Section 2
Introduction and Project Description

This Supplemental Environmental Impact Report (SEIR) has been prepared by the City of Los Angeles Department of Water and Power (LADWP), the lead agency under the California Environmental Quality Act (CEQA) for the Lower Owens River Project (LORP or proposed project). This document is supplemental to the Final EIR for the LORP (LADWP, 2004a). LORP is a large-scale habitat restoration project for approximately 62 river miles of the Lower Owens River (River) and adjacent areas in Inyo County, California. It would be implemented through a joint effort by LADWP and Inyo County. This SEIR has been prepared by LADWP to analyze and disclose the potential environmental impacts of the LORP specifically with respect to the hydrology and biological resources of the "brine pool transition area," the area of the Owens Lake bed located south of the vegetated portions of the Owens River Delta, including the northeastern portion of the brine pool that is influenced by outflows from the Delta.

2.1 BACKGROUND

LORP was identified in a 1991 Environmental Impact Report (LADWP, 1991) as mitigation for impacts related to LADWP's groundwater pumping activities in the Owens Valley from 1970 to 1990. The project description was augmented in a Memorandum of Understanding (MOU), signed in 1997 by LADWP, Inyo County, California Department of Fish and Game, California State Lands Commission, Sierra Club, and the Owens Valley Committee. The MOU describes the general goals of the LORP, timeframe for development and implementation, and specific actions. It also provides certain minimum requirements for the LORP related to flows, locations of facilities, and habitat and species to be addressed.

In November 2002, LADWP, Inyo County, and the U.S. Environmental Protection Agency (EPA) published a joint Draft Environmental Impact Report / Environmental Impact Statement for the project (LADWP, et al., 2002). The EPA involvement was triggered by a special appropriation for funding to carry out the LORP. Based on further negotiations amongst the MOU parties, additional details related to the LORP project description and schedule were specified in a February 2004 Stipulation and Order (Case Number S1CVCV01-29768, Sierra Club and Owens Valley Committee v. City of Los Angeles et al., February 13, 2004). In June 2004, LADWP completed and published the Final EIR for the LORP (LADWP, 2004a), and the City of Los Angeles Board of Water and Power Commissioners certified the Final EIR and adopted the project on July 20, 2004; the CEQA Notice of Determination was filed on July 22, 2004. A Final EIS was not prepared and EPA funding will not be used for the initial phases of the project.

On October 6, 2004, a lawsuit was filed by the Sierra Club challenging the adequacy of the Final EIR with respect to analysis of project impacts on an area described as the "brine pool transition area," which is a portion of the brine pool within the Owens Lake. As a result of the lawsuit, in July 2005, a stipulated judgment was entered in Inyo County Superior Court (Case Number

S1CVPT04-37217, Sierra Club v. City of Los Angeles et al., July 25, 2005). The stipulated judgement requires LADWP to:

- Prepare and circulate for public review and comment a focused environmental analysis that addresses the impacts of the LORP to the "brine pool transition area."
- Proceed with construction of the LORP-related facilities (including the pump station) and implementation of the LORP, but not begin operation of the pump station pending consideration and certification of the focused environmental analysis.

2.2 PURPOSE AND SCOPE OF THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

This SEIR has been prepared in accordance with the CEQA Statute (Public Resources Code Section 21000 et seq.), and the State CEQA Guidelines (Title 14, California Code of Regulations Section 15000 et seq., as amended). Pursuant to CEQA, discretionary decisions by public agencies regarding certain public and private projects are subject to environmental review. Since the LORP is a "project" as defined by Section 21065 of the Public Resources Code and Section 15378 of the State CEQA Guidelines, CEQA compliance is required.

The SEIR documents the focused environmental analysis required by the July 2005 judgement described above. The SEIR focuses on evaluation of impacts on the "brine pool transition area," and includes detailed description of the existing biologic resources and hydrologic conditions (at the time of publication of the Notice of Preparation for the SEIR; see **Section 2.4**), detailed descriptions of the changes in hydrologic and habitat conditions expected under LORP, and analysis of potential impacts on habitat and wildlife, particularly birds.

Since this is a supplement to a previously approved EIR, existing conditions, environmental analysis, mitigation measures and other information contained in the Final EIR relevant to areas other than the "brine pool transition area" are not repeated here. This SEIR is very specifically focused on expansion and reconsideration of the impact assessment presented in Section 6.3.5 of the Final EIR (Impacts to the Intermittently Flooded Playa within the Brine Pool Transition Area). The determinations of environmental impacts in all other sections of the Final EIR are unchanged. In particular, the determination that impacts to existing aquatic and wetland habitats of the Delta would range from beneficial to less than significant (Final EIR Section 6.3.6) is unchanged except for the portion of the brine pool transition area that is in the Delta. This SEIR is focused only on the geographic area described as the "brine pool transition area" of Owens Lake, which for purposes of this analysis is considered a distinct geographic area from the Delta of Owens Lake (see **Section 2.5**, below).

2.3 AGENCIES AND APPROVALS

LADWP is the lead agency pursuant to State CEQA Guidelines Section 15367 for this SEIR. A lead agency is the public agency that has the principal responsibility for carrying out or approving a project subject to CEQA. The lead agency is responsible for preparing the environmental documents on a project according to the full disclosure requirements of CEQA.

Under CEQA, a responsible agency is a public agency, other than the lead agency, which has responsibility for implementing or approving a project. A responsible agency typically has permitting authority or approval over some aspect of a proposed project. The responsible agency relies on the lead agency's environmental document in acting on whatever aspect of the project requires its approval. The lead agency is required to consult with responsible agencies and solicit comments from them regarding the choice and content of the environmental document.

Table 2-1 lists the agencies expected to use this SEIR for decision-making and the environmental permits, approvals and reviews required to implement the LORP.

2.4 SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT PROCESS

LADWP prepared and circulated a Notice of Preparation (NOP) of the SEIR for public review for 30 days, from September 7, 2005 to October 6, 2005. In addition, a public scoping meeting was held on September 14, 2005 at LADWP offices in Bishop, California, to receive oral comments on the NOP. A copy of the NOP, written comment letters on the NOP, and a summary of the oral comments received during the scoping meeting are presented in **Appendix A**.

Following publication of this Draft SEIR, there will be a public review and comment period during which LADWP will accept written comments on the document. Written comments which raise environmental issues will be responded to, and the comments and responses will be published in a Final SEIR.

As required by the July 2005 judgement described above, LADWP will proceed with construction of the LORP-related facilities (including the pump station) and implementation of the LORP upon acquisition of all required permits, but LADWP will not begin operation of the pump station until the City of Los Angeles Board of Water and Power Commissioners has considered and certified the Final SEIR.

Table 2-1
List of Permits, Approvals and Reviews

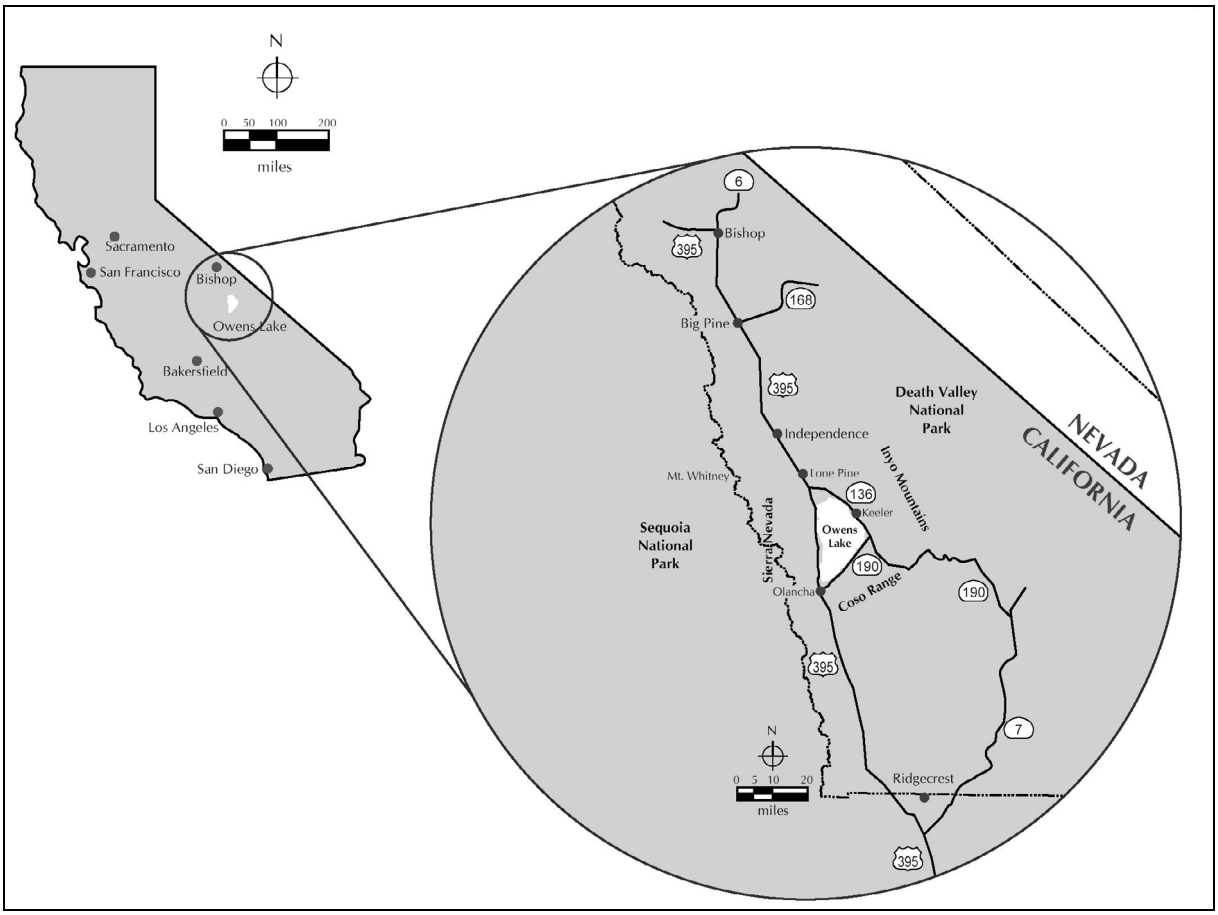
Agency	Type of Permit, Approval, or Review	Status of Permit, Approval, or Review
Inyo County Board of Supervisors	Adoption of Final EIR and Final SEIR and project approval	Final EIR adopted on 11/21/2005. Adoption of Final SEIR pending.
U.S. Army Corps of Engineers	Section 404 permit for discharge of dredge or fill materials into waters of the U.S.	Ongoing – Public notice of application for 404 permit issued 10/5/2005 (Corps file no. 200200632-BAH). Permit anticipated to be received in December 2005.
U.S. Fish and Wildlife Service	Consultation by U.S. Army Corps of Engineers in connection with the Clean Water Act Section 404 permit regarding Endangered Species Act compliance, as applicable	Ongoing – Public notice of application for 404 permit issued 10/5/2005.
State Historic Preservation Officer	Consultation by U.S. Army Corps of Engineers in connection with the Clean Water Act Section 404 permit	Ongoing – Public notice of application for 404 permit issued 10/5/2005.
California Department of Fish and Game	Streambed Alteration Agreement (Fish and Game Code 1602)	Agreement signed 2/22/2005 (Agreement No. 1600-2004-0127-R6).
California Department of Transportation	Encroachment permit for a portion of the proposed power line crossing Caltrans right-of-way (Highway 395)	Permit received 10/19/2004; Permit rider to extend date of completion received 11/3/2004 (Permit No. 0904-NUC 0268).
U.S. Department of Interior Bureau of Land Management	Right-of-way grant for the power line to the proposed pump station	Proposed actions covered by existing right-of-way grant (CAC 42347); confirmed by BLM on 9/1/2004.
Regional Water Quality Control Board, Lahontan Region	Water Quality Certification, Waste Discharge Requirements, and National Pollutant Discharge Elimination System Permit	Permit issued 7/14/2005 (R6V-2005-0020); proposed amendment to incorporate the Storm Water Pollution Prevention Plan into the permit published 10/4/2005 (R6V-2005-0020A1).
California State Lands Commission	Land use approvals for installation of temporary stream gages in the Delta and a portion of the proposed power line crossing State lands	Land use agreement authorized 12/9/04 and signed 2/28/2005 (file refs. W25920).
Inyo County Public Works Department	Grading and building permits for the proposed pump station	Permits anticipated to be issued in December 2005.

2.5 PROJECT LOCATION

The project area is in the Owens Valley in the eastern Sierra Nevada (Inyo County, California) (see **Figure 2-1**). The overall LORP project area includes approximately 62 river miles of the River and adjacent areas (see **Figure 2-2**). The northern boundary of the project area is the River Intake structure, and the southern boundary is the Delta Habitat Area (a total of 3,578 acres that includes all of the vegetated portions of the Owens River Delta, some of the adjacent unvegetated playa areas and a small portion of the brine pool). The overall LORP project area encompasses much of the valley floor east of the Los Angeles Aqueduct (Aqueduct) and west of the Inyo Mountains. Communities located near the project area include Independence, Lone Pine and Keeler. Regional access to the project area is provided by U.S. Highway 395.

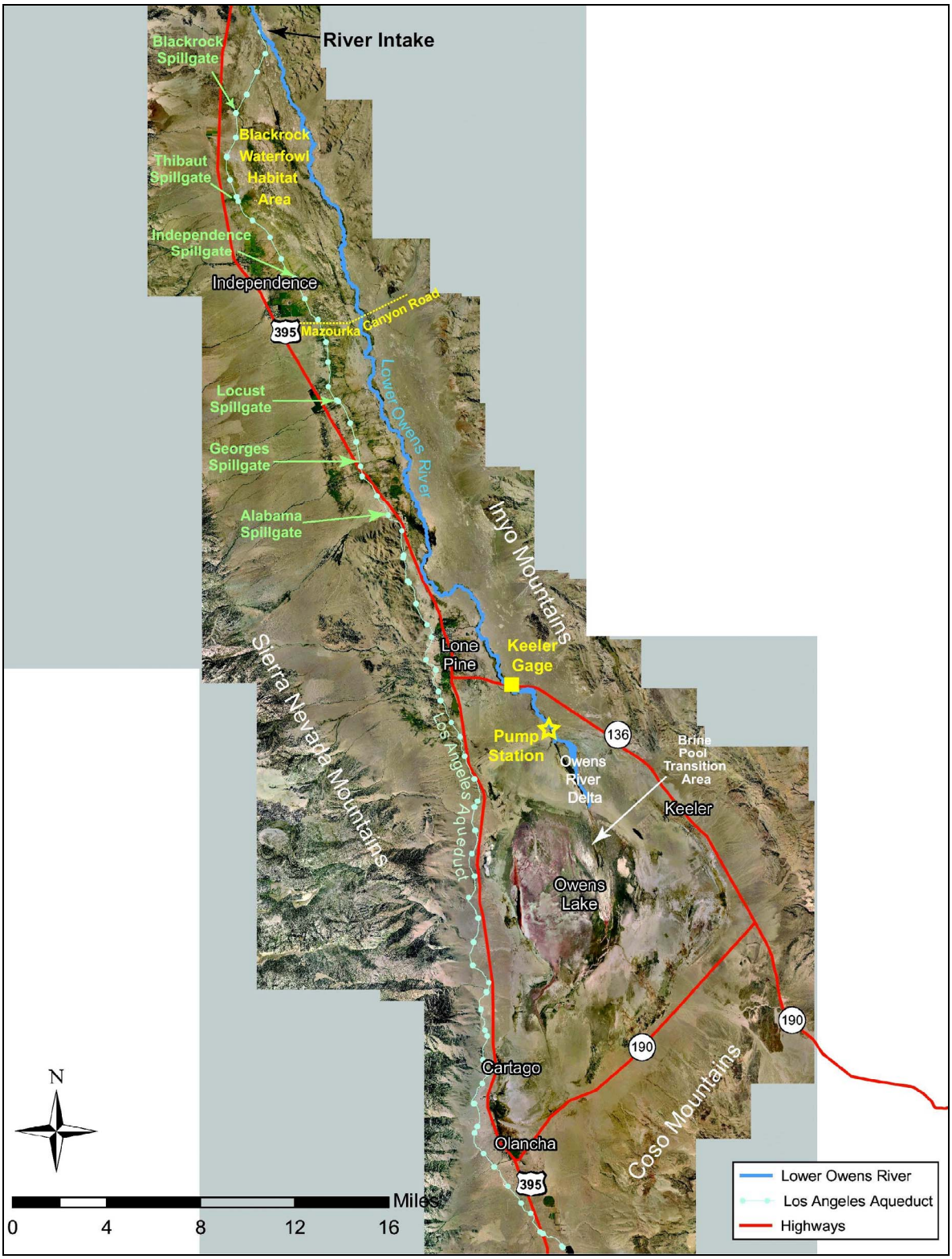
The specific area of interest for the focused environmental analysis presented in the SEIR is the "brine pool transition area" of the Owens Lake (see **Figure 2-2** and **Section 3.2 – Environmental Setting**). Also referred to as the "Delta outflow area", this is the area of the Owens Lake bed located south of the vegetated portions of the Owens River Delta, including the northeastern portion of the brine pool that is influenced by outflows from the Delta.

Figure 2-1
Regional Location Map



Source: GBUAPCD, 2003.

Figure 2-2
Project Area Map



2.6 PROJECT OBJECTIVES

The overall objective of the LORP is to establish/enhance and maintain healthy, functioning ecosystems in the four geographic areas of the LORP (Riverine-Riparian, Blackrock Waterfowl Habitat Area, Off-River Lakes and Ponds, and Delta Habitat Area) for the benefit of biodiversity and threatened and endangered species, while providing for the continuation of sustainable uses such as recreation, livestock grazing, agriculture, and other activities.

2.7 PROJECT DESCRIPTION

The proposed project description for the LORP has not changed from that described in the Final EIR for the LORP (LADWP, 2004a). A summary of the proposed project description is provided below. A detailed project description is provided in the Final EIR, which can be reviewed at the following locations: LADWP offices in Bishop (300 Mandich Street, Bishop, California 93514); LADWP offices in Los Angeles (111 North Hope Street, Room 1468, Los Angeles, California 90012); and on the LADWP website at: http://ladwp.com/ladwp/cms/ladwp005749.jsp. Additionally, permit conditions specified by the Regional Water Quality Control Board, Lahontan Region are described in **Section 3.4.1.1.**

LORP is a large-scale habitat restoration project that would be implemented through a joint effort by LADWP and Inyo County. LORP includes: restoration of the River by providing flows to the river to enhance fish, wetland, and riparian habitats; creation of new wetlands through seasonal flooding at the Blackrock Waterfowl Habitat Area; release of flows to the Delta Habitat Area to maintain and enhance wetlands; and modification of grazing practices on LADWP leases adjacent to the river.

The project component relevant to the focused environmental analysis presented in the SEIR is the operation of the pump station proposed under the LORP. Under LORP, water would be released to the River from the River Intake to provide a continuous and year-round baseflow of approximately 40 cubic feet per second (cfs) from the River Intake to the proposed pump station site (located approximately 4.5 river miles upstream of the Owens River Delta). In addition, higher flows of up to approximately 200 cfs ("seasonal habitat flows") would be released from the River Intake (to be ramped up and down over a period of up to approximately 14 days) in late May or early June (to provide hydrologic conditions similar to natural flood flows). The proposed pump station would capture and divert some of the baseflows so that the amount of River flows released towards the Owens River Delta would range from approximately 6 to 9 cfs on an annual average basis; minimum releases at any time would be approximately 3 cfs. In addition, portions of the seasonal habitat flows would bypass the pump station and be released towards the Owens River Delta. Water not released towards the Owens River Delta would be conveyed via a pipeline to the Owens Lake Dust Control Mitigation Program (see **Section 3.2.2.2**) and/or to the Aqueduct.

Operation of the proposed pump station as part of LORP would change the quantity and timing of flows that reach the brine pool. The focus of the analysis for this SEIR is the potential impacts on biological resources of the brine pool transition area resulting from changes in hydrologic conditions related to operation of the pump station under LORP.