

1.0 INTRODUCTION

1.1 ORIGIN OF THE PROJECT

1.1.1 1991 EIR and Long Term Water Agreement

In 1913, the City of Los Angeles completed the Los Angeles Aqueduct from the Owens Valley to Los Angeles. The primary source of water was surface water diverted from the Owens Valley, and after 1940, to a lesser extent, from the Mono Basin. In 1970, a second Aqueduct was completed by the City of Los Angeles that was supplied from three sources: increased surface diversions and groundwater pumping from the valley and increased surface diversions from the Mono Basin.

In 1972, the County of Inyo (County) sued the City of Los Angeles under the California Environmental Quality Act (CEQA) to require the Los Angeles Department of Water and Power (LADWP) to prepare an Environmental Impact Report (EIR) on its groundwater pumping to supply the second Aqueduct. LADWP was ordered to prepare an EIR. LADWP issued EIRs in 1976 and 1979, but both were found to be legally inadequate.

In the 1980s, the County and LADWP conducted discussions to develop a cooperative water management plan. Various technical studies were conducted at that time concerning groundwater and vegetation in the Owens Valley. An interim agreement was executed in 1984 between the County and LADWP, which called for more cooperative studies, certain environmental enhancement projects, and continued negotiations on a long-term agreement. In 1989, a draft of a long-term agreement was released to the public. In October 1991, the County and LADWP approved the Inyo County/Los Angeles Long Term Water Agreement (Agreement). The overall goal of the Agreement is to manage the water resources within Inyo County *“...to avoid certain described decreases and changes in vegetation and to cause no significant effect on the environment which cannot be acceptably mitigated while providing a reliable supply of water for export to Los Angeles and for use in Inyo County.”*

Subsequently, an EIR was completed by LADWP and the County and issued in 1991 (“1991 EIR”). It addressed the impacts of all 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 Agreement. The Agreement committed LADWP and the County to implement the Lower Owens River Project (LORP). The 1991 EIR and the Agreement were submitted to the Court with a joint request to end the litigation that commenced in 1972. The LORP was identified in the 1991 EIR as compensatory mitigation for impacts related to groundwater pumping by LADWP from 1970 to 1990 that were difficult to quantify.

1.1.2 Memorandum of Understanding

Shortly thereafter, concerns over the legal adequacy of the 1991 EIR were presented to the Court by state agencies and environmental groups. In 1994, the Court ordered the County and LADWP to respond to certain of these issues. After several years of settlement discussions among all parties, a Memorandum of Understanding (MOU) was executed that resolved the concerns regarding the EIR, particularly concerns related to the adequacy of mitigation described in the EIR for impacts due to LADWP’s activities related to its water gathering in the Owens Valley from 1970 to 1990. The MOU was lodged with the court, which in June 1997, discharged its writ ending the litigation between Inyo and LADWP and freeing the parties to implement the Agreement and the 1991 EIR mitigation measures. The parties to the MOU are LADWP, the County, California Department of Fish and Game (CDFG), State Lands Commission (SLC), Sierra Club, the Owens Valley Committee, and Carla Scheidlinger (hereafter called the “MOU parties”).

The MOU included provisions to expand the LORP beyond the description of the project in the Agreement and in the 1991 EIR and to clarify commitments to implement the project. The MOU specifies goals for the LORP, a timeframe for the development and implementation of the project, specific project actions, and requires that a LORP ecosystem management plan be prepared to guide the implementation and management of the project. It also provides certain minimum requirements for the LORP related to flows, locations of facilities, habitat and species. In May 1999, a draft LORP ecosystem management plan (LORP Plan) was completed by Ecosystems Sciences and was submitted to the MOU parties.

1.1.3 Draft EIR/EIS

The U.S. Environmental Protection Agency (EPA) became involved when its Fiscal Year (FY) 1999 budget included a special appropriation to assist Inyo County in carrying out the LORP. This funding action triggered EPA's obligation to conduct environmental review, including an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA). Subsequently, EPA's budget has included additional funding items for the LORP to be awarded to the County or LADWP in its FY 2000, 2001 and 2002 budgets. LADWP, the County, and EPA determined that a joint EIR/EIS would be the most effective way to conduct the environmental review. LADWP, as CEQA Lead Agency, began the environmental review process by issuing a Notice of Preparation (NOP) of the joint EIR/EIS in January 2000. The NOP described the project background and proposal. At the same time, EPA, as NEPA lead agency, issued a Notice of Intent (NOI) to prepare the joint EIR/EIS. The NOI, which is published in the Federal Register, briefly identifies the project and provides contact information. Thereafter, several MOU parties expressed concern about the capacity the pump station (maximum pump capacity of 200 cubic feet per second) proposed by LADWP in the NOP. These MOU parties asserted that the maximum pump capacity should not exceed 50 cubic feet per second (cfs), as specified in the Agreement. The parties also asserted that the MOU does not allow for a pump station greater than 50 cfs. LADWP disagreed, indicating that it believed that provisions of the MOU supercede the Agreement and allow a pump station to be constructed with a pump capacity up to 200 cfs.

In December 2000, LADWP as CEQA lead agency decided that because disagreement remained on the pump station issues, and to avoid a further delay in the preparation and release of the draft EIR/EIS, the EIR/EIS should describe and address alternative pump capacities that reflect the differing opinions of LADWP and the other MOU parties. In 2001, EPA identified the 50 cfs pump station capacity as its preferred alternative. Consequently, the Draft EIR/EIS, published in November 2002, described these main options: (1) a pump station with a capacity of up to 150 cfs; and (2) a pump station with a capacity of 50 cfs. Several alternatives to these proposals were also identified, including a 50-cfs pump station with physical modifications to the Delta Habitat Area to modify the flow patterns of water released to the Delta.

1.1.4 February 2004 Stipulation and Order and Final EIR/EIS

After the publication of the Draft EIR/EIS, the MOU parties continued to hold additional negotiations to resolve the dispute over the two alternatives for the pump station capacity and other issues related to the MOU. In February 2004, the MOU parties reached an agreement, and a Stipulation and Order was entered in Inyo County Superior Court (Case Number S1CVCV01-29768, Sierra Club and Owens Valley Committee v. City of Los Angeles et al., February 13, 2004). This February 2004 Stipulation and Order specifies the following with respect to the LORP project description:

- The maximum flow to be diverted by the pump station from the river will be 50 cfs. (See Section 2.4.)

- LADWP will provide matching funds for LORP saltcedar control equal to the amount obtained by the County up to a total of \$1.5 million (not to exceed \$500,000 in any given year). Matching funds will be in addition to the funds provided by LADWP for saltcedar control under the Inyo County/Los Angeles Long Term Water Agreement. LADWP will commence providing funding by matching the \$560,000 Wildlife Conservation Board (WCB) grant that was awarded to the County in February 2004. (See Section 2.2.2 and Section 10.4.4.)

The LORP project description presented in Section 2.0 of this Final EIR/EIS reflects these requirements specified in the Stipulation and Order. In addition, the Stipulation and Order specifies an implementation schedule for the LORP, and requires that the baseflow of 40 cfs be achieved in the river no later than April 1, 2006 (see also Section 2.2.3 “Schedule and Phasing”).

1.2 LORP GOALS AND ELEMENTS

The evolution of the LORP from the mid-1980s, through the Agreement and the 1991 EIR and the MOU is summarized below. The LORP project area is shown on Figure 1-1 (see Appendix A for all figures). The full project description is contained in Section 2.0.

Lower Owens River Rewatering Project. The Lower Owens River Rewatering Project was initiated in 1986 by LADWP and Inyo County. The project was one of 25 Enhancement/Mitigation Projects jointly implemented by the two agencies between 1984 and 1990. Under the project, 18,000 acre-feet per year was to be released from the Blackrock spillgate to maintain a continuous flow in the Lower Owens River from the Blackrock area to the Owens River Delta. The objective of the project was to improve habitat for waterfowl, shorebirds, and fish in the river corridor and at the Delta. In addition, water is supplied to the project through various spillgates along the Aqueduct to support the following lakes: Upper and Lower Twin Lakes, Goose Lake, Thibaut Ponds, and Billy Lake.

Agreement. As described in the Agreement (1991), the LORP consists of rewatering the Lower Owens River below the Aqueduct Intake with an unspecified flow of water, maintenance of off-river lakes and ponds, a pumpback system near Keeler Bridge with a pumping capacity of up to 50 cfs to recover water released to the river and return it to the Los Angeles Aqueduct, with average annual pumping not to exceed approximately 35 cfs. The Agreement provided that a management plan to be developed by LADWP, the County, and California Department of Fish and Game would set the amount of the river flows and water releases to the southern end of the river and the Owens River Delta, maintain existing off-river lakes and ponds, and set forth management to maintain the project elements.

1991 EIR. In the 1991 EIR, the LORP was identified as a mitigation measure for impacts resulting from activities associated with LADWP’s water gathering operations in the Owens Valley from 1970 to 1990. The 1991 EIR clarified and expanded upon the description of the project contained in the Agreement. The pump station was intended to return water to the Aqueduct so a substantially larger flow could be placed in the river without requiring additional groundwater pumping in the valley to make up for the loss and to prevent excessive flows through the Delta waterfowl habitat onto Owens Lake dry lake bed.

The 1991 EIR provided that a 56-mile reach of the river from Blackrock to Lone Pine would be rewatered with a flow of water averaging approximately 35 cfs annually. Seasonal releases of water to wetland areas near Blackrock and the Delta to supply two major waterfowl management units consisting of approximately 850 acres were added to the project. The 1991 EIR stated that the project would be managed by LADWP, the County and the California Department of Fish and Game in accordance with a Habitat Management Plan that would be developed for the project. The 1991 EIR stated that the LORP would be the subject of a separate EIR.

MOU. The 1997 MOU augmented the Agreement and the 1991 EIR. The MOU states that “[E]xcept as it modifies the scope of the Lower Owens River Project as described in the Inyo County/Los Angeles Long Term Water Agreement approved in October 1991...nothing in this MOU affects any other provision of that agreement.” Therefore, to the extent that the MOU modifies the scope of the LORP as described in the Agreement and 1991 EIR, the modifications of the MOU must be implemented. The MOU added specific goals for the LORP, a timeframe for the development and implementation of the project, requirements that certain actions be undertaken, and a requirement that a LORP ecosystem management plan be prepared to guide the implementation and management of the project. It also provides certain minimum requirements for the LORP related to flows, locations of facilities, and habitat and species.

The overall goal of the LORP, as stated in the MOU, is as follows:

“The goal of the LORP is the establishment of a healthy, functioning Lower Owens River riverine-riparian ecosystem, and the establishment of healthy functioning ecosystems in the other elements 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.”

The MOU provides that natural habitats will be created and maintained consistent with the needs of certain “habitat indicator” species through flow and land management in the project area. The MOU identifies the four physical features of the LORP: (1) Lower Owens River Riverine-Riparian Ecosystem; (2) Owens River Delta Habitat Area; (3) Blackrock Waterfowl Habitat Area; and (4) Off-River Lakes and Ponds. A summary of the four physical features of the LORP is provided below:

- Riverine-Riparian Habitats. The MOU specifies that a baseflow of 40 cfs will be established throughout the river, an increase from the 35 cfs specified in the Agreement. The MOU also specifies a seasonal habitat flow of up to 200 cfs. The annual amount of the seasonal habitat flow will depend on the runoff amount in Owens Valley each year. The MOU includes goals for certain “habitat indicator species” associated with the river. This element of the LORP also includes a pump station designed to capture water released to the river, and to convey the water to the Los Angeles Aqueduct or the Delta (see below).
- Owens River Delta Habitat Area. The MOU specifies that an average annual baseflow of approximately 6 to 9 cfs be released from the pump station to the Delta to enhance and maintain approximately 325 acres of existing habitat, and to establish and maintain new habitats in the Delta. This baseflow does not include any flows that by-pass the pump station during the seasonal habitat flows in the river. The MOU includes goals for certain “habitat indicator species” associated with the Delta.
- Blackrock Waterfowl Habitat Area. The MOU specifies that a 1,500-acre off-river area with a mixture of pasture and wetlands be enhanced through flow and land management to benefit wetlands and waterfowl. Approximately 500 acres of the habitat area are to be flooded at any given time when runoff is forecasted to be average or above average with reductions in water supplies in less than average runoff years. The MOU includes goals for “habitat indicator species” associated with the Blackrock Waterfowl Habitat Area.
- Off-River Lakes and Ponds. The MOU specifies that existing off-river lakes and ponds near the Blackrock Waterfowl Habitat Area be maintained for fisheries, waterfowl, shorebirds, and other animals through flow and land management. The off-river lakes and ponds identified in the MOU

are: Billy Lake, Goose Lake, Thibaut Ponds, and Upper and Lower Twin Lakes. The MOU includes goals for “habitat indicator species” related to the actions at the off-river lakes and ponds.

The MOU includes a requirement that LADWP and the County direct and assist Ecosystem Sciences, Inc., of Boise, Idaho, to serve as a consultant in the preparation and implementation of a LORP ecosystem management plan (LORP Plan) following the procedures outlined in an Action Plan (Hill and Platts, 1997), which is contained in the MOU. The MOU provides that the consultant was chosen due to their education, training, experience, and philosophical approach to resource planning that focuses on holistic management principles, with a goal of promoting biodiversity and sustainable uses. The MOU states that, “For this reason, and based upon their professional record and their exercise of independent judgment, the Parties have agreed to vest consultants with the responsibility to develop many of the plans identified in this MOU.” Ecosystem Sciences conducted the background studies to identify and determine river flow requirements for fish, wildlife, and riverine-riparian habitats, which are now the agreed upon flows for the LORP.

The Action Plan specified the scope of the various plans that would comprise the overall LORP Plan including plans for river management, wildlife and wetlands management, habitat conservation, land management, and monitoring. A draft LORP Plan was issued in May 1999 for review and comment by the MOU parties. A revised draft LORP Plan was developed in August 2002 and is available for review at the offices of LADWP and the Inyo County Water Department and at the Inyo County libraries in Lone Pine, Independence, Big Pine, and Bishop.

As provided in the MOU, the LORP will be adaptively managed. This means that project management will be modified if ongoing monitoring and analysis reveal that such modification is necessary to ensure the successful implementation of the project and the attainment of the project goals. The LORP includes a long-term monitoring plan for collecting and analyzing data on the progress toward meeting the LORP goals (see Section 2.10).

The proposed project also includes a land management plan for LADWP leases within the LORP area (see Section 2.8). The land management plan is designed to complement and facilitate the LORP actions and to comply with the MOU requirements along the river, in the Blackrock Waterfowl Habitat Area, and the Delta Habitat Area. The land management plan focuses on enhancing native habitat diversity while allowing for sustainable grazing. The plan focuses on riparian areas, irrigated pastures, and areas with sensitive species or habitats.

Although the MOU specifies that a Habitat Conservation Plan (HCP) will be prepared as one part of the LORP Plan, LADWP has concluded, after conferring with MOU parties, to delay initiating the development of an HCP until the project proposal and environmental documentation (EIR/EIS and associated documents) are finalized. The reason for delaying the HCP is that the MOU parties agreed that developing and finalizing a formal HCP would be time-consuming and could further delay implementation of the project if the HCP is tied to the project. In addition, some members of the public expressed concern over the possibility that endangered species could be introduced to popular fishing spots, and resolving those concerns could potentially add to the delay in implementing the LORP. LADWP believes that initiating the LORP implementation will provide an opportunity to better understand what is needed in the project to protect special status species. Furthermore, LADWP prefers to address all of its lands as a whole in an HCP, rather than focusing on the boundaries of the LORP. Thus, while the LORP contains provisions to develop habitat that is suitable for threatened and endangered species, there are no plans at this time to introduce those species to the LORP area.

The proposed project does not include any changes to existing recreational uses. With the exception of new signage, the project does not include construction of new recreational facilities, including roads,

trails, or campgrounds. However, the LORP will provide new recreational opportunities over time due to enhanced natural resources, including game fisheries, waterfowl habitat, and a well-developed riparian corridor. If adverse impacts or threats to resources from recreational uses are observed, LADWP will implement the recreation management strategies described in Section 2.9.

1.3 ENVIRONMENTAL REVIEW

1.3.1 CEQA Lead Agency and Responsible Agencies

The MOU specifies that an EIR be prepared for the LORP in accordance with the California Environmental Quality Act (CEQA). The MOU also specifies that LADWP, as the CEQA Lead Agency, and the County as a CEQA Responsible Agency, will jointly prepare the EIR on the project. LADWP is the CEQA Lead Agency because it has the primary responsibility for the project through discretionary actions to fund and physically implement the LORP.

There are several CEQA Responsible Agencies that must act independently of LADWP to implement the project by granting approvals or issuing permits, including: the County, Lahontan Regional Water Quality Control Board (Regional Board), CDFG, and SLC. The County has responsibility for funding a portion of project implementation (up to \$3.75 million) and for funding one half of, and jointly managing, most post-implementation activities. The Regional Board must issue water quality certifications, and CDFG must issue stream alteration agreements under their respective authorities in order for the project to proceed. The SLC must issue land use approvals for installation of two temporary stream gages on State lands within the Delta Habitat Area.

1.3.2 Purpose and Contents of an EIR

An EIR is an informational document designed to “...*inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.*” (CEQA Guidelines 15121). The focus of an EIR is to identify significant environmental effects of the proposed project (CEQA Guidelines 15126.2). The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence (CEQA Guidelines 15143).

An EIR must also “... *describe a range of reasonable alternatives to the project ... 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, and evaluate the comparative merits of the alternatives.*” (CEQA Guidelines 15126.6). The Guidelines state further: “*Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment, the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.*” (Section 15126.6).

CEQA Guidelines Section 15151 state that “*An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.*”

1.3.3 EPA Role in LORP and Federal Environmental Review

A portion of the funding from the County and LADWP will be derived from federal grant funds provided by the U.S. Environmental Protection Agency (EPA). At this time, the bulk of the funding is planned to be applied toward project implementation costs, such as environmental compliance; construction of the pump station and its associated power line, water control and measuring facilities; modification of the River Intake structure; and fence installation (see Section 2.2.2). The allocation of such funds from EPA to the County and LADWP to implement the project is a federal action by EPA subject to the environmental review requirements of the National Environmental Policy Act (NEPA). Although the LORP is a project that will be implemented by non-federal local agencies, it is subject to federal environmental review requirements because EPA's provision of funding is an "action" under NEPA. EPA is thus the NEPA Lead Agency. The amount of federal funding designated for the LORP at this time is approximately \$6.3 million (see Section 2.2.2).

NEPA specifically prohibits segmenting interconnected actions. As such, it applies to all elements of the project, not just elements directly funded by EPA. Therefore, EPA must address the entire project in its environmental review.

1.3.4 Purpose and Contents of an EIS

NEPA requires the preparation of an Environmental Impact Statement (EIS) if the proposed action has the potential to "significantly affect the quality of the human environment." EPA has determined that the LORP has the potential to cause significant adverse impacts to the environment that are incidental to the intended environmental benefits of the LORP. This conclusion is consistent with LADWP's finding under CEQA that an EIR is necessary because the project could cause significant impacts. Many of the environmental review requirements under NEPA parallel those of CEQA. For example, the purpose of an EIS is to inform the public and decision-makers so that an informed decision can be made on the project.

An EIS is similar to an EIR in that both documents must describe the environmental consequences of the proposed action, identify mitigation measures to reduce impacts, and evaluate alternatives to the proposed project. However, an EIS has several different requirements, as listed below:

- In an EIS, the federal lead agency must evaluate the impacts of a range of reasonable alternatives that would fulfill most of the project objectives. These alternatives must be feasible, but may include alternatives outside the jurisdiction of the lead agency. In contrast, CEQA only requires an evaluation of alternatives that would avoid or reduce significant impacts.
- Mitigation measures must be identified for all impacts. However, none of the recommended mitigation measures in the EIS are mandatory. The federal lead agency has the discretion during the decision-making process to select mitigation measures from the EIS. In contrast, mitigation measures must be implemented for significant impacts under CEQA, unless a finding of overriding considerations is made. In addition, a CEQA lead agency must adopt all mitigation measures unless they are determined to be infeasible, or outside the jurisdiction and authority of the lead agency.
- An EIS must address consistency with applicable provisions of other key federal laws and regulations, including the Clean Water Act, Clean Air Act, National Historic Preservation Act (NHPA), and Endangered Species Act (ESA).
- An EIS must address consistency with applicable Executive Orders, such as those related to protection of wetlands and floodplains. In addition, an EIS must evaluate impacts of the project on minority and low-income communities pursuant to the Executive Order on Environmental Justice.

- Finally, an EIS must address specific considerations related to short-term uses of the environment relative to long-term productivity, irreversible and irretrievable commitment of resources, and economic or social impacts (as they relate to physical changes in the environment).

EPA's intention is to ensure full disclosure of environmental impacts pursuant to NEPA, and to assist public agencies in making decisions that are based on a complete understanding of environmental consequences, and to take actions that protect, restore, and enhance the environment (40 CFR 1501). EPA's role in the LORP is to fund a portion of the project, not to provide day-to-day management. EPA does not intend to assume an active role in project implementation. Hence, EPA's focus during the environmental review process and during the local decision-making process will be to ensure its obligations under NEPA are fulfilled, and that the overall design and implementation of the LORP are consistent with federal environmental laws and regulations. In addition, EPA will ensure that an adequate range of alternatives is addressed in the EIR/EIS, and that the document discloses all relevant information for other federal agencies that become involved when LADWP and the County seek federal permits and approvals from agencies such as the U.S. Army Corps of Engineers and Bureau of Land Management.

EPA's decision to fund the project is an independent decision from that of LADWP (as the CEQA Lead Agency) and the County (as a key CEQA Responsible Agency). EPA will consider the environmental impacts of the project as described in the Final EIR/EIS, and prepare a Record of Decision (ROD). In that document, EPA's preferred project will be identified, as well as the environmentally preferred alternative, which may or may not be the same alternative. The ROD will explain the basis of EPA's final decision, which may include identifying certain mitigation measures from the Final EIR/EIS which EPA has determined are necessary to comply with the intent of NEPA.

1.3.5 Public Scoping

The Notice of Preparation (NOP) issued by LADWP on January 14, 2000 went to five federal agencies, eight state agencies, 11 local agencies, 8 tribes, five environmental groups, and over 50 individuals, organizations, and other interested parties. EPA issued a Notice of Intent (NOI) in the Federal Register on February 1, 2000. The NOP and NOI requested comments on the scope and contents of the EIR/EIS. A public scoping meeting was conducted on February 16, 2000 in Lone Pine. Approximately 40 people attended the scoping meeting and provided verbal comments. Letters of comment in response to the NOP and NOI were received from the following parties and are included in Appendix B.

- U.S. Department of the Interior, Bureau of Land Management, Bishop Field Office
- California Department of Fish and Game, Inland Desert-Eastern Sierra Region, Bishop Field Office
- California Regional Water Quality Control Board, Lahontan Region
- California State Lands Commission
- Counties of Inyo-Mono, Agricultural Commissioner
- Independence Chamber of Commerce
- The Owens Valley Committee and the Sierra Club
- Fort Independence Indian Reservation
- Big Pine Paiute Tribe
- Eastern Sierra Audubon Society
- Tom Hurley
- Andrew Morin
- Arlene Grider
- Mark Belles

1.3.6 Draft and Final EIR/EIS

The Draft EIR/EIS was issued on November 1, 2002. The public review and comment period began on November 1, 2002 and ended on January 14, 2003. A total of 241 written comment letters were received on the Draft EIR/EIS. In addition, public meetings were held in Lone Pine on December 4, 2002 and in Bishop on December 5, 2002 to receive oral comments on the Draft EIR/EIS. A total of 19 people provided oral comments at the two meetings.

Appendix J (Volume 2) of this Final EIR/EIS presents the written comment letters on the Draft EIR/EIS and the written transcripts of the two public meetings, and Appendix K (Volume 3) presents responses to these comments. Please note that URS Corporation, consultant to Inyo County for the Draft EIR/EIS, assigned numbers to the comment letters; specific number series (61 through 69 and 71 through 79) were not assigned to any letters.

Throughout 2003 and until early May 2004, LADWP, EPA, and Inyo County coordinated closely to prepare the Final EIR/EIS, with the objective of reaching consensus on all issues among the three agencies. However, in order to meet the court-established deadline to release the Final EIR/EIS by June 23, 2004, LADWP informed Inyo County Superior Court on May 10, 2004 that LADWP would complete the document on its own, without further consultation with EPA and Inyo County. On May 11, 2004, LADWP informed EPA and Inyo County that LADWP would strive to incorporate the comments that had been received from the two agencies thus far, and also invited the two agencies to submit any additional comments by May 14 for LADWP's consideration and incorporation to the extent possible within the remaining time available. Therefore, this Final EIR/EIS reflects the consensus reached on the issues discussed by the three agencies as of May 2004.

1.4 PERMITS AND OTHER APPROVALS REQUIRED

Implementation of the LORP would require several permits and approvals from various agencies, as listed in Table 1-1.

**TABLE 1-1
PERMITS AND APPROVALS REQUIRED**

Agency	Permit or Approval	Project Element
<i>Administrative Approvals</i>		
LADWP Board of Water and Power Commissioners	Certification of Final EIR, and Issuance of Notice of Determination indicating that CEQA process is completed and project can proceed	All project elements
Inyo County Board of Supervisors	Adoption of LADWP's certified Final EIR/EIS, approval of final LORP, and directive to staff to proceed with joint implementation and funding of the project with LADWP	All project elements
Environmental Protection Agency (EPA)	Issuance of Record of Decision by Regional Administrator, indicating that NEPA process (including NHPA Section 106 and ESA Section 7 obligations) are completed and funding for implementation can be released to Inyo County and LADWP	All project elements
U.S. Fish and Wildlife Service	Letter to EPA indicating that ESA Section 7 consultation requirements have been completed; consultation with the U.S. Army Corps of Engineers regarding 404 permit.	All project elements
State Historic Preservation Officer	Letter of concurrence to EPA on NHPA Section 106 compliance	All project elements
<i>Permits</i>		
U.S. Army Corps of Engineers	Section 404 permit for discharge of dredge or fill materials associated with certain construction activities	Pump station, River Intake structure modifications, new stream gaging stations, spillgate modification and maintenance activities in wetland areas
California Department of Fish and Game	Streambed Alteration Agreement (Fish and Game Code 1602), consultation under the California Endangered Species Act	Pump station, River Intake structure modifications, new stream gaging stations, spillgate modification and maintenance activities in wetland areas
Bureau of Land Management	Right of way grant	Power line to pump station
Regional Water Quality Control Board, Lahontan Region	401 Water Quality Certification or Waiver for all Section 404 permit activities	Pump station, River Intake structure modifications, new stream gaging stations, spillgate modification and maintenance activities in wetland areas
Regional Water Quality Control Board, Lahontan Region	Waste Discharge Requirements	Temporary dewatering during pump station or other construction
State Water Resource Control Board	NPDES construction stormwater permit	Construction activities at pump station
California State Lands Commission	Land use approvals	Installation of temporary stream gages in the Delta
Great Basin Air Pollution Control District	Permit to conduct control burns (if this action is implemented under adaptive management)	Land management activities
Inyo County	Grading and building permits	Pump station