133-2 Please see response to comment 26-2.
- 133-3 Please see response to comment 26-3.
- 133-4 Please see response to comment 26-4.
- 133-5 Please see response to comment 26-5.
- 133-6 Please see response to comment 26-6.
- 133-7 Please see response to comment 26-7.
- 133-8 Please see response to comment 26-8.

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**Responses to Letter No. 134 Charlotte Heubson**

134-1 Please see response to comment 26-5.

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**Responses to Letter No. 135 Rosanne Higley**

135-1 Please see response to comment 26-1.

135-2 Please see response to comment 26-2.

135-3 Please see response to comment 26-4.

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**Responses to Letter No. 136 Raimundo T. Huarto**

136-1 Please see response to comment 26-1.

136-2 Please see response to comment 26-2.

136-3 Please see response to comment 26-4.



## Responses to Letter No. 137 Robert A. Hudson

- 137-1 During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.
- 137-2 Please see response to comment 26-1.
- 137-3 Section 10.1.2.1 describes the anticipated beneficial impacts on recreation from LORP implementation. The strategies for management of recreation uses and impacts from increased recreation are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1.

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**Responses to Letter No. 138 William A. Hunt**

138-1 Please see response to comment 26-1.

138-2 Please see response to comment 26-2.

**Responses to Letter No. 139 Barry K. Hutten**

- 139-1 Please see response to comment 26-1.
- 139-2 Please see response to comment 26-2.
- 139-3 Please see response to comment 26-3.
- 139-4 Please see response to comment 26-4.
- 139-5 Please see response to comment 26-5.
- 139-6 Please see response to comment 26-6.
- 139-7 Please see response to comment 26-7.
- 139-8 Please see response to comment 26-8.

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## **Responses to Letter No. 140 Charles Irvine**

140-1 Please see response to comment 26-1.

140-2 Please see response to comment 26-2.

140-3 Please see response to comment 26-4.

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## **Responses to Letter No. 141 J. Mendoza Iwens**

- 141-1 Please see response to comment 26-1.
- 141-2 Please see response to comment 26-2.
- 141-3 Please see response to comment 26-4.

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## **Responses to Letter No. 142 Ralph Iwens**

142-1 Please see response to comment 26-1.

142-2 Please see response to comment 26-2.

142-3 Please see response to comment 26-4.

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**Responses to Letter No. 143 Lisa Jaeger**

143-1 Please see response to comment 26-1.

143-2 Please see response to comment 26-2.

143-3 Please see response to comment 26-3.

143-4 Please see response to comment 26-5.

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**Responses to Letter No. 144 Robert Jellison**

144-1 Please see response to comment 26-1.

144-2 Please see response to comment 26-2.

144-3 Please see response to comment 26-4.



## Responses to Letter No. 145 Sherman Jensen

- 145-1 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement  
145-2 the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Section  
145-3 6.3 has been revised to clarify that the proposed flow management allows for adjustment of  
flows within an annual average of approximately 6 to 9 cfs.
- 145-4 The commentor's analysis was prepared on behalf of LADWP and is supported by staff from  
145-5 LADWP and Ecosystem Sciences. Based on the analysis presented in revised Sections 6.3.1  
(Impact Assessment No. 1 prepared by Ecosystem Sciences and White Horse Associates),  
6.3.3, 6.3.4, and 6.3.5, LADWP, as CEQA lead agency, has determined that impacts to existing  
aquatic and wetland habitats of the Delta would range from beneficial to less than significant  
(Class III).
- The analysis presented in Section 6.3.2 (Impact Assessment No. 2 prepared by URS) was  
considered. However, LADWP does not concur with Impact Assessment No. 2 because it is  
based primarily on a comparison of the total annual inflow to the Delta under existing  
conditions and does not sufficiently take into account the seasonal changes in  
evapotranspiration demand. It should also be noted that Impact Assessment No.2 concluded  
that, with implementation of the 50 cfs pump station and by adjusting the baseflows and pulse  
flows up to an average annual flow of 9 cfs under the proposed monitoring and adaptive  
management program (identified as Mitigation Measure D-1 in the Draft EIR/EIS but already  
included in the project description for LORP), impacts to the Delta wetland and aquatic  
habitats can be avoided. Therefore, for all intents and purposes, project impacts to the Delta  
wetland and aquatic habitats are less than significant under both Impact Assessment Nos. 1 and  
2.
- 145-6 Modeling memo.doc, Response to modeling memo.doc, and Hec Methods1.doc have been  
added to Appendix E.
- 145-7 Please see responses to comments 145-1 to 145-5.
- 145-8 Figure 6-11 has been replaced with a revised map of vegetation types based on the 2004 report  
by White Horse Associates (2000 conditions).
- 145-9 For the purpose of Draft EIR/EIS impact analysis, the 1999 mapping was considered the  
baseline since the 2000 mapping had not been finalized. The Final EIR/EIS has been revised  
to incorporate the results of 2000 mapping, based on the report by White Horse Associates  
(2004) (see Section 6.1.3). As noted, the objective of the project with respect to the Delta is to  
maintain the wetland and aquatic habitat existing at the time of project implementation based  
on mapping conducted at the time of project implementation (see Section 2.4.1).
- 145-10 Section 6.3.1 has been revised to correct the distance between Keeler gate and the pump station  
to 4.5 river miles.
- 145-11 Please see response to comment 145-1/145-2/145-3.
- 145-12 Please see response to comment 145-4.

- 145-13 Please see response to comment 145-5.
- 145-14 Section 6.3.1 has been revised to clarify that under the proposed flow regime, flows will likely be lower in the winter and higher in the summer (as compared with existing conditions). Under the alternative analysis prepared by URS, the seasonal pattern of existing flows is noted in Section 6.3.2.
- 145-15 Please see response to comment 145-4.
- 145-16 Please see response to comment 145-1/145-2/145-3.
- 145-17 Please see response to comment 145-4.
- 145-18 Although presented in the Draft EIR/EIS as a Mitigation Measure, the actions described in Mitigation Measure D-1 are included as part of the project description for LORP (see Section 2.10.5). Adaptive management includes adjustments to baseflows and pulse flows up to an annual average of approximately 9 cfs. Therefore, Mitigation Measure D-1 is not identified as a Mitigation Measure for adoption by LADWP in the Final EIR/EIS (see revised Sections 6.3.2 and 6.3.6).

## Responses to Letter No. 146 Lana Johns

- 146-1 Please see response to comment 34-6.
- 146-2 Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.
- 146-3 Please see response to comment 34-2 regarding continuation of sustainable uses under LORP. Regarding the capacity of the pump station, please see response to comment 34-4.
- 146-4 As noted by the commentor, the LORP does not include the construction of new wells or increased groundwater pumping in the Owens Valley (aside from new or replacement stockwater wells with no substantial increase in groundwater pumping over existing conditions; see Section 2.8.1.2). The LORP does not include changes in surface water management practices in the Owens Valley except for those specifically described in the project description that are necessary for the implementation of the LORP. LADWP is committed to conducting its groundwater pumping operations in conformance with the LTWA.
- 146-5 LORP will be implemented by LADWP, Inyo County, and the Consultants. Other MOU parties can review and comment on the reports summarizing the results of monitoring conducted for LORP, including rangeland monitoring. The commentor's support regarding LADWP funding of grazing management activities and monitoring on its leases is noted.
- 146-6 Regarding grazing management plans, please see response to comment 34-10. As described in Section 2.8.1.5, field evaluations will be conducted annually for the first three years then every three years. Please see response to comment 34-9 regarding establishment of utilization rates for the LORP.
- 146-7 LADWP recognizes the contribution that ranchers have made in protecting the land. The proposed land management actions are necessary to protect the new riparian vegetation and habitats which will be created under LORP. Please also see response to comment 34-2.
- The adaptive management approach proposed for the LORP is intended to allow for flexible management practices. Regarding controlled burning and removal of muck, please see response to comment 34-7. Regarding saltcedar removal, please see response to comments 2-11/2-12 and revised Section 10.4.4. Beaver dam removals are discussed in Section 2.3.7. Grazing will be monitored through utilization rates and rangeland trend as described in revised Section 2.8.1.5.
- 146-8 Please see response to comment 34-8.
- 146-9 Temporary elimination of grazing or other changes in grazing practices after wildfires may be necessary in many cases to prevent the adverse effects of grazing on newly recruited vegetation and minimize invasion by noxious weeds in areas affected by wildfires. The length of the resting period will be determined on a case-by-case basis by LADWP Watershed Resources staff.
- 146-10 Under LORP, water will not be released to the Drew slough area unless needed to meet the MOU requirement to flood 500 acres or to meet the MOU habitat goals (Section 2.5.10.4).

Flooding of Drew Slough area is not proposed since this area has less potential for enhancement of wildlife habitat than the other areas to be flooded within the Blackrock Waterfowl Habitat Area (Thibaut, Winterton, and Waggoner Units). In addition, it should be noted that when the management units are in a “wet cycle” they are inundated for a prolonged period (1-3 years). It is different from an irrigation set for irrigated pastures. In the Drew Slough management unit the prime cattle forage is alkali scrub meadow. The sink or depression areas of this habitat type would be unavailable to livestock grazing during sustained periods of inundation. The other management units in the Blackrock Waterfowl Habitat Area have preexisting spreading basins to receive flooded water.

- 146-11 Riparian fencing in Twin Lakes is necessary to protect the new growth of willows and cottonwoods that is expected to occur after rewatering of the river. Once monitoring indicates that the willows and other riparian vegetation have established and that grazing would not undermine the health of the riparian vegetation, the grazing prescriptions may be adjusted as described in revised Section 2.8.1.5.
- 146-12 The yellow-billed cuckoo and the willow flycatcher are addressed in the EIR/EIS due to their status as state-listed endangered species and the project goal of establishing habitat for the benefit of threatened and endangered species.

## **Responses to Letter No. 147 Mark Johns**

- 147-1 Regarding the capacity of the pump station, please see response to comment 10-1 and revised Section 10.5. Regarding the relationship between LORP and well development, please see response to comment 146-4.
- 147-2 Please see response to comment 34-6.
- 147-3 Please see response to comment 34-10.
- 147-4 Please see response to comment 34-7.
- 147-5 Please see response to comment 34-9.
- 147-6 Regarding fencing along the river, please see response to comment 146-11. Regarding sporadic flooding of Drew Slough, please see response to comment 146-10. Please also see revised Section 10.4.4 regarding strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP (including saltcedar).

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## **Responses to Letter No. 148 Earl Johnson**

- 148-1 Please see response to comment 26-1.
- 148-2 Please see response to comment 26-2.
- 148-3 Please see response to comment 26-4.

**Responses to Letter No. 149 Jeremiah S. Joseph**

- 149-1 Please see response to comment 26-1.
- 149-2 Please see response to comment 26-2.
- 149-3 Please see response to comment 26-6.
- 149-4 Please see response to comment 26-3.
- 149-5 Please see response to comment 26-5.
- 149-6 Please see response to comment 26-4.
- 149-7 Please see response to comment 26-7.
- 149-8 Please see response to comment 26-8.

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**Responses to Letter No. 150 Bachittar S. Juneja**

150-1 Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.



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**Responses to Letter No. 151 Cindy Kamler**

151-1 Please see response to comment 26-1.

151-2 Please see response to comment 26-2.

151-3 Please see response to comment 26-4.

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**Responses to Letter No. 152 Karen M. Keehn**

152-1 Please see response to comment 26-1.

152-2 Please see response to comment 26-2.

152-3 Please see response to comment 26-4.

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**Responses to Letter No. 153 Vanessa Keller**

153-1 Please see response to comment 26-1.

153-2 Please see response to comment 26-2.

153-3 Please see response to comment 26-4.

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## **Responses to Letter No. 154    Andrea Lawrence**

154-1        Please see response to comment 26-1.

154-2        Please see response to comment 26-2.

154-3        Please see response to comment 26-4.

## **Responses to Letter No. 155 Kelli Levinson**

- 155-1      Regarding the pump station capacity and impacts to the Delta, please see responses to comments 26-1 and 26-5. Regarding compliance with ESA, MBTA, and NEPA, please see response to comment 121-1.
- 155-2      Please see response to comment 26-2.
- 155-3      Please see response to comments 16-226 and 16-107.

## Responses to Letter No. 156 Joann Lijek

- 156-1 Please see response to comment 26-5.
- 156-2 Regarding the source of additional water to supply the LORP, please see response to comment 15-12.
- As described in Section 2.4.3, water recovered from LORP by the pump station will be used for dust control in the Owens Lake or delivered to the Aqueduct. LADWP's first priority will be to deliver water as needed to the dust control project, and secondarily to the Aqueduct if flows are not needed for the dust control project.
- 156-3 Please see response to comment 26-3.
- 156-4 Please see response to comment 15-10.
- 156-5 Please see response to comment 15-11.

## **Responses to Letter No. 157 Carolyn Lynch**

- 157-1 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Regarding compliance with the Long Term Water Agreement, please see response to comment 11-7/11-8.
- 157-2 Please see response to comment 26-5.
- 157-3 Please see response to comment 11-10/11-11.
- 157-4 Please see response to comment 26-2.

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**Responses to Letter No. 158 Roberta McIntosh**

158-1 Please see response to comment 26-1.

158-2 Please see response to comment 26-2.

158-3 Please see response to comment 26-4.



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**Responses to Letter No. 159 Marian McDural**

159-1 Please see response to comment 26-1.

159-2 Please see response to comment 26-2.

159-3 Please see response to comment 26-4.

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## **Responses to Letter No. 160 Bruce and Cheryl Mack**

160-1 Please see response to comment 26-1.

160-2 Please see response to comment 26-2.

160-3 Please see response to comment 26-4.

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## **Responses to Letter No. 161 Anthony Marks**

161-1 Please see response to comment 26-1.

161-2 Please see response to comment 26-2.

161-3 Please see response to comment 26-4.

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**Responses to Letter No. 162 Charlotte Martinez**

162-1 Please see response to comment 26-1.

162-2 Please see response to comment 26-2.

162-3 Please see response to comment 26-4.

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**Responses to Letter No. 163 Sylvia Maxey**

163-1 Please see response to comment 26-1.

163-2 Please see response to comment 26-2.

163-3 Please see response to comment 26-4.

**Responses to Letter No. 164 Stacey Mike**

- 164-1 Please see response to comment 26-1.
- 164-2 Please see response to comment 26-2.
- 164-3 Please see response to comment 26-3.
- 164-4 Please see response to comment 26-4.
- 164-5 Please see response to comment 26-5.
- 164-6 Please see response to comment 26-6.
- 164-7 Please see response to comment 26-7.
- 164-8 Please see response to comment 26-8.

## **Responses to Letter No. 165 Tracey Mike**

- 165-1 Please see response to comment 26-1.
- 165-2 Please see response to comment 26-2.
- 165-3 Please see response to comment 26-3.
- 165-4 Please see response to comment 26-4.
- 165-5 Please see response to comment 26-5.
- 165-6 Please see response to comment 26-6.
- 165-7 Please see response to comment 26-7.
- 165-8 Please see response to comment 26-8.

## Responses to Letter No. 166 Daniel J. Miller, Jr.

- 166-1 Please see response to comment 10-1 and revised Section 10.5. Please also see response to  
166-2 comment 178-2 regarding the impact of the 50-cfs pump station alternative on the overflow  
channel in the Delta.
- 166-3 Please see response to comment 34-8.
- 166-4 Please see response to comment 111-3.
- 166-5 LADWP and Inyo County have assumed joint responsibility for funding LORP, and both agencies will actively seek additional funds from outside sources. During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.



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## **Responses to Letter No. 167 Haley Miller**

- 167-1 Please see response to comment 10-1 and revised Section 10.5. Please also see response to comment 178-2 regarding the impact of the 50-cfs pump station alternative on the overflow channel in the Delta.

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**Responses to Letter No. 168 Sally Miller**

168-1 Please see response to comment 26-1.

168-2 Please see response to comment 26-2.

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## **Responses to Letter No. 169    Jacob E. Morgan**

- 169-1        The project description in the EIR/EIS has been revised based on the court stipulation (February 2004), which was a result of negotiations between LADWP, Inyo County and other MOU Parties (including the OVC, represented by Mr. Prather).

**Responses to Letter No. 170 Gaylune M. Muese**

- 170-1 Please see response to comment 26-1.
- 170-2 Please see response to comment 26-2.
- 170-3 Please see response to comment 26-3.
- 170-4 Please see response to comment 26-4.
- 170-5 Please see response to comment 26-5.
- 170-6 Please see response to comment 26-6.
- 170-7 Please see response to comment 26-7.
- 170-8 Please see response to comment 26-8.

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## **Responses to Letter No. 171 Lawrence Nahm**

- 171-1 Please see response to comment 26-1.
- 171-2 Please see response to comment 26-2.
- 171-3 Please see response to comment 26-4.

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## **Responses to Letter No. 172 Star Narcoon**

172-1 Please see response to comment 26-1.

172-2 Please see response to comment 26-2.

172-3 Please see response to comment 26-4.

## Responses to Letter No. 173 Tom Noland

- 173-1 Please see response to comment 34-7.
- 173-2 Please see response to comment 34-8.
- 173-3 As described in revised Section 2.3.7, beaver dams along the river will be removed prior to initial flow releases to facilitate the establishment of the baseflow. After the river has been rewatered, beaver dams will be removed as part of adaptive management if they are substantially obstructing flow or are found to have substantial adverse effects on riparian trees.
- The proposed monitoring for seasonal habitat flows is described in revised Section 2.10.2. Adjustments to the seasonal habitat flows are described in Section 2.10 (Table 2-19). Please also see response to comment 16-20.
- 173-4 As described in Section 2.3.6, channel obstructions (sediments, in-channel vegetation, beaver dams, culverts, and other structures) will be removed prior to initial flow releases so that the 40-cfs baseflow would be established in an efficient manner and would remain in the channel as much as possible.
- 173-5 Please see response to comment 34-6.
- 173-6 Please see response to comment 34-7.
- 173-7 LADWP will install signs at key access points to the LORP area (such as Mazourka Canyon Road, Manzanar Reward Road, the pump station, and the Delta) describing LADWP policies on recreational uses of city-owned lands (see revised Section 2.9). LADWP's existing policy limits off-road vehicles to existing roads and trails, and away from residential areas. Posting additional signs to inform people to stay on existing roads would be one of the possible management actions that LADWP would take if impacts from increased recreational usage are anticipated or observed.
- 173-8 Please see response to comment 10-1 and revised Section 10.5. Please note that even with the 50-cfs pump station currently proposed, water in excess of releases to the Delta will be pumped to the dust control project or the aqueduct.
- 173-9 The adaptive management approach proposed for the LORP is intended to allow for flexibility in grazing management. Initially prescribed restrictions in grazing location and timing will be revisited and modified as necessary based on monitoring results. Please see revisions to Section 2.8.1.5 for a description of the adaptive management approach to land management under LORP.

## **Responses to Letter No. 174 Dick Noles**

174-1 LADWP, EPA, Inyo County and MOU parties are committed to working collaboratively to finalize the EIR/EIS and to implement LORP. Please see Table 2-3 for the revised implementation schedule. Regarding the pump station capacity, please see response to comment 10-1.

LADWP's policy of public access will be continued. Please also see revised Section 2.9 regarding recreation management under LORP.



## Responses to Letter No. 175 Cheryl and Greg Norlin

- 175-1 Please see response to comment 26-1.
- 175-2 Please see response to comment 26-1.
- 175-3 During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.

## **Responses to Letter No. 176 Debby Parker**

- 176-1 Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.

## **Responses to Letter No. 177 Robert H. Paschall**

177-1 In November 2003, LADWP entered into a partnership with the Long Beach Water Department and the U.S. Bureau of Reclamation to develop a seawater desalination research facility in the City of Long Beach, including a 300,000 gallon-per-day prototype seawater desalination facility. LADWP also has plans to build a seawater desalination plant with a capacity of 12 million gallons per day at its Scattergood Generating Station in Playa Del Rey.

Please also see response to comment 56-4 regarding LADWP's water conservation programs.

## Responses to Letter No. 178 Jim Paulus

178-1 Mitigation measures have been numbered according to section designations.

As described in Section 2.8.2, installation of rare plant exclosures on LADWP leases is part of the project description and is not a mitigation measure. LORP implementation is not expected to have adverse impacts on rare plants. Ground disturbing activities needed to implement the LORP would not affect the areas where known rare plant populations are located. Currently, no known rare plant populations are located in upland areas where there is a potential for water table changes or weed infestation under LORP (i.e., near areas to be re-wetted). Regarding monitoring of rare plants, please see response to comment 16-210.

178-2 Surface discharge in the overflow channel is currently confined by dunes in the immediate vicinity of the overflow channel inlet, by a sand sheet further west, and ultimately by a dike along the dust control project pipeline and road corridor (west flank of the Delta Habitat Area). In the event that portions of bypass flows to the Delta are diverted to the overflow channel, it could flow west towards the dike along the dust control project pipeline corridor then spread in that area or flow south since the dike will prevent the water from flowing further to the west. Section 6.3.1 has been revised to delete the statement that the flow has nowhere to go.

As described in revised Section 6.3.3, modifying the western bank or the overflow channel is a possible adaptive management measure. The potential impact associated with the diversion of flows to the overflow channel is expected to be less than significant. Since it is currently not known if closing the western bank will be needed to meet project goals, it is not proposed at this time.

It should be noted that the berms and ditches proposed in the Blackrock Area are necessary to create the 500-acre flooded area required by the MOU. In addition, the Blackrock Area has been disturbed from historical activities, including construction of irrigation ditches and dikes. In contrast, the Delta Habitat Area has not experienced manmade physical disturbance, and the MOU requirements were based on flow releases and acres of habitat to be maintained.

## Responses to Letter No. 179 Francis and Francee Pedneau

- 179-1 Under Mitigation Measure F-1 (previously labeled F-2), fish stocks from sources within the Owens Valley will be used preferentially. Fish stocks from outside the valley will be used if in-valley stocks are not available. Mitigation Measure F-1 has been revised to incorporate this information. Please also see response to CDFG's comment (Comment 6-25) regarding fish stocking.
- 179-2 Please see response to comment 33-5.
- 179-3 The extent of initial channel clearing was defined based on a field survey of the river channel conducted by Ecosystem Sciences (Ecosystem Sciences, 2003b). The most significant obstructions to flow were identified as the approximately 2-mile reach of the river directly downstream of the River Intake, which contains dense in-channel tule stands. In combination with the removal/replacement of rock dams and culverts, removal of saltcedar slash (see revised Section 2.3.6), and the removal of beaver dams (see revised Section 2.3.7), the proposed initial channel clearing is anticipated to be sufficient for removing obstructions to the establishment of the 40-cfs baseflow in the river. In addition, rivers over time adjust to the flow regimes applied to them. The existing low flow regime encourages tules. Under the proposed project, it is anticipated that the higher flow regime will gradually open up the channel.
- 179-4 Please see response to comment 34-6.
- 179-5 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3).
- 179-6 References to limitations associated with funding availability for implementation of monitoring, adaptive management measures, and mitigation measures have been deleted throughout the EIR/EIS (e.g., in Sections 2.2, 2.10, 10.3, and 10.4). These changes reflect that during preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.
- 179-7 Please see response to comment 5-16.
- 179-8 LADWP, EPA, Inyo County and MOU parties are committed to working collaboratively to finalize the EIR/EIS and to implement LORP.

*June 2004*

**Responses to Letter No. 180 Kirk Peek**

180-1 Please see responses to comment letter No. 34.

## Responses to Letter No. 181 Beth S. Porter

- 181-1 Please see response to comment 26-1.
- 181-2 Please see response to comment 26-2.
- 181-3 The strategies for management of recreation uses and impacts from increased recreation are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1. Existing recreation conditions in the LORP area are described in revised Section 10.1.1 based on observations by LADWP staff present in the field and reports from existing recreational users (also see response to comment 16-5). Anticipated future uses are described in revised Section 10.1.2.1. Regarding protection of cultural resources from increased recreational use, please see response to comment 11-6. Socioeconomic impacts of the project are addressed in Section 10.2.
- 181-4 Appendix F of the EIR/EIS contains background information on cultural resources of the LORP area, as summarized from the cultural resources inventory by Far Western (2001). Section 3 (pp. 3 - 4) of Appendix F describes the native uses of the riverine resources by the Owens Valley Paiute people, which included consumption of waterfowl, Owens sucker, Owens tui chub, and freshwater mollusks as part of the Paiute diet. In response to the comment, revisions to Section 4.8 (first paragraph) of the EIR/EIS includes a reference to Appendix F for additional information on cultural resources of the LORP area, including prehistoric and historic uses of the river and other natural resources of the Owens Valley.

The goal of the LORP is to create and sustain habitat consistent with the needs of the Habitat Indicator Species as identified in the MOU. The Habitat Indicator Species include both non-native game fishes and native species. Native fish Habitat Indicator Species are the Owens sucker (California Species of Concern), Owens tui chub (state and federal endangered), and Owens pupfish (state and federal endangered). As described in the EIR/EIS, the proposed project is designed to create a variety of habitats that would benefit both native and non-native fish species. As described in Section 2.7, any future actions to introduce protected species or create sanctuaries for protected species within the project area would only occur under the provisions of a Section 10(a) permit and Habitat Conservation Plan (HCP) approved by the U.S. Fish and Wildlife Service (USFWS). LADWP is planning to prepare an HCP for all LADWP lands in Owens Valley in cooperation with USFWS and CDFG.

## Responses to Letter No. 182 Randall K. Porter

- 182-1 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP. Please see revised Sections 2.4.3 and 6.3.
- 182-2 As noted by the commentor, CDFG and SLC are MOU parties and have permitting and approval authorities related to the project. LADWP is currently working with CDFG to develop a Streambed Alteration Agreement under Section 1602 of the Fish & Game Code. LADWP is also working with SLC regarding necessary land use approvals for the installation of temporary gaging stations in the Delta. Based on the SLC comment letter on the Draft EIR/EIS (see comment 5-1/5-2), Table 1-1 has been revised to state that land use approvals from SLC will be required. Please note that the uncertainty regarding SLC land use permits indicated in the Draft EIR/EIS was based on preliminary consultations with the SLC.
- In cooperation with CDFG and SLC, LADWP intends to be in compliance with all aspects of the Migratory Bird Treaty Act applicable to LORP. Please also see response to comment 1-2 and revised Section 14.6.2.
- 182-3 Regarding long-term funding for monitoring and implementation of adaptive management measures, please see response to comment 26-2.
- In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP. Please see revised Sections 2.4.3 and 6.3. With implementation of the 50-cfs pump station, impacts on wetlands and aquatic habitats in the Delta are expected to be less than significant. Please also see response to comment 26-1.
- 182-4 Please see response to comment 182-2.
- 182-5 LADWP is working with the U.S. Army Corps of Engineers to obtain authorization under Section 404 of Clean Water Act. Regarding Migratory Bird Treaty Act compliance. Please see response to comment 182-2.
- 182-6 Section 10.5 (water supply impacts) has been revised based on the selection of the 50-cfs pump station alternative. The water supply impact of the 50-cfs pump station alternative is greater than the 150-cfs alternative, but less than significant.
- 182-7 Prior to implementation of LORP, LADWP will obtain applicable permits and approvals (see revised Table 1-1). The specific language within any relevant federal permit, would be developed by the permitting agency.



## Responses to Letter No. 183 Richard Potashin

183-1 Please see response to comment 26-5.

183-2 During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.

If deemed necessary, beaver dam and tule removal would be included in this commitment to fund adaptive management measures. For additional information, please also see response to comment 16-274 regarding beaver removal and response to comment 16-9 regarding tule removal under LORP.

183-3 Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.

As described in revised Section 10.4.1.6, control of existing saltcedar populations in the Owens Valley will continue as part of the ongoing Inyo County Saltcedar Control Program. If the Inyo County Saltcedar Control Program is not able to achieve the priorities for the control of existing saltcedar populations in the LORP area identified in Section 10.4.1, the control of these existing populations will be completed as part of Mitigation Measure V-3.

Please note that while no new levy on LADWP water users will be assessed to specifically fund Mitigation Measures V-2 and V-3, funding for these mitigation measures originates with the LADWP rate payers.

183-4 The strategies for management of recreation uses and impacts from increased recreation are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1. Section 10.1.2.2 has been revised to describe anticipated impacts within the LORP from an increase in recreational use. LADWP policies regarding campfires, camping, and ORV use are described in revised Section 10.1.1. Regarding protection of cultural resources from increased recreational use, please see response to comment 11-6.

LADWP invites IMACA to submit their recreation plan and map for review by LADWP staff.

- 183-5 The two cultural resources inventories completed for the LORP (2001 and 2003) were completed by qualified archaeologists from Far Western Anthropological Research Group (Far Western) and JRP Historical Consulting Services. The reports follow the general guidelines set forth by the OHP for archaeological resource management reports (1989), and the cultural resources inventory general guidelines developed by BLM (1989). The EIR/EIS presents a summary of the results of the two reports. EPA and LADWP consider the cultural resources analysis conducted for the LORP to be adequate.

There are many previously recorded cultural resources sites (including 157 prehistoric sites) in the LORP area, as identified by the records and literature searches conducted for the LORP (see Section 4.8). Most of the previously recorded sites are located outside of the Area of Potential Effect (APE), i.e., areas that are subject to identifiable land disturbances by construction activities proposed under LORP. The APE was determined through consultations between the EPA and State Office of Historic Preservation. Because the APE comprises a very small portion of the total LORP area, only one previously recorded prehistoric site was located within the APE. The results of the field surveys conducted within the APE are summarized in Sections 4.8, 5.4, and 7.3 and described in detail in the two cultural resources technical reports (Far Western, 2001 and 2003).

As described in Section 2.3.6, several structural obstacles to flow will be removed, including Steven's and East Side Ditch Diversion Dams, from the river channel prior to the commencement of releases for the Phase 1 baseflows. In 2004, JRP conducted a historic resources evaluation of 16 manmade structures (see Table 4-14D) that are located in or adjacent to the river channel and were identified by LADWP and Ecosystem Sciences (2003) as potential obstacles to flow (see Section 4.8.3.4).

As summarized in Table 4-14D, none of these surveyed resources are considered significant, or eligible for inclusion on the National Register of Historic Places. Therefore, removal and modification of these structures would represent a less than significant impact (Class III) (see revised Section 4.8.4.3).

Since proposed new flows in the Delta would be similar to and would certainly not exceed those experienced under natural (pre-diversion) flood conditions, LORP implementation is not anticipated to adversely affect cultural resources in the Delta. Therefore, the Delta area was not included in the APE (the area surveyed for cultural resources) for the LORP. The APE for the LORP was determined in consultation with California Office of Historic Preservation.

Regarding consultation with local tribes, please see response to Comment 14-12.

- 183-6 Regarding tule removal at Off-River Lakes and Ponds, please see response to comment 33-3. Regarding tule control for the riverine-riparian area and Blackrock, please see response to comment 16-9.
- 183-7 It is anticipated that MOU goals will be achieved using 40-cfs baseflow and implementation of adaptive management measures as necessary. The baseflow of 40 cfs was defined in order to balance the needs of aquatic wildlife and riparian vegetation/wildlife and sediment transport. For example, a flow of 40 cfs optimizes habitat for adult smallmouth bass, while minimizing the loss of fry habitat (maximized at 8 to 15 cfs). Under the LORP as currently defined, baseflows in excess of 40 cfs are not proposed.

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## **Responses to Letter No. 184 Colleen Reardon**

- 184-1 Please see response to comment 26-1.
- 184-2 Please see response to comment 26-2.
- 184-3 Please see response to comment 26-4.

**Responses to Letter No. 185 Linda Reynolds**

- 185-1 Please see response to comment 26-1.
- 185-2 Please see response to comment 26-2.
- 185-3 Please see response to comment 26-3.
- 185-4 Please see response to comment 26-4.
- 185-5 Please see response to comment 26-5.
- 185-6 Please see response to comment 26-6.
- 185-7 Please see response to comment 26-7.
- 185-8 Please see response to comment 26-8.

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## **Responses to Letter No. 186 Virginia M. Reynolds**

186-1 Please see response to comment 26-1.

186-2 Please see response to comment 26-2.

186-3 Please see response to comment 26-4.

## **Responses to Letter No. 187 Stanley Richardson**

- 187-1 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). The additional bypass flows associated with the 50-cfs pump station (compared to the 150-cfs pump station) could result in a minor additional increase in potential mosquito habitat in the Delta. Please see response to comment 8-7/8-8 regarding mitigation measures to minimize increases in mosquitoes under LORP. With implementation of the 50-cfs pump station, the bypass of seasonal habitat flows that reach snowy plover habitat areas in the Delta would not exceed flow conditions currently experienced under storm conditions or the emergency/maintenance aqueduct releases.

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**Responses to Letter No. 188 Donald L. and Barbara L. Rivenes**

188-1 Please see response to comment 26-1.

188-2 Please see response to comment 26-2.

188-3 Please see response to comment 26-4.

## Responses to Letter No. 189 E. Richard and Tamra Y. Roloff

189-1 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Regarding compliance with the Long Term Water Agreement, please see response to comment 11-7/11-8. Regarding the economic feasibility of the 150-cfs pump station, please see response to comment 11-10/11-11.

189-2 Regarding impacts of proposed flows to the Delta, please see response to comment 26-1 and revised Section 6.3.

LADWP and Inyo County have assumed joint responsibility for funding LORP. During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4).

As described in revised Section 2.2.2.2, substantial sources of funding necessary for the LORP have already been identified and set aside for this project. Both LADWP and Inyo County will continue to pursue additional grant opportunities. LADWP will also fund the LORP from rate payer revenues. Please also see response to comment 26-2 for additional detail on the new funding approach.



**Responses to Letter No. 190 Robert Robertson**

- 190-1 Please see response to comment 26-1.
- 190-2 Please see response to comment 26-2.
- 190-3 Please see response to comment 26-3.
- 190-4 Please see response to comment 26-4.
- 190-5 Please see response to comment 26-5.
- 190-6 Please see response to comment 26-6.
- 190-7 Please see response to comment 26-7.
- 190-8 Please see response to comment 26-8.

## **Responses to Letter No. 191 Carma Roper**

- 191-1 Please see response to comment 26-1.
- 191-2 Please see response to comment 26-2.
- 191-3 The strategies for management of recreation uses and impacts from increased recreation are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1.

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## **Responses to Letter No. 192 Lynnette Royce**

- 192-1 Please see response to comment 26-1.
- 192-2 Please see response to comment 26-2.
- 192-3 Please see response to comment 26-4.

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**Responses to Letter No. 193 Tim Rudolph**

193-1 Please see response to comment 26-1.

193-2 Please see response to comment 26-2.

193-3 Please see response to comment 26-4.

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**Responses to Letter No. 194 Barbara Schuck**

194-1 Please see response to comment 26-1.

194-2 Please see response to comment 26-2.

194-3 Please see response to comment 26-4.

## Responses to Letter No. 195 Andy Selters

- 195-1 Please see response to comment 26-1.
- 195-2 During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.
- Section 10.4.4 has been revised to include Mitigation Measure V-3, which commits funding for a saltcedar monitoring and treatment program to be implemented by the Inyo County Saltcedar Control Program (in addition to funds provided under the Inyo County/Los Angeles Long Term Water Agreement). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.
- 195-3 Please see response to comment 26-1.
- 195-4 The strategies for management of recreation uses and impacts from increased recreation are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1.

## Responses to Letter No. 196 Edward H. Shelander

- 196-1 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Plans and specifications for the pump station facility are being developed by the Bureau of Reclamation. Variable speed pumps will be used as discussed in response to comment 16-50. Please also see response to comment 26-5 regarding the proposed release regime to the Delta. Flows to the Delta are not expected to cause damage to the vegetation planting projects being conducted as part of Owens Lake Dust Mitigation Program since the velocities of Delta flows are low (0.03 percent gradient) and the dust control project facilities are surrounded by dikes. Impacts to mining operations will be minimized through coordination with the State Lands Commission and their lessee (see response to comment 5-45 and revised Section 6.4).
- 196-2 Since the amount of available water resources in the Valley is highly variable from year to year, the amount of groundwater pumping in the Valley is determined each year based on runoff estimates. Currently, annual pumping in the Valley is less than the estimated recharge. Subsidence has not been a problem in the Valley. Under the provisions of the Long-Term Water Agreement, decreases in vegetation cover are investigated and mitigated if they are found to be attributable to groundwater pumping.

## Responses to Letter No. 197 Hazel Dehy Shelander

- 197-1 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Regarding compliance with the Long Term Water Agreement, please see response to comment 11-7/11-8. Regarding the economic feasibility of the 150-cfs pump station, please see response to comment 11-10/11-11.
- 197-2 During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.

Regarding management goals and monitoring, please see response to comment 5-3.



## Responses to Letter No. 198 Nick Sprague

- 198-1 Regarding funding for monitoring and adaptive management, please see response to comment 26-2.
- 198-2 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Regarding impacts to Delta vegetation and wildlife, please see response to comment 26-1 and revised Section 6.3.
- 198-3 Section 10.4.4 has been revised to include Mitigation Measure V-3, which commits funding for a saltcedar monitoring and treatment program to be implemented by the Inyo County Saltcedar Control Program (in addition to funds provided under the Inyo County/Los Angeles Long Term Water Agreement). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.
- 198-4 Please see response to comment 26-5.
- 198-5 Please see response to comment 26-1.
- 198-6 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Accordingly, the references to the implementation cost for the 150-cfs pump station alternative has been deleted from Section 2.2.2.1 and Table 2-1A (labeled Table 2-1 in Draft EIR/EIS). Regarding the economic feasibility of the 150-cfs pump station, please see response to comment 11-10/11-11.
- During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.
- 198-7 Please see response to comment 5-16.
- 198-8 LADWP has no plans to use the pump station in the future for water conveyance other than for purposes of implementing LORP. Please also see responses to comments 11-10/11-11 and 15-12.
- 198-9 As described in revised Section 2.2.2.2, substantial sources of funding necessary for the LORP

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have already been identified and set aside for this project, including funds needed for post-implementation activities. Both LADWP and Inyo County will continue to pursue additional grant opportunities. LADWP will also fund the LORP from rate payer revenues. Please also see response to comment 198-6.

198-10 Please see response to comment 16-10.

198-11 Chart 4-3 was revised to correct this mislabeling of the y-axis.

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**Responses to Letter No. 199 Sara Steek**

199-1 Please see response to comment 26-1.

199-2 Please see response to comment 26-2.

199-3 Please see response to comment 26-4.

## Responses to Letter No. 200 Howard Steidtmann

- 200-1 Please see response to comment 26-1.
- 200-2 LADWP and Inyo County have assumed joint responsibility for funding LORP. During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.
- 200-3 Please see response to comment 15-10.
- 200-4 LADWP and Inyo County are jointly responsible for funding noxious weed control under LORP. Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.LADWP and Inyo County have assumed joint responsibility for funding LORP. LADWP's contribution will include rate payer revenues. Please see response to comment 200-2.
- 200-5 Please see response to comment 26-5.
- 200-6 The strategies for management of recreation uses and impacts from increased recreation are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1. Existing recreation conditions in the LORP area are described in revised Section 10.1.1 based on observations by LADWP staff present in the field and reports from existing recreational users (also see response to comment 16-5). Anticipated future uses are described in revised Section 10.1.2.1. Regarding protection of cultural resources from increased recreational use, please see response to comment 11-6.
- 200-7 LADWP, EPA, Inyo County and MOU parties are committed to working collaboratively to finalize the EIR/EIS and to implement LORP. Please see Table 2-3 for a revised implementation schedule.

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## **Responses to Letter No. 201 R. Steward**

201-1 Please see response to comment 26-1.

201-2 Please see response to comment 26-2.

201-3 Please see response to comment 26-4.

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## **Responses to Letter No. 202 Tuche P. Stone**

- 202-1 Please see response to comment 26-1.
- 202-2 Please see response to comment 26-2.
- 202-3 Please see response to comment 26-3.
- 202-4 Please see response to comment 26-4.
- 202-5 Please see response to comment 26-5.
- 202-6 Please see response to comment 26-6..
- 202-7 Please see response to comment 26-7.
- 202-8 Please see response to comment 26-8.

**Responses to Letter No. 203 Thomas J. Talbot**

- 203-1 Please see response to comment 10-1 and revised Section 10.5.
- 203-2 Please see responses to comment 34-9.
- 203-3 Please see responses to comment 34-7.
- 203-4 Please see response to comment 34-6.
- 203-5 Please see response to comment 34-2.

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**Responses to Letter No. 204 William A. Talbot**

- 204-1 Please see response to comment 10-1 and revised Section 10.5.
- 204-2 Please see response to comment 34-9.
- 204-3 Please see response to comment 34-7.
- 204-4 Please see response to comment 34-6.
- 204-5 Please see response to comment 34-2.



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## **Responses to Letter No. 205 Frederick E. Tan**

- 205-1 Regarding project funding, please see response to comment 26-2 and revised Section 2.2.2.
- 205-2 Paving the river channel or developing the river as an amusement park is not proposed since it would conflict with the MOU goal of establishing a healthy ecosystem.

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**Responses to Letter No. 206 Sherryl Taylor**

206-1 Please see response to comment 26-3.

206-2 Please see response to comment 26-1.

206-3 Please see response to comment 26-2.

206-4 Please see response to comment 26-4.

## Responses to Letter No. 207 Thaddeus W. Taylor III

- 207-1 LADWP will maintain existing access roads for recreation. However, if impacts from increased recreational access to the area are observed to threaten or damage sensitive resources, closure of existing roads may be implemented to limit vehicle traffic to the affected area. There are no designated parking areas within the LORP area. However, as part of the recreation management strategies described in revised Section 2.9, parking areas may be installed and maintained to address potential impacts from recreation.
- 207-2 Upon initial implementation, the LORP does not include development of new roads, parking, sanitation facilities, or bridges. However, if recreational uses are observed to threaten or damage sensitive resources, designated trails, roads, parking areas, sanitation facilities, or other facilities to direct visitors away from the sensitive resources may be installed. Existing roads will be maintained in coordination with Inyo County.
- 207-3 The strategies for management of recreation uses and impacts from increased recreation are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1.
- 207-4 If traffic by recreational users is degrading existing roads, road maintenance and improvements (including installation of speed control devices, grading, compaction, or surface with crushed gravel) will be implemented. Existing roads will be maintained in coordination with Inyo County. Please see revised Section 2.9.
- 207-5 Please see response to comment 207-2.
- 207-6 LADWP will install signs at key access points to the LORP area (such as Mazourka Canyon Road, Manzanar Reward Road, the pump station, and the Delta) describing LADWP policies on recreational uses of city-owned lands. In addition, LADWP will prepare a brochure that identifies major access locations to the LORP area. Please see revised Section 2.9.
- 207-7 Installation of bridges is not proposed as part of LORP. Please see response to comment 207-2.
- 207-8 No travel restrictions on existing bridges are proposed under LORP.
- 207-9 Please see response to comment 207-2.
- 207-10 As described in Section 2.8.1.2, cattle guards will be placed on roads that traverse fence lines as needed (see Figures 2-18 through 2-23 in Appendix A).
- 207-11 LADWP will be responsible for the cost of cattle guard installations.
- 207-12 As noted in revised Section 10.3.2, signs announcing the increased flushing flows (seasonal habitat flows) will not be necessary since the seasonal habitat flows will be ramped up and down typically over 8 to 14 days, depending on the amount of seasonal habitat flow to be released that year, and will not be a sudden release of water. Furthermore, the gradient of the river is small (1 foot per mile on average) and the river has a meandering channel. Therefore, flow velocity of the baseflows and seasonal habitat flows will not create hazardous conditions

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for recreational users along the river. However, it should be noted that the depth of the water during seasonal habitat flow releases would be similar to existing conditions in the Owens River above the intake during winter flows, and may be too deep for wading.

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## **Responses to Letter No. 208 Robert J. Vance**

- 208-1 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Regarding compliance with the Long Term Water Agreement, please see response to comment 11-7/11-8. Regarding the economic feasibility of the 150-cfs pump station, please see response to comment 11-10/11-11.

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**Responses to Letter No. 209 Sara M. Vance**

209-1 Please see response to comment 26-1.

209-2 Please see response to comment 26-2.

209-3 Please see response to comment 26-4.

**Responses to Letter No. 210    Derrick E. Vocelka**

- 210-1      Please see response to comment 26-1.
- 210-2      Please see response to comment 26-2.
- 210-3      Please see response to comment 26-3.
- 210-4      Please see response to comment 26-4.
- 210-5      Please see response to comment 26-5.
- 210-6      Please see response to comment 26-6.
- 210-7      Please see response to comment 26-7.
- 210-8      Please see response to comment 26-8.

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## **Responses to Letter No. 211 Mary Vocelka**

- 211-1 Please see response to comment 26-1.
- 211-2 Please see response to comment 26-2.
- 211-3 Please see response to comment 26-4.



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## **Responses to Letter No. 212 Douglas Wachowiak**

212-1 Please see response to comment 26-1.

212-2 Please see response to comment 26-2.

212-3 Please see response to comment 26-4.

## **Responses to Letter No. 213 Nancy Peterson Walter and John H. Walter**

- 213-1 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3).
- 213-2 Please see response to comment 26-2.
- 213-3 The strategies for management of recreation uses and impacts from increased recreation are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1. The LORP is designed to achieve the MOU goal of establishing and maintaining a healthy ecosystem while continuing and managing recreational use and livestock grazing in a manner that is sustainable and consistent with habitat and other goals of the LORP.
- 213-4 Please see response to comment 26-5.
- 213-5 Please see response to comment 26-2.
- 213-6 Please see response to comment 213-3.

## Responses to Letter No. 214 Jason Warren

214-1 Please see response to comment 26-1.

214-2

214-3 During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). In addition to funding for saltcedar control, LADWP has committed to provide funding to the Inyo-Mono County Agricultural Commissioner to implement a monitoring and treatment program for non-saltcedar weeds as described in Mitigation Measure V-2 (see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.

Mitigation measures for impacts to cultural resources, which are identified in Sections 4.8.5, 5.4.3, and 7.3.3, will be considered an ongoing post-implementation cost, to be shared equally between LADWP and Inyo County. Mosquito control is also considered an ongoing post-implementation cost, to be shared equally between LADWP and Inyo County (please see revised Mitigation Measure PS-1, Section 10.3.3).

If deemed necessary, beaver dam and tule removal would be included in this commitment to fund adaptive management measures. For additional information, please also see response to comment 16-274 regarding beaver removal and response to comment 16-9 regarding tule removal under LORP.

214-4 The strategies for management of recreation uses and impacts from increased recreation, including impacts to habitats and cultural resources, are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1. Please see response to comment 11-6 regarding protection of cultural resources from increased recreational use.

## Responses to Letter No. 215 Samuel R. Wasson

215-1 OVMAP is implementing a mosquito monitoring and control program at the Owens Lake Dust Mitigation Program, with funding from LADWP, which includes sampling of ponded areas for mosquito larvae and monitoring light traps for adult mosquitoes. While the increases in mosquito breeding habitat in these two areas would be cumulative, according to monitoring by OVMAP, the Owens Lake Dust Mitigation Program so far has not been a significant mosquito breeding source (E. Poncet, pers. comm., August 2003). However, OVMAP expects that the extent of the mosquito impact at Owens Lake will not be known until after the 2004 and 2005 field seasons (E. Poncet, pers. comm., September 2003). Section 10.3.1.3 has been revised to incorporate this information.

Mitigation Measure PS-1 (Section 10.3.3) has been revised (and replaces Mitigation Measures PS-1 and PS-2 from the Draft EIR/EIS) to describe a program for monitoring, treating and, when possible, adjusting management to reduce mosquito sources within the LORP that threaten nearby communities. With implementation of mosquito control measures under both the Owens Lake Dust Mitigation Program and the LORP, the cumulative impact of the two projects on public health is anticipated to be less than significant. Section 12.4 has been revised to incorporate the above information.

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## **Responses to Letter No. 216 Carol Wells**

216-1 Please see response to comment 26-1.

216-2 Please see response to comment 26-2.

216-3 Please see response to comment 26-4.

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## **Responses to Letter No. 217 Marshall Wells**

217-1 Please see response to comment 26-1.

217-2 Please see response to comment 26-2.

217-3 Please see response to comment 26-4.

## Responses to Letter No. 218 Janet Westbrook

218-1 Please see response to comment 26-1.

218-2

218-3 The strategies for management of recreation uses and impacts from increased recreation, including impacts cultural resources, are part of the LORP project description. Section 2.9 has been revised to document these strategies. Regarding management of recreation uses, please also see response to comment 2-1. Regarding protection of cultural resources from increase recreational use, Please see response to comment 11-6 regarding protection of cultural resources from increased recreational use.

LORP does not include any actions to restrict existing recreational uses, such as boating or hunting. Existing access will be maintained, and vehicle use will continue to be limited to existing roads and trails. Overnight use will continue to be restricted to designated campgrounds, which are located outside of the LORP area. Installation of restroom facilities, trash service, and picnic areas are possible actions that would be implemented if necessary to protect resources from recreational impacts (see revised Section 2.9). The facilities at Haiwee Reservoir were installed in response to observed recreational patterns and their impacts on the environment. The same approach to recreation management will be applied to LORP.

Please see response to comment 2-1 regarding monitoring for recreational impacts in the LORP area. Since LADWP and Inyo County personnel will be present in the LORP project area for monitoring and maintenance activities and will report violations of recreational policies, patrols specifically for recreational compliance are not proposed.

Under the Inyo County/Los Angeles Long Term Water Agreement, LADWP has provided and will continue to provide up to \$2 million over 10 years to Inyo County for maintenance, enhancement, and installation of various recreational facilities, including County campgrounds. LADWP provides an additional \$100,000 a year to Inyo County for maintenance of recreational facilities. At this time, LADWP does not have plans to provide additional funds for County campgrounds.

218-4 Please see response to comment 24-2.

218-5 Section 10.4.4 has been revised to include Mitigation Measures V-1, V-2, V-3, and V-4, which  
218-6 outline the strategies and funding commitments for prevention, monitoring, and treatment of noxious weed infestations that could result from the LORP. With implementation of these mitigation measures, the potential impact of noxious weed infestations is considered significant, but mitigable (Class II). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.

As noted in revised Section 10.4.1.6, cut-stump treatment (the plant is cut at the base, then a chemical herbicide is applied to prevent re-sprouting) is one of the saltcedar control methods currently used by the Inyo County Saltcedar Control Program. Through Mitigation Measure V-3, this treatment method will be continued by the Inyo County Saltcedar Control Program. Burning for saltcedar control is not considered under LORP since success rates for saltcedar control by fire are limited, and burning has adverse impacts on native vegetation. Saltcedar is fire-adapted and can re-sprout after burning.

218-7 The description of the monitoring and adaptive management program in Section 2.10 has been

revised to incorporate additional details on monitoring protocols, clarify the relationship between the project goals and the monitoring program, and expand the description of the adaptive management approach.

Regarding tule control and beaver removal, please see response to comment 16-9.

Monitoring specifically for cowbirds or yellow-headed blackbirds is not proposed. However, bird censuses will be conducted as part of LORP monitoring (see revised Sections 2.10.1.5 and 2.10.1.6). Habitat development surveys will measure habitat attributes important to habitat diversity, which is expected to reduce excessive proliferation of colonial or parasitic species such as cowbirds and yellow-headed blackbirds. (Please see Section 11.4.5 for additional discussion of cowbird trapping).

- 218-8 Mitigation Measure PS-1 (Section 10.3.3) has been revised (and replaces Mitigation Measures PS-1 and PS-2 from the Draft EIR/EIS) to describe a program for monitoring, treating and, when possible, adjusting management to reduce mosquito sources within the LORP that threaten nearby communities. Implementation of Mitigation Measure PS-1 is considered an ongoing post-implementation cost that will continue for the life of the project. Post-implementation costs are to be shared equally by LADWP and the County as described in Section 2.2.2.2. Appendix H describes the specific measures to be taken under Mitigation Measure PS-1. Please see revised text in Section 10.3.3.

Section 10.3.1 has been revised to acknowledge the potential for biological control of mosquitoes, including mosquito fish and insectivorous birds and bats. In addition, Mitigation Measure PS-1 has been revised (and replaces Mitigation Measures PS-1 and PS-2 from the Draft EIR/EIS) to provide that, in coordination with LADWP and CDFG and as compatible with LORP goals, OVMAP may stock mosquito fish in the LORP area.

- 218-9 Section 6.1.4 has been revised to acknowledge that Owens Lake is part of the U.S. Shorebird Conservation Plan. Please also see responses to comments 6-6 and 26-5 regarding effects on shorebird habitat.

Please see Section 12.4 for a discussion of the cumulative impacts of the LORP with the dust control project on the Owens Lake.

- 218-10 Please see response to comment 2-6 and revised Section 4.2.5.

- 218-11 Experience gained from other LADWP rewatering/restoration projects in the Eastern Sierra, including Rush Creek and Owens Gorge, influenced development of flow management strategies for the LORP. Please see response to comment 4-2/4-3/4-4 regarding the currently proposed flow release regime.

Regarding mosquitoes, mitigation Measure PS-1 (Section 10.3.3) has been revised (and replaces Mitigation Measures PS-1 and PS-2 from the Draft EIR/EIS) to describe a program for monitoring, treating and, when possible, adjusting management to reduce mosquito sources within the LORP that threaten nearby communities. Implementation of Mitigation Measure PS-1 is considered an ongoing post-implementation cost that will continue for the life of the project. Post-implementation costs are to be shared equally by LADWP and the County as described in Section 2.2.2.2. Appendix H describes the specific measures to be taken under Mitigation Measure PS-1. Please see revised text in Section 10.3.3.

Regarding saltcedar and other weeds, please see response to comment 218-5/218-6.



- 218-12 Under LORP, the 40-cfs baseflow will be maintained by diverting water at the River Intake and the aqueduct spillgates as needed. Independently from LORP, LADWP is currently conducting surveys of existing water use practices in the Valley. Measures being implemented to improve existing practices include: updating measuring stations and equipment, working with lessees to develop more efficient irrigation practices, investigating illegal water diversions with the State Water Resources Control Board, maintaining ditches and canals to reduce water losses during conveyance, refining runoff forecast methods, and using more efficient methods to provide stockwater.
- 218-13 The recreation management strategies described in revised Section 2.9 have been defined by LADWP based on their experience at City-owned lands in the Eastern Sierra. Proper engineering of LORP facilities, monitoring, and implementation of recreation management strategies are all integral to the success of the project. Funding commitments for these activities are described in revised Section 2.2.2. Regarding the specific strategies for management of recreation uses and impacts from increased recreation, these are detailed in revised Section 2.9. Implementation of the recreation management strategies will be considered an ongoing post-implementation cost, to be shared equally between LADWP and Inyo County (revised Section 2.2.2.2).

## Responses to Letter No. 219 Bryce A. Wheeler

219-1 Please see response to comment 26-1.  
219-2

219-3 Please see response to comment 26-5.

219-4 During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.

If deemed necessary, beaver dam and tule removal would be included in this commitment to fund adaptive management measures. For additional information, please also see response to comment 16-274 regarding beaver removal and response to comment 16-9 regarding tule removal under LORP.

219-5 The strategies for management of recreation uses and impacts from increased recreation are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1.

Existing recreation conditions in the LORP area are described in revised Section 10.1.1 based on observations by LADWP staff present in the field and reports from existing recreational users. Please also see response to comment 16-5.

Under existing LADWP policies for recreational uses, vehicular travel, including Off-Highway Vehicles (OHVs), All-Terrain Vehicles (ATVs), and Recreational Vehicles (RVs), is limited to existing roads and trails. A map of existing roads within the LORP area has been provided (Figure 2-24, Appendix A).

LADWP construction crews clean up trash dumps, target shooting areas, and sites damaged by illegal fire use. LADWP also coordinates with California Department of Forestry to provide laborers to pick up trash on LADWP lands in the Owens Valley. These practices will continue under LORP. The commentor is welcomed to contact LADWP or Inyo County to report dump sites or damaged areas.

219-6 Please see response to comment 15-12.

## Responses to Letter No. 220 Charles D. Wheeler

220-1 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Accordingly, the references to the implementation cost for the 150-cfs pump station alternative has been deleted from Section 2.2.2.1 and Table 2-1. Regarding the economic feasibility of the 150-cfs pump station, please see response to comment 11-10/11-11.

During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.

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**Responses to Letter No. 221 Wilma A. Wheeler**

221-1 Please see response to comment 26-2.

221-2 Please see response to comment 26-1.  
221-3

221-4 Please see response to comment 26-4.

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**Responses to Letter No. 222 Steven M. White**

222-1 Please see response to comment 26-1.

222-2 Please see response to comment 26-2.

222-3 Please see response to comment 26-4.

## Responses to Letter No. 223 Judy Wickman

223-1 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Regarding compliance with the Long Term Water Agreement, please see response to comment 11-7/11-8.

223-2 During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). In addition to funding for saltcedar control, LADWP has committed to provide funding to the Inyo-Mono County Agricultural Commissioner to implement a monitoring and treatment program for non-saltcedar weeds as described in Mitigation Measure V-2 (see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.

If deemed necessary, beaver dam and tule removal would be included in this commitment to fund adaptive management measures. For additional information, please also see response to comment 16-274 regarding beaver removal and response to comment 16-9 regarding tule removal under LORP.

223-3 Section 10.1.2.2 provides a discussion of impacts related to increased recreation use throughout the LORP area. The strategies for management of recreation uses and impacts from increased recreation are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1. Regarding Klondike Lake, please see response to comment 131-9.

223-4 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Regarding impacts to Delta vegetation and wildlife, please see response to comment 26-1 and Section 6.3.

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## **Responses to Letter No. 224 Steve Wiebold**

224-1 Please see response to comment 26-1.

224-2 Please see response to comment 26-2.

224-3 Please see response to comment 26-4.

## **Responses to Letter No. 225 Carol A. Wiley**

225-1 Please see response to comment 26-1.

225-2 Please see response to comment 26-2.

225-3 The strategies for management of recreation uses and impacts from increased recreation, including impacts to cultural resources and habitats, are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1.

Section 10.4.4 has been revised to include Mitigation Measure V-3, which commits funding for a saltcedar monitoring and treatment program to be implemented by the Inyo County Saltcedar Control Program (in addition to funds provided under the Inyo County/Los Angeles Long Term Water Agreement). Please also see responses to comments 2-11/2-12 and revised Section 10.4.4.



**Responses to Letter No. 226 Earleen J. Williams**

- 226-1 Please see response to comment 26-1.
- 226-2 Please see response to comment 26-2.
- 226-3 Please see response to comment 26-3.
- 226-4 Please see response to comment 26-4.
- 226-5 Please see response to comment 26-5.
- 226-6 Please see response to comment 26-6.
- 226-7 Please see response to comment 26-7.
- 226-8 Please see response to comment 26-8.

## Responses to Letter No. 227 Harry C. Williams

227-1 During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.

Mitigation measures for impacts to cultural resources, which are identified in Sections 4.8.5, 5.4.3, and 7.3.3 will be considered an ongoing post-implementation cost, to be shared equally between LADWP and Inyo County.

The strategies for management of recreation uses and impacts from increased recreation, including impacts to cultural resources and habitats, are part of the LORP project description. Section 2.9 has been revised to document these strategies. Implementation of the recreation management strategies will be considered an ongoing post-implementation cost, to be shared equally between LADWP and Inyo County.

In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Please also see response to comment 26-1 regarding project impacts to Delta habitats.

227-2 LADWP has no plans to use the pump station in the future for water conveyance other than for purposes of implementing LORP. Please also see responses to comments 11-10/11-11 and 15-12.

**Responses to Letter No. 228 Jack R. Williams, Jr.**

- 228-1 Please see response to comment 26-1.
- 228-2 Please see response to comment 26-2.
- 228-3 Please see response to comment 26-3.
- 228-4 Please see response to comment 26-4.
- 228-5 Please see response to comment 26-5.
- 228-6 Please see response to comment 26-6.
- 228-7 Please see response to comment 26-7.
- 228-8 Please see response to comment 26-8.

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## **Responses to Letter No. 229 John C. Williams**

- 229-1 Please see response to comment 26-1.
- 229-2 Please see response to comment 26-2.
- 229-3 Please see response to comment 26-4.

## Responses to Letter No. 230 Earl Wilson

230-1 Lighting at the pump station will be designed to minimize impacts on nighttime viewscape and wildlife. The wattage and number of lights will be minimized to the extent feasible while ensuring employee safety and security. Most lighting will be full cutoff, shielded, and downward pointing. An exception will be the lighting for the submerged trash rack, which will be directed towards the water for cleaning and maintenance of the trash rack. All lighting will be normally off, unless necessary nighttime maintenance is being performed. Lighting at the doorway to the pump station will be equipped with a motion sensor (with manual overrides), and the remainder of the lights will be operated with a manual switch. Height of free standing light posts will be approximately 20 feet (necessary for vehicle safety). Light spill or glare beyond the facility yard footprint will be minimized to the extent possible using the above measures (exceptions include the lighting for the trash rack).

Lighting during nighttime construction, if any, will be minimized and directed towards the immediate work areas; however, the safety of construction personnel will be the first priority.

Section 2.4.3.2 has been revised to incorporate the above information.

## Responses to Letter No. 231 Earl Wilson

- 231-1 In addition to the bypass of seasonal habitat flows to the Delta, the proposed releases of Period 1 and Period 4 pulse flows are designed to replenish the freshwater lens at key periods (i.e., prior to plant emergence from dormancy (late-March to mid-April) and after growing season has ended (November-December)) (see Section 2.4.2.3). Please also see response to comment 7-12.
- 231-2 Please see response to comment 26-5.
- 231-3 With implementation of the 50-cfs pump station, impacts on wetlands and aquatic habitats in the Delta (including the brine pool transition area), are expected to be less than significant. Since impacts to wetlands and aquatic habitats in the Delta are predicted to be less than significant, adoption of alternatives that may reduce impacts on the Delta is not proposed. Furthermore, construction of extensive berms in the Delta (described as a project alternative in Section 11.4.2) is not proposed since this alternative would result in a departure from the concept of creating a system that is as self-sustaining as possible.
- 231-4 Even if flows to the Delta are diverted to the overflow channel, it is unlikely that the flows would result in damage to roads, pipelines or the dust control project located to the west of the Delta Habitat Area since the velocities of Delta flows are low (0.03 percent gradient) and the dust control project facilities are surrounded by dikes. Therefore, a control structure to protect these facilities is not needed. Please also see response to comment 178-2.
- 231-5 Please see response to comment 26-2.
- 231-6 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). (Please note that the MOU references installation of a pumpback system to recover water in excess of specified releases to the Delta. The Inyo/Los Angeles Water Agreement (1991) identified the size of the pump station as 50-cfs.)
- 231-7 Section 10.1.2.2 provides a discussion of impacts related to increased recreation use throughout the LORP area. The strategies for management of recreation uses and impacts from increased recreation are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1.

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## **Responses to Letter No. 232 John Wilson**

232-1 Please see response to comment 26-1.

232-2

232-3 Please see response to comment 26-2.

## Responses to Letter No. 233 Breanne Zaragoza

- 233-1 Regarding the capacity of the pump station, please see response to comment 10-1. Please note that the four pulse flows as described in Section 2.4.2.3 will still be implemented under the 50-cfs pump station alternative. Regarding the relationship between groundwater pumping and LORP implementation, please see response to comment 111-4.

LADWP and Inyo County have assumed joint responsibility for funding LORP. During preparation of the Final EIR/EIS, Inyo County and LADWP came to a consensus on a single funding approach, which is described in revised Section 2.2.2 and Appendix C (replaces funding options 1 and 2 described in Draft EIR/EIS). Under this consensus approach, both the County and LADWP intend to fund their share of the post-implementation costs (including monitoring, adaptive management, and mitigation measures) in accordance with the Inyo County/Los Angeles Long Term Water Agreement and the more recent provisions of the Stipulation and Order entered in Inyo County Superior Court Case Number S1CVCV01-29768 (*Sierra Club and Owens Valley Committee v City of Los Angeles et al.*, 2004). The Agreement specifies that LADWP and the County will each be responsible for one-half of the annual operation costs of the LORP that are not related to the pump system, and that LADWP will pay all operation and maintenance costs of the pump system. The stipulation calls for LADWP to provide matching funds to Inyo County for saltcedar control as detailed in Mitigation Measure V-3 (replaces V-2 in Draft EIR/EIS, see revised Section 10.4.4). Please also see response to comment 26-2 for additional detail on the new funding approach.



## **Responses to Letter No. 234 Barbara and Robert Toth**

234-1 Regarding the size of the pump station, please see response to comment 26-1. Regarding project funding, please see response to comment 26-2.

234-2 The strategies for management of recreation uses and impacts from increased recreation, including impacts to cultural resources and habitats, are part of the LORP project description. Section 2.9 has been revised to document these strategies. Implementation of the recreation management strategies will be considered an ongoing post-implementation cost, to be shared equally between LADWP and Inyo County (see revised Section 2.2.2.2).

Beneficial impacts on recreation from implementation of the LORP are described in Section 10.1.2.1. The strategies for management of recreation uses and impacts from increased recreation are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1.

**Responses to Letter No. 235 Linda M. (*Signature not legible*)**

- 235-1 Please see response to comment 26-1.
- 235-2 Please see response to comment 26-2.
- 235-3 Please see response to comment 26-3.
- 235-4 Please see response to comment 26-4.
- 235-5 Please see response to comment 26-5.
- 235-6 Please see response to comment 26-6.
- 235-7 Please see response to comment 26-7.
- 235-8 Please see response to comment 26-8.

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**Responses to Letter No. 236 R. (*Signature not legible*)**

236-1 Please see response to comment 26-1.

236-2 Please see response to comment 26-2.

236-3 Please see response to comment 26-4.

## **Responses to Letter No. 237 Mark Belles**

- 237-1 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). As described in Section 2.4, the dust control project will be the first priority use of the water recovered by the pump station.

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**Responses to Letter No. 238 James R. Kahn, M.D.**

238-1 Please see response to comment 26-1.

238-2 Please see response to comment 26-2.

238-3 Please see response to comment 26-4.

## Responses to Letter No. 239 Andrew D. Morin

- 239-1 The commentor's support for the project is noted.
- 239-2 Please see response to comment 10-1.
- 239-3 The shallow flood irrigation areas near the Delta may increase water levels in the Delta and have a beneficial effect on Delta wetland and aquatic habitats. However, the magnitude of the effect is not known. Please also see response to comment 26-1.

As described in revised Section 2.10, habitat conditions in the Delta will be monitored under LORP. The flow regimes for the Delta will be modified within the annual average of approximately 6 to 9 cfs as part of adaptive management as necessary to maintain "Delta conditions" (see revised Sections 2.4.1 and 2.4.2).

- 239-4 Mosquito control in the LORP area is under the jurisdiction of OVMAP. As identified in revised Mitigation Measure PS-1 (Section 10.3.3, replaces Mitigation Measures PS-1 and PS-2 from the Draft EIR/EIS), LADWP will coordinate with OVMAP to identify habitat and flow adjustments within the constraints of the MOU that would reduce mosquito breeding habitat. Mechanical cleaning of wetlands for mosquito control on a large scale would conflict with the project goal of establishing riparian vegetation, and is therefore not proposed (see revised Section 10.3.2.2).

Habitat and flow adjustments alone are not likely to sufficiently control mosquitoes in the LORP area. Therefore, it is anticipated that OVMAP will use their preferred method of mosquito control, application of the microbial larvicide, Bti. Bti is species-specific and has little or no secondary environmental impacts. If use of adulticides becomes necessary to protect public health and safety from mosquito impacts, there may be some secondary impacts on non-target insects. Sections 10.3.1.3 and 10.3.2.2 have been revised to describe OVMAP control methods, acknowledge the potential secondary impacts from use of adulticides, and describe OVMAP measures to minimize the effect of these secondary impacts. These secondary impacts were determined to be less than significant.

- 239-5 Regarding livestock and fencing, please see response to comment 24-2.
- 239-6 Section 10.1.2.2 provides a discussion of impacts related to increased recreation use throughout the LORP area. The strategies for management of recreation uses and impacts from increased recreation are part of the LORP project description. Section 2.9 has been revised to document these strategies. Please also see response to comment 2-1.

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**Responses to Letter No. 240 R. Paul Policarpio**

240-1 Please see response to comment 10-1 and revised Section 10.5. Regarding impacts to the Delta habitats, please see response to comment 26-1.

## **Responses to Letter No. 241 Jeanne Walter**

- 241-1 In consultation with Inyo County and the other MOU parties, LADWP proposes to implement the 50-cfs pump station alternative under LORP (see revised Sections 2.4.3 and 6.3). Regarding compliance with the Long Term Water Agreement, please see response to comment 11-7/11-8.



**Responses to Letter No. 242 American Reward Mill, Inc.  
Gene D. Mathern, President/CEO  
Janet R. Blackburn, Secretary/Treasurer**

242-1 The following are specific responses to all LORP-related comments contained in your letter. Information regarding your Civil Complaint, etc. is noted.

As noted by the commentor, the Independence / Conway Ranch Land Exchange is sale of approximately 1,400 acres of BLM land to a private party. The commentor indicates that the McIver Canal may be used to transport water from wells that could be installed on the 1,400 acres into the Lower Owens River/Owens Lake and/or into the Los Angeles Aqueduct. Such a transfer is not a reasonably foreseeable action either as part of the LORP or as a related project. The McIver Canal, a historical canal located within LORP area (eastern side of the Owens River), is currently not in use and will not be used for the LORP. In addition, LORP does not include installation of groundwater wells or acquisition of water from the 1,400 acres referenced by the commentor. Therefore, this action is not analyzed in the LORP EIR/EIS either as part of the project or as a related project.

The commentor also appears to indicate that installation of wells outside of the Owens Valley floor is not subject to the MOU or the Inyo County/Los Angeles Long Term Water Agreement. Please note that the Long Term Water Agreement applies to all LADWP lands in Inyo County. It should also be noted that LADWP does not own lands outside of the Owens Valley floor.

As part of the Long Term Water Agreement, LADWP cannot buy any water from private parties in Inyo County unless groundwater is pumped in accordance with Inyo County Code Section 18.77. One of the objectives of Section 18.77 is to ensure that the overall economy and the environment of Inyo County are protected from the impacts of a sale to the City of Los Angeles, or an acquisition by the City of Los Angeles by means other than a sale, of surface water or groundwater extracted or diverted from within Inyo County.

LADWP videotaped the public meetings on the LORP EIR/EIS held at Bishop and Lone Pine. Transcripts of the meetings are available at LADWP offices in Bishop and are part of the administrative record.

242-2 As noted by the commentor, Owens Lake is state-owned land, managed by the State Lands Commission. LORP does not include installation of new wells or reactivation of existing wells, including the artesian wells on the Owens Lake referenced by the commentor. There are no reasonably foreseeable plans to reactive those wells. Therefore, this potential is not analyzed in the LORP EIR/EIS either as part of the project or as a related project.

242-3 Please see response to comment 242-1.

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**Responses to Letter No. 243 Phyllis D. Sam**

243-1 Please see response to comment 26-1.

243-2 Please see response to comment 26-2.

243-3 Please see response to comment 26-4.

**Responses to Letter No. 244 L. Missbrenner**

The commentor's support for the project is noted. Please also see responses to the Owens Valley Committee's comments (letter No. 16).

**Responses to Letter No. 245 Tamara L. Coleman**

The commentor's support for the project is noted. Please also see responses to the Owens Valley Committee's comments (letter No. 16).

**Responses to Letter No. 246 Jean Casom**

The commentor's support for the project is noted. Please also see responses to the Owens Valley Committee's comments (letter No. 16).

**Responses to Letter No. 247 Alfred J. Missbrenner**

The commentor's support for the project is noted. Please also see responses to the Owens Valley Committee's comments (letter No. 16).

**Responses to Letter No. 248 Lindsay Romo**

The commentor's support for the project is noted. Please also see responses to the Owens Valley Committee's comments (letter No. 16).

**Responses to Letter No. 249 (signature not legible)**

The commentor's support for the project is noted. Please also see responses to the Owens Valley Committee's comments (letter No. 16).

**Responses to Letter No. 250 Mary Parsell**

The commentor's support for the project is noted. Please also see responses to the Owens Valley Committee's comments (letter No. 16).

**Responses to Letter No. 251 Donna Bray**

The commentor's support for the project is noted. Please also see responses to the Owens Valley Committee's comments (letter No. 16).

**Responses to Letter No. 252 Arthur Beland, M.D.**

The commentor's support for the project is noted. Please also see responses to the Owens Valley Committee's comments (letter No. 16).

**Responses to Letter No. 253 Linda Boag**

The commentor's support for the project is noted. Please also see responses to the Owens Valley Committee's comments (letter No. 16).

**Responses to Letter No. 254 Chuck Mitchell**

The commentor's support for the project is noted. Please also see responses to the Owens Valley Committee's comments (letter No. 16).

**Responses to Letter No. 255 Brad Lane**

The commentor's support for the project is noted. Please also see responses to the Owens Valley Committee's comments (letter No. 16).

**Responses to Letter No. 256 Eleanor J. Beland**

The commentor's support for the project is noted. Please also see responses to the Owens Valley Committee's comments (letter No. 16).

**Responses to Letter No. 257 Carolyn Vance**

The commentor's support for the project is noted. Please also see responses to the Owens Valley Committee's comments (letter No. 16).

**Responses to Letter No. 258 Jan Gaffrey**

The commentor's support for the project is noted. Please also see responses to the Owens Valley Committee's comments (letter No. 16).

**Responses to Letter No. 259 Rich Sonnenberg**

The commentor's support for the project is noted. Please also see responses to the Owens Valley Committee's comments (letter No. 16).

**K.2 RESPONSES TO ORAL COMMENTS**

Public meetings were held in Lone Pine (December 4, 2002) and Bishop (December 5, 2002) to receive oral comments on the Draft EIR/EIS. The list of people who spoke at the public meetings, a summary of their comments, and the written transcripts of the meetings are presented in **Appendix J**. Responses to those oral comments are presented in **Table K-2** (Lone Pine meeting) and **Table K-3** (Bishop meeting). Most responses to oral comments reference responses to written comments, which are presented in Section K.1 above.

**TABLE K-2  
RESPONSES TO ORAL COMMENTS – LONE PINE MEETING  
(DECEMBER 4, 2002)**

Comment Number and Transcript Page Number	<ul style="list-style-type: none"> <li>• Comment Summary</li> </ul>	Response
<b>Robert Strub, BLM Steering Committee, Ridgecrest</b>		
RS-1 (pg. 2)	<ul style="list-style-type: none"> <li>• A public meeting should be held in Ridgecrest.</li> </ul>	Please see response to comment 28-4.
RS-2 (pg. 2)	<ul style="list-style-type: none"> <li>• Project should be consistent with the Lahontan Regional Water Quality Control Board’s Basin Plan, including beneficial uses of the Delta.</li> </ul>	The relationship of the proposed project to the Basin Plan is described in Section 4.4. Please also see response to comment 26-5.
RS-3 (pg. 3)	<ul style="list-style-type: none"> <li>• Support bird life within Delta.</li> </ul>	Please see response to comment 26-5.
RS-4 (pg. 19)	<ul style="list-style-type: none"> <li>• Is the document going to follow the guidelines of NEPA?</li> <li>• Do the hearings and presentations follow NEPA?</li> </ul>	NEPA compliance is being conducted by EPA through preparation of the EIS, publication of federal register notices and the Record of Decision, tribal consultations, and consultations with federal agencies, including U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service. The public meetings on the Draft EIS were also conducted in accordance with NEPA.
<b>Rachel Joseph, Lone Pine Paiute-Shoshone Tribe</b>		
RJ-1 (pg. 4)	<ul style="list-style-type: none"> <li>• It is unacceptable for monitoring to be dependent on non-secure funding. There can be no effective adaptive management without monitoring of ongoing impacts/effects of the project.</li> </ul>	Please see response to comment 26-2.
RJ-2 (pg. 5)	<ul style="list-style-type: none"> <li>• Support for 50 cfs pump station. A 50-cfs pump station is legally sanctioned, will result in more flows to the Delta, and discourage further groundwater pumping.</li> </ul>	Please see response to comment 26-1.

Comment Number and Transcript Page Number	<ul style="list-style-type: none"> <li>• Comment Summary</li> </ul>	Response
RJ-3 (pg. 5) RJ-4 (pg. 5)	<ul style="list-style-type: none"> <li>• LADWP should continue coordination with the tribe and other interested Native Americans.</li> <li>• Native American monitors should be on-site during all construction activities and any time cultural resources are encountered or disturbed.</li> </ul>	Please see response to Comment 14-12.
RJ-5 (pg. 6)	<ul style="list-style-type: none"> <li>• The statement in Section 7.3 regarding protection of archaeological and sensitive sites should be consistent with the statements in Section 5.4.1 and 5.4.2 about detailed records being available to professionals and others.</li> </ul>	Please see response to Comment 11-4.
<b>Mike Pather, Personal comments from the Owens Valley Committee President</b>		
MP-1 (pg. 7)	<ul style="list-style-type: none"> <li>• Funding limitations may make it difficult to implement the project and take the project into the future (especially beaver control, saltcedar eradication, tule management, monitoring, and adaptive management).</li> </ul>	Please see response to comment 26-2.
MP-2 (pg. 7)	<ul style="list-style-type: none"> <li>• Document does not contain enough information on the connection with Owens Lake.</li> </ul>	Please see Section 12.4 for a discussion of the cumulative impacts of the LORP with the dust control project on the Owens Lake.
MP-3 (pg. 8)	<ul style="list-style-type: none"> <li>• A public meeting should be held in Los Angeles.</li> </ul>	Please see response to comment 28-4.
<b>Gloria Martinez, Olancho</b>		
GMO-1 (pg. 9)	<ul style="list-style-type: none"> <li>• Los Angeles needs water conservation.</li> </ul>	Please see response to comment 56-4.
GMO-2 (pgs. 9 and 10)	<ul style="list-style-type: none"> <li>• Concerned about south county aquifer conditions. Could wells in Olancho go dry?</li> </ul>	As described in Section 12.3, LADWP has studied the feasibility of groundwater pumping around Owens Lake (a separate project from the LORP). However, no specific project has been identified to date. If any pumping is proposed in the future, it would be conducted in accordance with the 1991 Inyo County/Los Angeles Long Term Water Agreement. The agreement establishes procedures for managing groundwater pumping to avoid/minimize impacts to groundwater-dependent vegetation, monitoring pumping and surface water management practices to identify vegetation impacts, and implementing mitigation measures, if necessary.

Comment Number and Transcript Page Number	<ul style="list-style-type: none"> <li>• Comment Summary</li> </ul>	Response
<b>Francis Pedneau, Lone Pine, Past President of the Owens Valley Warm Water Fishing Association</b>		
FP-1 (pg. 11)	<ul style="list-style-type: none"> <li>• Any black bass stocked should come from fish that originated in the Owens Valley system.</li> </ul>	Please see response to comment 179-1.
FP-2 (pg. 11)	<ul style="list-style-type: none"> <li>• Seasonal habitat flows will disrupt spawning.</li> </ul>	Please see response to comment 33-5.
FP-3 (pg. 12)	<ul style="list-style-type: none"> <li>• Why aren't all vegetation obstructions in the river being removed, why just some?</li> </ul>	Please see response to comment 179-3.
FP-4 (pg. 12)	<ul style="list-style-type: none"> <li>• The 1993 test flows resulted in a massive fish kill. The Original flow release plan from 1999 (gradual base flows and deferred seasonal habitat flows) should be used.</li> </ul>	Please see response to comment 34-6.
<b>Gene Mathern, Lone Pine</b>		
GMLP-1 (pgs. 14 and 17)	<ul style="list-style-type: none"> <li>• LORP could have an impact on water well at mill site.</li> </ul>	Please see response to Comment Letter No. 242.
GMLP-2 (pg. 14)	<ul style="list-style-type: none"> <li>• MacGiver Canal should be included on project map.</li> </ul>	
GMLP-3 (pgs. 14 - 18)	<ul style="list-style-type: none"> <li>• A 1,400 acre land purchase (by Mr. McNaughton) could result in installation of new wells that could result in water discharge to MacGiver Canal to the Lower Owens River, and then on to the lake.</li> </ul>	
GMLP-4 (pgs. 16 and 18)	<ul style="list-style-type: none"> <li>• The above (GMLP-3) may be the reason a larger pump station is proposed by LADWP.</li> </ul>	
GMLP-5 (pg. 18)	<ul style="list-style-type: none"> <li>• The above (GMLP-3) may also be the reason there has been a time delay with the project.</li> </ul>	

**TABLE K-3  
RESPONSES TO ORAL COMMENTS – BISHOP MEETING  
(DECEMBER 5, 2002)**

Comment Number and Transcript Page Number	<ul style="list-style-type: none"> <li>• Comment Summary</li> </ul>	Response
<b>Dorothy Alther, Owens Valley Indian Water Commission</b>		
DA-1 (pg. 2-3)	<ul style="list-style-type: none"> <li>• Support for 50 cfs pump station and 9 cfs baseflow. EPA analysis show that 50-cfs is feasible and will result in most amount of flows to the Delta. Supports adoption of base flow of 9 cfs.</li> <li>• The Commission is concerned that flow to the Delta will be less than existing conditions.</li> </ul>	Please see response to comment 26-1.
DA-2 (pg. 3)	<ul style="list-style-type: none"> <li>• Since the 50 and 150 cfs pump stations are so similar, the six month delay mentioned in the document for design of the 50 cfs pump station may be a deliberate attempt by LADWP to delay the project.</li> </ul>	Please see response to comment 5-16.
DA-3 (pg. 4) DA-4 (pg. 4)	<ul style="list-style-type: none"> <li>• Supports coordination with Native Americans.</li> <li>• Native American monitors should be on-site during any ground disturbing activities or Phase I surveys.</li> </ul>	Please see response to Comment 14-12.
DA-5 (pg. 5)	<ul style="list-style-type: none"> <li>• The expected increase in recreation could impact cultural resources. The OVIWC would like to see this impact addressed in a recreation plan.</li> </ul>	Please see response to Comment 15-2.
DA-6 (pg. 5)	<ul style="list-style-type: none"> <li>• A recreation plan is necessary to control impacts on habitats and pre-historic sites (including enhanced wetlands) by fishing, RVs, and hiking.</li> </ul>	The plan for management of recreation uses and impacts from increased recreation is part of the LORP project description (please see revised Section 2.9 and response to comment 2-1). A separate recreation plan document for LORP is not considered necessary.
DA-7 (pgs. 6 and 7)	<ul style="list-style-type: none"> <li>• Intensive monitoring is a critical factor of adaptive management.</li> <li>• Regarding the two funding options presented in the document, nothing in the MOU conditions the post implementation on the availability of funding. The project will fail without proper monitoring and funding for monitoring.</li> <li>• Support for funding option 2. LADWP should pay for any shortfall encountered by Inyo County during post-implementation phase.</li> </ul>	Regarding funding, please see response to comment 26-2.  The description of the LORP monitoring and adaptive management in Section 2.10 has been revised to incorporate additional details on monitoring protocols and expand the description of the adaptive management approach.
DA-8 (pg. 7)	<ul style="list-style-type: none"> <li>• Support for funding option 2 – LADWP should pay for any shortfall encountered by Inyo County during post-implementation phase.</li> </ul>	Please see response to comment 26-2.



Comment Number and Transcript Page Number	<ul style="list-style-type: none"> <li>Comment Summary</li> </ul>	Response
<b>Bruce Klein, Friends of the Owens River and Owens Lake Rowing and Sailing Society</b>		
BK-1 (pg. 8-9)	<ul style="list-style-type: none"> <li>Relationship of Central Owens Valley Plan to LORP. This plan should be considered such that there are no conflicts.</li> </ul>	LADWP invites local community organizations to submit their planning documents for review by LADWP staff.
BK-2 (pg. 10)	<ul style="list-style-type: none"> <li>It is necessary to develop a detailed recreational element as well as a socioeconomic element for the Final EIR. Let's be proactive rather than react too late to the inevitable changes.</li> </ul>	The plan for management of recreation uses and impacts from increased recreation is part of the LORP project description (please see revised Section 2.9 and response to comment 2-1). A separate recreation plan document for LORP is not considered necessary. The beneficial impact on socioeconomics related to the LORP is briefly discussed in Section 10.2.
BK-3 (pg. 10)	<ul style="list-style-type: none"> <li>Commentor is most excited about the potential canoeing and kayaking on the rewatered river. Skeptical about whether 40 cfs would be sufficient to float watercraft above tamarisk stumps.</li> </ul>	It is anticipated that substantial portions of the Lower Owens River will be navigational under the 40-cfs baseflow for shallow keeled boats, such as kayaks. In some areas, channel conditions may not be suitable for canoeing or kayaking.
BK-4 (pg. 11)	<ul style="list-style-type: none"> <li>Most concerned about amount of residual slash produced by saltcedar eradication program. The program has done good work, but appalled at impacts that tons of debris will have on rewatered channel. Urge interagency cooperation (California Department of Forestry inmate crews to burn and chip slash at earliest opportunity.)</li> </ul>	As described in revised Section 2.3.6, saltcedar slash will be removed from the channel prior to rewatering of the river.
<b>Scott Kemp, Lessee of Delta Lease and Representing Inyo-Mono County Cattleman's Association</b>		
SK-1 (pg. 12)	<ul style="list-style-type: none"> <li>Grazing management plans mentioned on page 2-2 of the EIR/EIS, item 21, should be "Land Management Plans." There will not be any individual grazing management plans for public review. All grazing management plans are contained in the land management plans and in the EIR/EIS.</li> </ul>	Please see response to comment 34-10.
SK-2 (pg. 12-13)	<ul style="list-style-type: none"> <li>Cattleman's Association favor the 150-cfs pump station. Agriculture cannot be sustained if 150-cfs water floods over the Delta lease. 150-cfs pump station gives the city flexibility to control seasonal habitat flows.</li> </ul>	Please see responses to comments 34-4 and 34-5.

Comment Number and Transcript Page Number	<ul style="list-style-type: none"> <li>• Comment Summary</li> </ul>	Response
SK-3 (pg. 13)	<ul style="list-style-type: none"> <li>• The fourth pulse flow is designated for time of the year when the delta vegetation is not using any water (low evapotranspiration). The fourth pulse flow would flood forage for cattle and cover it with ice. The fourth pulse flow is not necessary.</li> </ul>	Please see response to comment 34-8.
SK-4 (pg. 14)	<ul style="list-style-type: none"> <li>• In favor of Alternative Release Regime 1 (gradual base flows and deferred seasonal habitat flows).</li> <li>• There should be more time for lessees, city, and county to have more time to make management decisions by releasing up to the 40-cfs flow over three-years. The EIR does not address impacts to cattle grazing.</li> <li>• Another two or three years to implement the project will not hurt anything, and we'll have an opportunity to manage. Also, less fish will be killed.</li> </ul>	Please see response to comment 34-6. Please also note that LADWP will keep in communication with lessees to provide advance notice of the proposed flow releases. Impacts to grazing are addressed in Section 9.1.
SK-5 (pg. 14-15)	<ul style="list-style-type: none"> <li>• Has seen five (wild) fires caused by camping or lightening in last five years. There was one controlled burning, and it didn't burn very many acres.</li> <li>• If controlled burning program is not implemented, there will be build up of vegetation caused by excess water and cause wildfires. Suggest 200 to 400 acres a year of controlled burning.</li> </ul>	Please see response to comment 34-7.
<b>Derrick Vocelka, Personal comments from a board member of the Owens Valley Committee</b>		
DV-1 (pg. 16)	<ul style="list-style-type: none"> <li>• The implications of overcapacity built in to the pump station should be addressed and clarified. (Is this a precursor to additional groundwater pumping or a component of pumping from the east side of the valley to satisfy Owens Lake?)</li> </ul>	Please see response to comment 26-1.
DV-2 (pg. 17)	<ul style="list-style-type: none"> <li>• Monitoring is key. In the recreation area, no baseline uses are shown (how many hikers, fisherman, equestrians, etc.). To have a plan in the future, where we are today is important.</li> </ul>	Please see response to comment 2-1 regarding monitoring for recreational impacts in the LORP area.  Please see response to comment 16-5 regarding baseline information.
DV-3 (pg. 17)	<ul style="list-style-type: none"> <li>• There should be a specific plan (for recreation/land use), rather than the tone that it is going to be managed the way we do it now. The recreation baseline should also be documented.</li> </ul>	The plan for management of recreation uses and impacts from increased recreation is part of the LORP project description (please see revised Section 2.9 and response to comment 2-1). A separate recreation plan document for LORP is not considered necessary.

Comment Number and Transcript Page Number	<ul style="list-style-type: none"> <li>• Comment Summary</li> </ul>	Response
DV-4(pg. 17)	<ul style="list-style-type: none"> <li>• It would involve a lot of management, including trash pick up.</li> </ul>	Please see response to comment 219-5.
DV-5 (pg. 17-18)	<ul style="list-style-type: none"> <li>• How funding works needs clarification.</li> <li>• Language stating “if funding is possible” seems to be anticipating that the plan will not succeed because of finances. This should be corrected.</li> </ul>	Please see response to comment 26-2.
DV-6 (pg. 18)	<ul style="list-style-type: none"> <li>• Monitoring needs to be clearer and more definitive. Standards for monitoring and baselines for many issues. There should be a schedule, benchmarks so that we can react sooner.</li> </ul>	The description of the LORP monitoring and adaptive management in Section 2.10 has been revised to incorporate additional details on monitoring protocols and expand the description of the adaptive management approach. Regarding benchmarks and schedule, please see response to written Comment 5-3.
<b>Gregory Smith, Personal comments from a member of the Owens Valley Committee</b>		
GS-1 (pg. 20)	<ul style="list-style-type: none"> <li>• Meetings should be held in Los Angeles to introduce what is being done here.</li> </ul>	Please see response to comment 28-4.
GS-2 (pg. 20)	<ul style="list-style-type: none"> <li>• There should be a recommendation or a methodology for obtaining the financial resources to implement an adequate post-implementation monitoring plan.</li> </ul>	Please see response to comment 26-2.
GS-3 (pg. 20)	<ul style="list-style-type: none"> <li>• Recommendation should be made regarding future sources of funding, particularly as it relates to a recreation plan and the amount of money that will be left over for monitoring, etc.</li> </ul>	Please see response to comment 218-13.
<b>Jo Heindel, Big Pine</b>		
JH-1 (pg. 23-24)	<ul style="list-style-type: none"> <li>• Nothing in the MOU modified the size of the pump station from what was in the Agreement. LADWP agreed to a 50-cfs pump station, and it should keep its word.</li> </ul>	Please see response to comment 26-1.
<b>Tom Heindel</b>		
TH-1 (pg. 25)	<ul style="list-style-type: none"> <li>• EIR says that if the LA preferred alternative (of pump station size) is not selected, it will delay the schedule by 6 months.</li> </ul>	Please see response to comment 5-16.
TH-2 (pg. 25)	<ul style="list-style-type: none"> <li>• Appendix D (bird list) is inaccurate and incomplete. The order in which the birds are listed does not follow the taxonomic system that ornithologists use.</li> </ul>	Please see response to comment 16-296.

Comment Number and Transcript Page Number	<ul style="list-style-type: none"> <li>• Comment Summary</li> </ul>	Response
TH-3 (pg. 26)	<ul style="list-style-type: none"> <li>• The bird survey for the LORP excluded species that do not lend themselves to the point-count method used in the survey. They should have used another system to include these species (some of these species are species of special concern, such as Swainson’s hawk and Cooper’s hawk, which breed along the river)</li> </ul>	Please see response to comment 16-289.
TH-4 (pg. 26-27)	<ul style="list-style-type: none"> <li>• There are inconsistencies in the document. Willow flycatcher is listed in Section 14.4 as a rare spring and fall migrant. But the appendix says it is an uncommon summer visitor.</li> </ul>	Please see response to comment 16-241.
TH-5 (pg. 27-8)	<ul style="list-style-type: none"> <li>• Concerned about tules. Buckley Ponds (outside of LORP area) is a mess. It is a giant field of tules. Tules are limiting in providing habitat for many species. EIR/S says that many habitat indicator species prefer tules. But only three out of the 18 HIS prefer tules. This is not “many”.</li> </ul>	Regarding tule removal at Off-River Lakes and Ponds, please see response to comment 33-3. Regarding tule control for the riverine-riparian area and Blackrock, please see response to comment 16-9.
TH-6 (pg. 28)	<ul style="list-style-type: none"> <li>• Concerned about beavers. They are introduced species and do not belong in the river. Beavers are eliminating cottonwoods and willows in the north Haiwee reservoir (outside of LORP area). Beavers will promote tule growth. Serious look at beaver control is needed.</li> </ul>	Please see response to comment 16-9.
TH-7 (pg. 28)	<ul style="list-style-type: none"> <li>• Power line to the pump station – the poles will be great place for ravens to perch and study where snowy plovers are. Steps to keep ravens from perching and nesting on poles should be taken.</li> </ul>	Please see response to comment 5-37.
TH-8 (pg. 29)	<ul style="list-style-type: none"> <li>• Concerned about the brine pool drying up. Shorebird habitat will be eliminated during the summer.</li> <li>• They can get an exemption from the court order as they did in People vs. LA, 29 September 2000. Brine pool is a breeding location for threatened species (snowy plover).</li> </ul>	Please see response to comment 26-5.  Please see response to comment 16-88.
TH-9 (pg. 29-30)	<ul style="list-style-type: none"> <li>• The coastal (endangered) and ones in LORP area (threatened) are the same birds. FWS needs to get a hold of this situation.</li> </ul>	Please see response to comment 16-236.
TH-10 (pg. 30-31)	<ul style="list-style-type: none"> <li>• Cowbirds. Concerned about laissez-faire approach by agencies (NPS, BLM, Inyo National Forest, LADWP). By controlling cowbirds, we can take birds and other critters off the T&amp;E species list.</li> </ul>	Please see response to comment 1-4.

Comment Number and Transcript Page Number	<ul style="list-style-type: none"> <li>• Comment Summary</li> </ul>	Response
TH-11 (pg. 31)	<ul style="list-style-type: none"> <li>• Concerned about monitoring. How will we know what is going on out there if we don't monitor.</li> <li>• Monitoring should have funding.</li> </ul>	<p>Regarding project funding, including for monitoring activities, please see response to comment 26-2.</p> <p>The description of the LORP monitoring and adaptive management in Section 2.10 has been revised to incorporate additional details on monitoring protocols and expand the description of the adaptive management approach.</p>
TH-12 (pg. 31)	<ul style="list-style-type: none"> <li>• Ambiguities in the EIR (“if warranted”, “if money permits”, or “if feasible”) should be eliminated.</li> </ul>	Please see response to comment 26-2.
<b>Daniel Pritchett</b>		
DP-1 (pg. 31-32)	<ul style="list-style-type: none"> <li>• 150-cfs pump station violates Section 12 of the Agreement.</li> </ul>	Please see response to comment 26-1.
DP-2 (pg. 32)	<ul style="list-style-type: none"> <li>• There is no statement in Section 10 regarding LADWP's intentions to replace the 16,000 acre-feet of water that will be put into the LORP.</li> <li>• LADWP is not saying they are not going to make up the difference in pumping elsewhere. Without such statement, EIS must assume there will be increased attempts to pump more groundwater, with associated impacts.</li> </ul>	Please see response to comment 15-12.
DP-3 (pg. 33-35)	<ul style="list-style-type: none"> <li>• The provisions in the Agreement regarding groundwater pumping and vegetation protection are not being consistently achieved right now. Therefore, relying on the Agreement to prevent groundwater related impacts is not sufficient.</li> <li>• Technical group is dysfunctional.</li> <li>• Stating that the pumping will be managed according to the Agreement is not adequate to ensure that there will not be impacts of pumping.</li> <li>• One way to address is to discuss in EIS how groundwater pumping directly or indirectly related to LORP will be managed. There should be a quantitative definition of what a significant pumping impact is.</li> </ul>	Please see responses to comments 23-17 to 23-27.
DP-4 (pg. 36)	<ul style="list-style-type: none"> <li>• On p. 10-14, Table 10-5, the numbers in the central column (talking about steady state conditions) do not add up to the total.</li> </ul>	Table 10-5 has been revised to correct the mathematical error indicated by the commentator.
<b>Ceal Klingler</b>		
CK-1 (pg. 37)	<ul style="list-style-type: none"> <li>• If the goals of the MOU are not achieved by the plan described in the EIR, then those alternatives need to be described more fully in the EIR.</li> </ul>	

Comment Number and Transcript Page Number	<ul style="list-style-type: none"> <li>• Comment Summary</li> </ul>	Response
CK-2 (pg. 37)	<ul style="list-style-type: none"> <li>• The Agreement specified a 50-cfs pump station. MOU did not modify the pump station size. There should be more on why 150-cfs was selected since it is not in Agreement or MOU.</li> <li>• DWP should begin developing plans for the 50-cfs pump station before the final EIR comes out to avoid the six-month delay.</li> </ul>	<p>Please see response to comments 26-1.</p> <p>Please see response to comment 5-16.</p>
CK-3 (pg. 38-40)	<ul style="list-style-type: none"> <li>• The MOU intended the pump station to capture base flows and pulse flows, not the seasonal habitat flows. Under 150-cfs option, if 9 cfs is not adequate to maintain and enhance current Delta conditions, there is no other decent mechanism to achieve the goal.</li> <li>• With the 150-cfs pump station, none of the habitat flows are likely to reach the Delta and reduce flows to Delta by 35 percent.</li> </ul>	<p>Please see response to comment 26-1.</p> <p>Please see response to comment 16-81.</p>
CK-4 (pg. 40)	<ul style="list-style-type: none"> <li>• EIR is meant to describe ways to achieve the goals of the MOU and mitigate damage from 1970 to 1990. It is not meant to claim LORP as mitigation for new damage. All alternatives should achieve MOU goals.</li> </ul>	<p>Please see response to comment 5-3 regarding the relationship of the MOU goals and the proposed project.</p>
<b>James Wilson, Representing the Eastern Sierra Audubon Society</b>		
JW-1 (pg. 41)	<ul style="list-style-type: none"> <li>• Incorporates Jo Heindel’s comments by reference. Supports 50-cfs pump station.</li> </ul>	<p>Please see response to comment 26-1.</p>
JW-2 (pg. 41)	<ul style="list-style-type: none"> <li>• Supports full implementation of the project notwithstanding funding problems. The county seems to have funds for at least ten years. The rest will be found.</li> </ul>	<p>Please see response to comment 26-2.</p>
JW-3 (pg. 42-43)	<ul style="list-style-type: none"> <li>• Agrees with LADWP’s assessment that impact to brine pool is significant. It is an important bird area. LADWP says there is no feasible mitigation because of the court injunction. LADWP does not admit that they are in violation of the court order by releasing the current flows, which have supported thousands of birds in the fall and winter for many years. If current flows are allowable, it is inappropriate to argue that maintaining those flows under the project is infeasible. DWP could avoid this impact by maintaining current flows.</li> <li>• If DWP insists this impact is unavoidable, they have a CEQA obligation to explore feasible mitigation alternatives. They have not done so.</li> </ul>	<p>Please see response to comment 26-5.</p>

Comment Number and Transcript Page Number	<ul style="list-style-type: none"> <li>• Comment Summary</li> </ul>	Response
<b>Harry Williams</b>		
HW-1 (pg. 44)	<ul style="list-style-type: none"> <li>• Size of the pump station is not mentioned in the Agreement or MOU.</li> <li>• The pump station size issue is a delay tactic by DWP, including the six-month delay written in the EIR.</li> </ul>	<p>Please see response to comment 26-1.</p> <p>Please see response to comment 5-16.</p>
HW-2 (pg. 45)	<ul style="list-style-type: none"> <li>• The 150-cfs pump station will cost more than the 50-cfs pump station, but they cry about funding.</li> </ul>	Please see response to comment 26-2.
HW-3 (pg. 45)	<ul style="list-style-type: none"> <li>• LORP is compensatory mitigation. LADWP can afford mitigation projects.</li> </ul>	Please see response to comment 26-2.
HW-4 (pg. 49)	<ul style="list-style-type: none"> <li>• Words like “considering” are used in the EIR (lacks commitment). Things will end up in court again.</li> </ul>	Please see response to comment 26-2.
<b>Mark Bagley, Representing the Sierra Club</b>		
MB-1 (pg. 50-51)	<ul style="list-style-type: none"> <li>• LADWP has an obligation under CEQA to implement the project fully because it is a mitigation measure in the 1991 EIR.</li> <li>• Regardless of what the MOU/Agreement says about funding, city has obligation under 1991 EIR to fully implement this project successfully.</li> </ul>	Please see response to comment 26-2.
MB-2 (pg. 51-54)	<ul style="list-style-type: none"> <li>• Adaptive management cannot be done without reasonable and proper monitoring. Adaptive management is key to success of the project, but the EIR says that we might not be able to implement monitoring or not very much.</li> <li>• City needs to ensure that monitoring will happen.</li> <li>• Under funding option 1, there is a cap on LADWP’s funding for post-implementation cost. Funding option 1 would create a situation where necessary monitoring will not get done and puts the project at jeopardy. Funding option 2 must be selected.</li> <li>• Funding option 2 is essential to ensure that there is funding for issues like control of beaver, tule, and weeds.</li> <li>• County has plenty of time to develop funding to cover their costs in the future.</li> </ul>	<p>Please see response to comment 26-2.</p> <p>The description of the LORP monitoring and adaptive management in Section 2.10 has been revised to incorporate additional details on monitoring protocols and expand the description of the adaptive management approach.</p>
MB-3 (pg. 55)	<ul style="list-style-type: none"> <li>• 50-cfs pump station was agreed to in the water agreement.</li> </ul>	Please see response to comment 26-1.
MB-4 (pg. 55-57)	<ul style="list-style-type: none"> <li>• EPA’s analysis says larger pump station does not make sense economically if the purpose was to simply capture the seasonal habitat flow.</li> </ul>	Please see response to comment 11-10/11-11.

Comment Number and Transcript Page Number	<ul style="list-style-type: none"> <li>• Comment Summary</li> </ul>	Response
MB-5 (pg. 57-58)	<ul style="list-style-type: none"> <li>• Smaller pump station would allow more water to the Delta. We understood that there would be large seasonal flow to the Delta in the springtime to compensate for the lower flow rest of the year.</li> </ul>	Please see response to comment 6-7/6-8.
MB-6 (pg. 58-60)	<ul style="list-style-type: none"> <li>• Manipulation of Delta (berms and dikes) is not prohibited by the MOU.</li> <li>• The low spot that would divert flows to the west should be addressed (provide barrier to the low spot).</li> </ul>	Please see response to comment 178-2.
MB-7 (pg. 61-62)	<ul style="list-style-type: none"> <li>• MOU states that LORP will create new habitat in the Delta, not just enhance existing ones.</li> </ul>	Please see response to comment 16-56.
<b>Karen Ferrell-Ingram</b>		
KF-1 (pg. 63-64)	<ul style="list-style-type: none"> <li>• A fully funded noxious weed program to monitor and eradicate saltcedar and other weeds is essential to achieving LORP goals. Noxious weeds are the greatest threat to biodiversity (after habitat loss).</li> <li>• As DWP is a very profitable agency, lack of funding as a limitation for not conducting noxious weed program seems far-fetched.</li> </ul>	Please see response to comment 2-11/2-12.