

# Section 1 Summary

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## 1.1 INTRODUCTION

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.

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 in July 2004. 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.” 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.

The SEIR documents the focused environmental analysis required by the July 2005 judgement.

## 1.2 PROJECT LOCATION

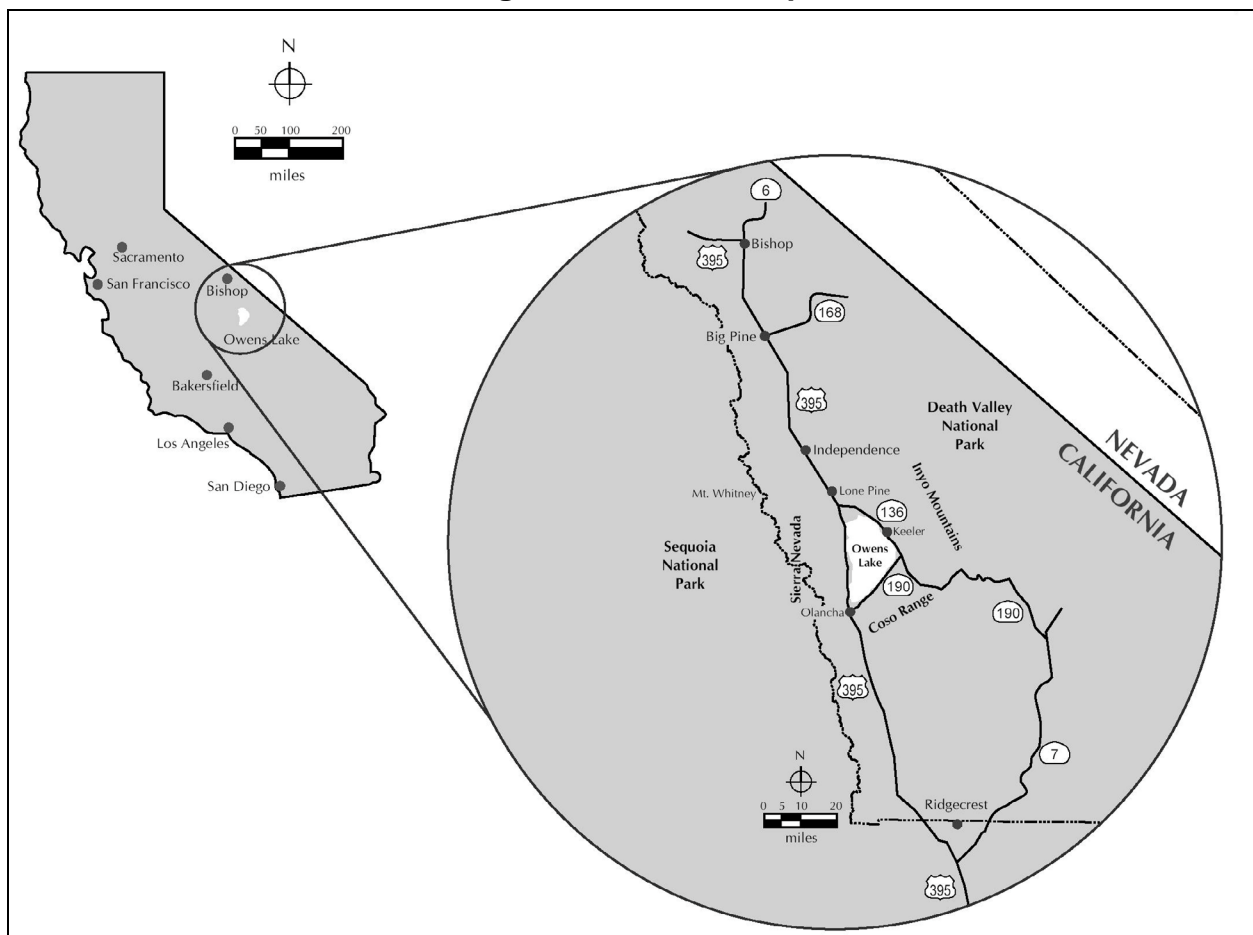
The project area is in the Owens Valley in the eastern Sierra Nevada (Inyo County, California) (see **Figure 1-1**). The overall LORP project area includes approximately 62 river miles of the River and adjacent areas. The northern boundary of the project area is the River Intake structure, and the southern 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 1-2**). The brine pool transition area is the area of the Owens Lake bed located south of the vegetated portions of the Owens River

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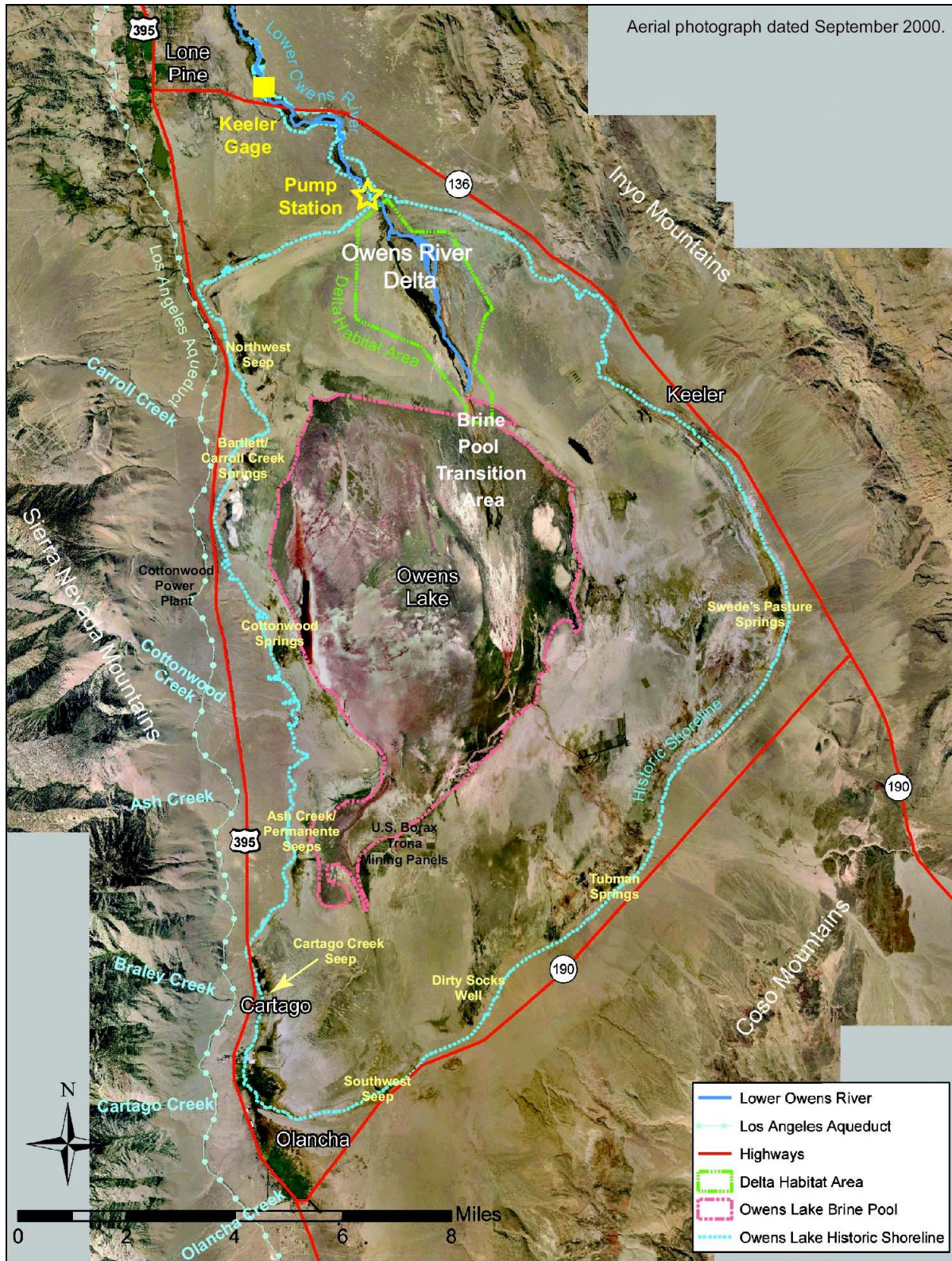
Delta, including the northeastern portion of the brine pool that is influenced by outflows from the Delta. The brine pool transition area is bounded to the northwest and northeast by Zone 1 and Zone 2, respectively, of the Owens Lake Dust Mitigation Program shallow flood areas. Vegetation is absent in the brine pool transition area. The hydrologic conditions in the brine pool transition area can vary seasonally and from year-to-year from completely dry, partially covered with meandering rivulets formed by outflows from the Delta, to partially or nearly completely inundated with standing water. Outflows from the Delta to the brine pool transition area generally occur from October/November through March/April. From April/May through September/October, there are typically no outflows from the Delta (i.e., the brine pool transition area is dry).

**Figure 1-1  
Regional Location Map**



Source: GBUAPCD, 2003.

**Figure 1-2  
Owens Lake and Vicinity**



### 1.3 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>.

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, which would change the quantity and timing of Lower Owens River flows that reach the brine pool transition area as compared with existing conditions. 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. Within the 6 to 9 cfs annual average, four “pulse flows” (periods of higher flows) would be released, consisting of: 25 cfs released for 10 days in March/April (Period 1), 20 cfs released for 10 days in June/July (Period 2), 25 cfs released for 10 days in September (Period 3), and 30 cfs released for 5 days in November/December (Period 4). 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.

## 1.4 SUMMARY OF ENVIRONMENTAL IMPACTS

As described above, this SEIR addresses the environmental impacts of the LORP on the brine pool transition area as required by the July 2005 judgement. This SEIR is 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.

From approximately April through September, operation of the pump station under LORP is not expected to result in substantial change to existing hydrologic conditions of the brine pool transition area (i.e., typically no outflow from the Delta) except during periods of higher flow releases (pulse flows and seasonal habitat flow bypass). The Period 2 and 3 pulse flows (20 cfs for 10 days in June/July and 25 cfs for 10 days in September, respectively) and the seasonal habitat flow bypass (up to 12 to 88 cfs over 5 days in May/June in some years depending on the forecasted runoff for the Owens Valley) are anticipated to result in surface water in the brine pool transition area during periods when the area is typically dry under existing conditions.

During most of the period from approximately October through March, flows to the Delta under LORP would be lower than under existing conditions. However, the proposed minimum baseflow of 3 cfs to be released from the pump station is expected to result in some outflow to the brine pool transition area due to low evapotranspiration in the Delta during the non-growing season. Therefore, under LORP, the areal extent and depth of surface water of the rivulets in the brine pool transition area would be smaller compared to existing conditions, but would not be eliminated. During releases of the Period 1 and 4 pulse flows (25 cfs for 10 days in March and 30 cfs for 5 days in November/December, respectively), a larger extent and depth of surface water would be present in the brine pool transition area than under typical existing conditions.

The following presents a summary of the environmental effects addressed in this SEIR. No significant impacts, including significant and unavoidable impacts, on the brine pool transition area were identified. Therefore, no new mitigation is required beyond measures identified in the Final EIR.

- **Impacts on sensitive habitat/community** – Operation of the pump station under LORP would result in reduced winter outflows to the brine pool transition area, an alkali playa habitat used by birds. The alkali playa habitat of the brine pool transition area is similar to and is a small fraction of the habitat provided by the shallow flood areas of the Dust Mitigation Program, which are immediately adjacent to the brine pool transition area. In addition to the shallow flood areas, this habitat type is also present at the outflows of seeps and springs, which would not be affected by LORP. There are no bird species that are found only in the brine pool transition area. Furthermore, the reduction in outflows to the brine pool transition area would occur during the time of the year when water is

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abundant at other places around the lake (shallow flooding areas and the seeps and springs). Additionally, after October/November, when outflows to the brine pool transition area would be reduced under the proposed project, fewer shorebirds are present in the Owens Valley in general because it is past the peak migration period. Within the context of existing conditions of the Owens Lake, the impact of reduced winter outflow to the brine pool transition area on the value of this alkali playa habitat would be less than significant.

In addition, under the proposed project, hundreds of acres of shallow flooded areas in the Blackrock Waterfowl Habitat Area and rewatering of the River (including restoration of floodplain wetlands) would create and enhance shorebird and waterfowl habitat well beyond existing conditions. Furthermore, implementation of the proposed project would result in increased flows to the vegetated portions of the Delta in the summer (period of the year when the Delta is dry under existing conditions) which would improve habitat conditions for and attract resident populations of waterfowl and shorebirds. Overall, habitat for waterfowl, wading birds, and shorebirds (including species currently present in the brine pool transition area) will be increased after implementation of LORP.

- **Impacts on sensitive species** – The following California Species of Special Concern are known to occur in other unvegetated playa areas of the lake bed, but are not known and are not expected to occur in the brine pool transition area: white-faced ibis, osprey, burrowing owl, mountain plovers, and spotted bat. Long-billed curlew has not been observed in the brine pool transition area since spring of 2000 and currently is not expected to occur.

Several birds of prey (peregrine falcon [State Endangered]; northern harrier, prairie falcon, and ferruginous hawk [California Species of Special Concern]) have been observed to or may occur as flyovers above the brine pool transition area and may hunt for birds in this area. However, the brine pool transition area is not considered primary foraging area for these species because these species prefer to hunt in areas with higher densities of prey birds (e.g., shallow flood areas of the Dust Mitigation Program) than typically present in the brine pool transition area. In addition, the brine pool transition area is not a nesting habitat for any of these species.

California gulls (California Species of Special Concern for nesting colony) have been observed in the brine pool transition area, but use of the brine pool transition area is likely incidental to their primary use of the nearby shallow flood areas. Furthermore, California gulls are not known and are not expected to nest in the brine pool transition area since the area is accessible to potential predators such as coyotes.

While small numbers of snowy plovers have been observed in the brine pool transition area, no nests have been seen since operation of the Zone 2 shallow flood area began in the beginning of 2002. Since invertebrate food production in the brine pool transition area would not be substantially affected and no snowy plovers are currently expected to nest in the brine pool transition area, implementation of the project would not adversely affect this species.

Small-footed myotis and Yuma myotis (locally important species, no agency status) are not known to occur but may forage in the brine pool transition area for aerial insects. However, reduction of the surface water in the brine pool transition area in the winter

(period of decreased invertebrate activity due to lower temperatures) would not result in substantial reduction of invertebrate food sources for these species.

The presence of alkali flats tiger beetle, slender-girdled tiger beetle, and Owens Valley tiger beetle (locally important species, no agency status) is not known in the brine pool transition area. Increased flows during the warmer months under LORP may create additional habitat for these species in the brine pool transition area. Reduction of winter flows is not anticipated to affect these species of tiger beetles (if these species are present in the brine pool transition area under existing conditions).

- **Impacts on migratory corridors or nursery sites** – The Owens Lake as a whole is considered to be a part of the migratory pathway. However, implementation of LORP does not involve physical modifications or other creation of obstacles to migration in the Owens Lake. The alteration in the magnitude and timing of flows discharged from the Delta to the brine pool transition area would not interfere with the movement of wildlife species or migratory corridors. While small numbers of snowy plovers have been observed in the brine pool transition area, no nests have been seen since operation of the Zone 2 shallow flood area began in the beginning of 2002. Therefore, operation of the pump station would not affect nursery sites.
- **Impacts on federally protected wetlands** – The portion of the brine pool transition area below elevation 3,553.5 feet would be considered a water of the U.S.; however, no part of the brine pool transition area would be considered a federally protected wetland since it lacks the vegetative characteristic requisite for designation as a jurisdictional wetland by the U.S. Army Corps of Engineers. Therefore, no impacts on federally protected wetlands would occur.
- **Consistency with local policies or ordinances protecting biological resources** – Aside from the Inyo County General Plan [the project is consistent as discussed in Section 13 of the LORP Final EIR (LADWP, 2004a)], there are no local government policies or ordinances protecting biological resources that are relevant to the brine pool transition area.
- **Consistency with adopted Habitat Conservation Plans** – There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional or state habitat conservation plans that are applicable to the Project area, including the brine pool transition area.
- **Water quality** – Operation of the pump station and release of River flows to the Delta would not include discharges of any wastes or significant changes to water quality of the flows reaching the brine pool transition area. The lower volume of water reaching the brine pool transition area during the winter under LORP would not result in significant effects on water quality. Overall, implementation of LORP would maintain and enhance the beneficial uses of Owens Lake.
- **Groundwater resources** – The brine pool transition area is currently saturated, and is expected to remain saturated under LORP due to the upward vertical gradient of groundwater in this area. Because surface water in the brine pool transition area is not recharging groundwater, alterations of surface flows in this area would not change groundwater recharge or water table conditions.

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- **Drainage** – Implementation of LORP would not alter the existing drainage pattern of the area; therefore, there would be no impacts on stormwater drainage to the brine pool transition area. Due to the low gradient and low velocities of the proposed pulse flows and bypass of seasonal habitat flows, impacts in the brine pool transition area related to erosion/siltation would be less than significant.
- **Flooding** – Relative to the brine pool transition area, operation of the pump station under LORP would not affect flooding or flood hazards. The project does not include the placement of housing within a flood hazard area or in any other way expose people or habitable structures to a risk of loss or injury from flooding, seiches, tsunamis, or mudflows.

### 1.5 ALTERNATIVES

Alternatives focused on avoidance or reduction of the significant environmental effects of the project related to water quality degradation and fish kills during initial releases were sufficiently analyzed in a previous document (LORP Final EIR, LADWP, 2004a). Since additional significant effects of the project have not been identified for the brine pool transition area, additional alternatives (in addition to the alternative discussed in the LORP Final EIR) have not been defined or analyzed in this SEIR.

### 1.6 AREAS OF KNOWN CONTROVERSY AND ISSUES TO BE RESOLVED

Operation of the proposed pump station 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.