



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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1600 - LORP (P)
(CA170.2)

FEB 29 2000

Gene L. Coufal
Manager
L.A. Dept. of Water and Power
300 Mandich Street
Bishop, CA 93514

Re: EIR Scoping for Lower Owens River Project

Dear Gene,

We have reviewed your Notice of Preparation of a Draft EIR for the LORP and offer the following comments of possible impacts to public lands managed by the Bureau which we would like to see addressed in the draft EIR.

Under section 4.1 there is mention of future development of "fish sanctuaries" and a Habitat Conservation Plan. We believe that the LORP should incorporate recommendations of the existing Multi-species Recovery Plan developed by the US Fish and Wildlife Service for the Owens Valley.

Under section 5.1 we have a number of comments regarding grazing and fencing.

The first general comment is that grazing a 60 percent utilization rate in upland areas is not sustainable. It has been shown by numerous studies in the literature that in a healthy, properly functioning high desert / sagebrush / saltbush ecosystem a 50 percent utilization level is the maximum that can be sustained without damage to the system (see the Annotated Bibliography on Utilization and Residue Levels in BLM's Rangeland Health Standards and Guidelines Final EIS, BLM 1998).

The second general comment is that although we have concerns with cattle drift from DWP leases onto BLM managed public lands (see specific comments below), due to wildlife habitat concerns, we recommend that fencing be kept to a minimum in the LORP. If you need fencing to control cattle, the fencing proposed in your notice - "five strand barbwire with posts 12 feet apart and three stays between posts" - is too much wire for the purposes of the fences in this area. Especially as there is a high level of use by wildlife (tule elk and deer) we would recommend that

a four strand fence with one stay between posts would be quite adequate and allow better access for deer and elk.

The third general comment is that new water troughs will be created to "encourage cattle to use areas outside the river corridor." We would like to see this addressed in the EIR, specifically dealing with the drift of cattle onto public lands which are adjacent to the DWP lands in the river corridor.

Figure 5 of your Notice of Preparation depicts seven (7) major grazing lease parcels occurring along both sides of the Owens River. The following comments are directed at these leased parcels as named in Figure 5.

Twin Lakes Lease

This lease adjoins the BLM Black Mine allotment (#6023) assigned to Four J Cattle CO. (Mark Johns). The season of use is Unspecified in BLM's Bishop Resource Management Plan (RMP), but his Basic Schedule for licensing is 6 cattle from 3/1- 5/15 and 7 cattle from 10/16- 2/28 annually at 100% federal range for 47 AUMs. This 100% federal range figure does not account for the grazing capacity available from the unfenced portions of the DWP lease lands, because BLM does not have the production information from DWP to more properly compute the grazing capacity. How it affects BLM is that there are likely more than 6-7 cows that graze the public land while using the unfenced lands of the Twin Lakes lease and that use on public lands may possibly occur outside the dates on his BLM authorization.

An allotment assessment for 6023 was completed in spring 1999 and the ecosystem health was found acceptable. It was noted by the BLM Archeologist that a couple of cultural sites on DWP land are being impacted by grazing. These could potentially be mitigated, depending on how DWP plans to fence / manage grazing in the future.] *

The public lands in 6023 are about 35 acres per AUM, which is low production and may likely be lower (since the forage inventory is now 20 years old). BLM's concern is that DWP not take actions that will contribute to more grazing use affecting the public land. Opportunities for some rest from grazing use, particularly in late winter through spring, should be strongly considered.

Blackrock Lease (north of Thibaut Lease)

Same comments as for Twin Lakes Lease, as ½ section of public land of allotment 6023 (at Black Jack Mine Sec.1) adjoins this lease.

Thibaut Lease

DWP lands abut the BLM West Santa Rita allotment (#6048) assigned to Lacey & Son. The season of use is Unspecified in the RMP, but his Basic Schedule for licensing is 3 cattle from 10/10- 12/31 annually at 100% federal range for 8 AUMs. Again, this 100% federal range figure does not account for the grazing capacity available from the unfenced portions of the DWP lease lands, because BLM does not have the production information from DWP to more properly compute the grazing capacity. How this affects BLM is that there are more than 3 cows that graze the public land while using the unfenced lands of the Thibaut lease and the use of public lands may possibly occur outside the dates on his BLM authorization.

The allotment assessment for 6048 was completed in spring 1999 and was found acceptable. The BLM lands in 6048 are about 35 acres per AUM, which is low production and may likely be lower (since the forage inventory is now 20 years old). BLM's concern is that actions taken by DWP do not contribute to more grazing use affecting the public land. Opportunities for some rest from grazing use, particularly in late winter through spring, should be strongly considered.

Blackrock Lease (south of Thibaut Lease)

Lacey & Son control this DWP lease. The public lands adjoining this lease are Unallocated for livestock grazing and have been for over 20 years. There is occasional cattle drift in early spring depending upon whether there is sufficient precipitation and resultant growth of annual forage species on the public land uplands. Some of this drift has been controlled by the placement of a cattleguard on the Mazourka Road and a drift fence from Kearsarge north to the hills at Snowcaps Mine.

Cattle drift / grazing use of public lands can still occur south of the Mazourka Road along the alluvial fans, with cattle returning to DWP lands for water. There are no historic fences in the area which could be reconstructed to help control this drift.

The grazing capacity of public lands in this area range from 50-80 plus acres per AUM (extremely low production), so our concern is to not increase unauthorized cattle use.

Independence Lease

BLM does not have any concerns with the parcels west of highway 395, unless increased cattle use is planned to shift some grazing use away from the leased lands east of the highway. This lease is held by Ronald (Sandy) Kemp & Son who also hold the BLM grazing permit for the Alabama Hills allotment (west of Hwy 395).

Islands Lease

This lease is also held by Sandy Kemp. The same concerns expressed for the Independence Lease west of Hwy.395 apply, as well as those concerns expressed for the Blackrock Lease (south of the Mazourka Road).

Lone Pine Lease

This lease is held by Spainhower Anchor Ranch (Tom Noland) who also holds the BLM grazing permit for the Ash Creek allotment (west of Hwy.395, south of Lone Pine).

The same concerns expressed for the Blackrock and Islands Leases along the east side of the river pertain to the part of this lease that lies east of the river.

During the last few years, Mr. Noland has made spring grazing use of this lease, in lieu of going onto his BLM Ash Creek allotment, due to drought-like conditions and poor forage production on the public lands. This has been a benefit to the public lands and this flexibility is important to maintain, if it can be accommodated by DWP.

Delta Lease

There are scattered parcels of public land within this DWP lease that are Unallocated by BLM for livestock grazing. We believe that Sandy Kemp controls this, although other DWP leasees occasionally use this area.

Due to the extremely low forage production on these public lands, BLM is concerned that the area could be severely impacted if additional grazing pressure occurs.

This situation may present an opportunity for a land exchange, as a long term solution to grazing trespass of Unallocated public lands.

Conclusion/Recommendations regarding Grazing

Given the low forage production and lack of water on public lands adjacent to these DWP leases, BLM is not considering establishing these Unallocated public lands as grazing allotments. To do so would require an amendment to our RMP and would likely result in a great expenditure of money for range projects (fencing, water developments, cattleguards) for a low return on the funds spent. More importantly, resource degradation to plants and soil disturbance (causing airborne dust) resulting from increased grazing use would occur.

The potential impacts to adjacent public lands will depend upon the location of planned fencing by the DWP and the proposed changes to current grazing management practices. Given that most of the public lands are Unallocated, BLM does not support a situation that would contribute to more cattle drift and unauthorized grazing in the future.

If more of the DWP lands are fenced, there will be fewer impacts to public land. However, with more fencing the potential impacts to wildlife, specifically elk and deer, would be greater.

Discussion / coordination between the DWP and BLM Resources Staff should occur at the earliest opportunity to assess concerns, potential impacts and mitigation measures.

Under 5.2, Recreation, there is mention that off-road vehicle use is prohibited. Most user groups and management agencies refer to off-highway vehicles instead of "off-road" as "roads" are defined differently by different statutes and groups. For clarification purposes, you might want to state that cross-country vehicle use off designated routes (roads, jeep trails, etc.) is prohibited.

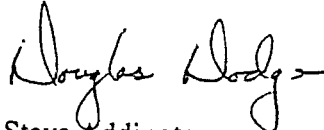
This may or may not create an enforcement issue that you'll wish to address. BLM personnel know of a number of instances where there is cross-country vehicle use on DWP lands, creating new routes and play areas.

Under Potential Adverse Impacts there is mention of potential increases of salt cedar, perennial pepperweed and other exotic infestations. Noxious weed control has become a major concern of the BLM on public lands throughout the western United States. Besides being a focus of the federal government, noxious weeds are a major State concern in California and other western states, and we have an active weed management group in Inyo County, of which DWP is a partner.

We believe that there should be some definite weed control measures and strategies in place to counter any potential for increased infestation, as well as to reduce and/or eradicate the existing populations of invasive species in the project area. We are already fighting spreading populations of weeds on public lands adjacent to the project area and can ill afford to have increasing populations nearby.

If there are any questions, please contact me or Douglas Dodge at this office.

Sincerely,



for Steve Addington
Field Manager

Literature cited:

Bureau of Land Management, 1998. Rangeland Health Standards and Guidelines for California and Northwestern Nevada – Final EIS. USDI, BLM, California State Office, Sacramento, CA. April 1998.

DEPARTMENT OF FISH AND GAME

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FEB 22 2000



Inyo Co. Water Department

February 15, 2000

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

**Notice of Preparation
of a Draft Environmental Impact Report/Environmental Impact Statement
Lower Owens River Project
City of Los Angeles-Owned Lands
Inyo County**

Dear Mr. Coufal:

The Department of Fish and Game (Department) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS) for the Lower Owens River Project (LORP) on City of Los Angeles-Owned Lands in Inyo County. The LORP was identified in the 1991 LADWP/Inyo County EIR (Final 1991 EIR) as compensatory mitigation for impacts related to groundwater pumping by the Los Angeles Department of Water and Power (LADWP) from 1970 to 1990 that were difficult to quantify. The goal of the LORP is the establishment of a healthy, functioning river-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 NOP description of the LORP includes four physical features: (1) Lower Owens River Riverine-Riparian Ecosystem; (2) Owens River Delta Habitat Area; (3) Off-River Lakes and Ponds; and (4) Blackrock Waterfowl Habitat Area, and includes the development of a Land Management Plan and a Recreation Plan.

The Department is providing comments on this NOP as the state agency which

has the statutory and common law responsibilities with regard to fish and wildlife resources and habitats. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish & Game Code section 711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species (Fish & Game Code section 1802). The Department's fish and wildlife management functions are implemented through its administration and enforcement of the Fish and Game Code (Fish & Game Code Section 702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (see CEQA Guidelines, 14 Cal. Code Regs. Sec. 15386(a)). The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.

General Comments

Because the basis of the proposed project is predicated upon the Memorandum of Understanding (MOU) between LADWP, Inyo County, the Department, State Lands Commission, Sierra Club, Owens Valley Committee, and Carla Scheidlinger it is imperative that the LORP Plan completely reflect the provisions in the MOU. The LORP Plan should be developed following the procedures outlined in the LORP Ecosystem Management Plan Action Plan (Action Plan) in their entirety, including the plans identified therein. The NOP states that the preparation and implementation of a Habitat Conservation Plan (HCP) for the U.S. Fish and Wildlife Service (USFWS) is a separate project and not part of the LORP. However, the MOU and Action Plan clearly require that an "HCP" be prepared as part of the LORP. To defer the preparation of the "HCP" as a separate project does not comport with the requirements of the MOU. While there may be rationale for deferring the complete USFWS HCP process in the LORP area this is an issue that may have to be resolved by the MOU Signatory Group. As currently worded the scope of the project in the NOP is inconsistent with the scope of the project described in the Final 1991 EIR and MOU.

The Department believes that one way that LADWP can bring the project scope into compliance with the MOU and meet CEQA requirements is to develop a "Listed Species Management Plan" following the procedures outlined in the LORP Action Plan for listed species management within the areas identified in Table 1 of the LORP Action Plan and Table 2 of the Draft May 1999 Ecosystem Management Plan. This listed species Management Plan could satisfy the LORP Goal as stated in the MOU. Following the implementation of other LORP elements LADWP could pursue the completion of an HCP with the USFWS which could allow management activities without creating conflicts with listed species. This procedure would defer the preparation of a formal HCP until designated habitats in the LORP are created or restored, evaluated for the desirability of listed species introductions, and would not

proceed until such introductions could occur. A formal HCP could then be prepared for those waters within the LORP, completely satisfying the requirements of the MOU. If any further CEQA evaluation is necessary for this phase it may be tiered to the LORP EIR/EIS. The Department recommends completion of the LORP HCP before attempting the preparation of a larger HCP encompassing all listed species on all of LADWP lands in the Owens and Long Valley areas. The preparation of the formal LORP HCP should not delay the completion of other elements of the LORP required in the MOU. While this process should facilitate CEQA compliance, Fish and Game Code Section 1601-03 compliance, satisfy the intent of the MOU with regard to listed species recovery, facilitate the creation and preparation of listed species habitats, and should not delay the restoration of flows to the river and other elements, it must receive the support of the MOU Signatory Group.

It is imperative that the DEIR/DEIS contain a detailed project description and definitions of important terms, such as "HCP", "adaptive management", "healthy ecosystem", etc. Currently, there is uncertainty regarding the proposed project description because it has elements variously described in the NOP, LORP Action Plan, draft 1999 Ecosystem Management Plan, and several Technical Memoranda, all presumably conforming to direction contained in the MOU. Additionally, the lack of the specific definition of fundamental terms such as "HCP" can lead to misunderstanding and confusion regarding compliance with MOU requirements. The final project description should integrate salient project features from the above planning documents and include pertinent information from the Technical Memoranda where appropriate.

The Department provided extensive comments in a letter of July 26, 1999, on the Draft LORP 1999 Ecosystem Management Plan. The LORP Action Plan (p.2) identifies the LORP Ecosystem Management Plan as the LORP Plan. Therefore, as applicable to the final LORP Plan, the Department's July 26, 1999 comments remain valid and are hereby incorporated by reference into this letter on the NOP.

Specific Comments

The Department appreciates this opportunity to comment on the above-referenced project, relative to impacts to biological resources. To enable our staff to adequately review and comment on the proposed project, we recommend the following information be included in the DEIR/DEIS:

1. A complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, and locally unique species and sensitive habitats. In particular, those species listed in Tables 1 and 2 of the U.S. Fish and Wildlife Service 1998 Owens Basin Wetland and Aquatic Species Recovery Plan (USFWS Recovery Plan) that occur within the project area should be discussed. All assessments must be completed using protocols and

methodologies approved by the Department and U.S. Fish and Wildlife Service. Assessments must be completed at appropriate times of the year and during appropriate survey hours.

a) A thorough assessment of rare plants and rare natural communities, following the Department's May 1984 Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities.

b) A complete assessment of sensitive fish, wildlife, reptile and amphibian species. This assessment should include the Habitat Indicator Species as listed in Table 1 of the LADWP 1997 Lower Owens River Project Ecosystem Management Plan Action Plan and Concept Document (Action Plan), and the 14 riparian focal species included in the Draft Riparian Bird Conservation Plan, a project of California Partners in Flight and Riparian Habitat Joint Venture. An assessment of Anodonta, a native freshwater mussel, should also be completed. Seasonal variations in use of the project area by sensitive species should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, is required. Acceptable species-specific survey procedures should be developed in consultation with the Department and U.S. Fish and Wildlife Service.

c) Rare, threatened and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition. (See CEQA Sec. 15380.) Surveys for these species must be conducted using approved methodologies in coordination with the Department and the U.S. Fish and Wildlife Service. All persons conducting the surveys must have the required permits from the resource agencies. The LORP Plan should address the preparation of listed fish sanctuaries including construction of water control structures, fish barriers, and elimination of predatory fishes, as needed.

d) The Department's California Natural Diversity Data Base in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.

2. A thorough discussion of direct, indirect and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. Direct impacts to riparian vegetation resulting from the impoundment of water behind the diversion structure for the pumpback station, and effects of seasonal releases below the pump system to the Owens River Delta Habitat Area should be discussed.

a) CEQA Section 15125(a) directs that knowledge of the regional setting is critical to an assessment of environmental impacts and that species emphasis should be placed on resources that are rare or unique to the region.

b) Project impacts should also be analyzed relative to their effect on off-site habitats and populations. Specifically, this should include nearby public lands, open space, adjacent natural habitats and riparian ecosystems. Impacts to and maintenance of wildlife corridor/movement areas should be fully evaluated and provided.

c) A cumulative impact analysis should be developed as described under CEQA Section 15130. General Plans, Specific Plans, as well as past, present and anticipated future projects should be analyzed relative to their impacts on similar plant communities and wildlife habitats. Other projects within the vicinity of the LORP which could potentially have cumulative impacts associated with the LORP include dust control measures at Owens Lake including operation of the pumpback system, mining operations on Owens Lake, water export associated with the Western Water project in Rose Valley and the potential U.S. Filter project in the tri-valley area, land management practices on City-owned lands outside of the LORP project area, and rewatering of the Owens Gorge. The DEIR/DEIS should describe if, and how, the required flow releases will affect upstream water operations and disclose potential impacts to fish and wildlife resources and recreational angling. A description of anticipated maintenance activities and facilities (such as reservoir maintenance, gauges, roads, etc.) and analysis of impacts associated with these facilities should also be included. Indirect impacts which could potentially adversely affect biological resources include the spread of undesirable exotic species such as tamarisk, perennial pepperweed, and proliferation of bullfrogs (*Rana catesbiana*).

3. Pursuant to CEQA Guidelines Section 15126.6 a range of alternatives should be analyzed to ensure that alternatives to the proposed project are fully considered and evaluated. A range of alternatives which avoids or otherwise minimizes impacts to sensitive biological resources should be included. Specific alternative locations should also be evaluated in areas with lower resource sensitivity, where appropriate. The Proposed Project is predicated upon requirements of the 1997 MOU. The NOP states that the MOU provides certain "minimum requirements for the LORP related to flows, locations of facilities, and habitat and species to be addressed". The DEIR/DEIS should describe and analyze project alternatives which meet the requirements of the MOU and also may minimize adverse impacts and/or maximize beneficial effects to fish, wildlife, and related recreation.

The DEIR/DEIS should analyze a range of reasonable alternatives which meet the stated LORP goals, such as providing alternative flow regimes in the river, Blackrock, and Delta (base flows and habitat flows); alternative rewatering locations using historic eastern Sierra water courses as input sources to maintain baseline and/or peak flows in the river and/or other wet areas (this could include supplying water to Blackrock, Owens River Delta, Billy Lake, other EM sites, and Owens Lake dust control); and utilizing the river as a conveyance to provide sufficient water for dust

control at Owens Lake without complete reliance on additional aqueduct water. If these or additional alternatives which meet the LORP goals are not analyzed, the document should contain a discussion of the institutional and biological factors which constrain the range of alternatives.

a) The alternatives analysis should also include a discussion of the impacts of each river flow alternative, as well as those alternatives suggested above, on riparian vegetation, Habitat Indicator Species as identified in the Action Plan, and listed species. In particular, there should be an analysis of the impacts of proposed management activities within riverine-riparian habitats, the Blackrock Waterfowl Habitat Area, Owens River Delta Habitat Area, and Off-River Lakes and Ponds on all the Habitat Indicator Species as identified in the Action Plan. The analysis should include a quantification of habitat suitable for Habitat Indicator Species under the various alternatives.

b) Mitigation measures for project impacts to sensitive plants, animals, and habitats should emphasize evaluation and selection of alternatives which avoid or otherwise minimize project impacts. Off-site compensation for unavoidable impacts through acquisition and protection of high-quality habitats elsewhere should be considered if appropriate.

c) The Department considers Rare Natural Communities as threatened habitats having both regional and local significance. Thus these communities should be fully avoided and otherwise protected from project-related impacts.

4. If the project has the potential to adversely affect species of plants or animals listed under the California Endangered Species Act, either during construction or over the life of the project, a permit must be obtained under Section 2081 of the Fish and Game Code. Such permits are issued to conserve, protect, enhance and restore state-listed threatened or endangered species and their habitats. In addition, recent legislation requires that all 2081 permits issued by the Department comply with CEQA. Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a 2081 permit. If the project has the potential to impact species of plants or animals listed as threatened or endangered by the U.S. Fish and Wildlife Service, a consultation under Section 7 of the Endangered Species Act may be required. A list of federal and state listed species found within the project area is found in Tables 1 and 2 of the Owens Basin Wetland and Aquatic Species Recovery Plan.

a) A Department-approved Mitigation Agreement and Mitigation Plan is required for plants listed as rare under the Native Plant Protection Act.

5. Section 1603 of the Fish and Game Code requires any person who proposes

a project that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake or use materials from a streambed to notify the Department before beginning the project. Similarly, under section 1601 of the Fish and Game Code, before any State or local governmental agency or public utility begins a construction project that will: 1) divert, obstruct, or change the natural flow or the bed, channel, or bank of any river, stream, or lake; 2) use materials from a streambed; or 3) result in the disposal or deposition of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into any river, stream, or lake, it must first notify the Department of the proposed project.

Notification is generally required for any project that will take place in or in the vicinity of a river, stream, lake, or their tributaries. This includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks and watercourses having a surface or subsurface flow that support or have supported riparian vegetation. If you are not certain that your proposed project will require a Lake or Streambed Alteration Agreement, the Department recommends that you submit a complete notification package.

Based on the notification materials you submit to the Department and, if necessary, an investigation of the project site by the Department, the Department will determine if your proposed project may impact fish or wildlife resources. *If the Department determines that your proposed project may substantially adversely affect existing fish or wildlife resources, you will need to obtain a Lake or Streambed Alteration Agreement from the Department and your proposed project, unless it is otherwise exempt, will have to be reviewed in accordance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) before you may begin any work.*

a) The document should contain a discussion of potential adverse impacts from any increased runoff, sedimentation, soil erosion, and/or urban pollutants on streams and watercourses on or near the project site, with mitigation measures proposed to alleviate such impacts.

6. The DEIR/DEIS should contain a complete project description including measurable, attainable objectives for achieving the LORP goals as described in the MOU. The document should also provide the rationale for the Proposed Project flows, and provide justification for the ability of these flows to meet the goals of the LORP as stated in the MOU, as well as the mitigation requirements of the 1991 EIR. The document should provide a discussion of impacts to fish, wildlife, and wetland vegetation associated with the Proposed Project requirement to reduce habitat flows to the Blackrock Waterfowl Habitat Area in less than normal water years.

7. The DEIR/DEIS should discuss the compatibility of the LORP as proposed with other planning efforts and management guidelines. These include the Owens Basin Wetland and Aquatic Species Recovery Plan and Management Guidelines, and the Draft Riparian Bird Conservation Plan.

8. The document should analyze the importance of the area for birdwatching and other nature study.

9. The draft LORP 1999 Ecosystem Management Plan contains a Monitoring Plan which is lacking in the NOP. The DEIR/DEIS should contain a Monitoring Plan containing the elements contained in the draft LORP 1999 Plan, as modified by comments in the Department's July 26, 1999 letter, which is predicated on the principles of adaptive management. This Monitoring Plan should include a process to identify the indicators which are monitored to determine how effective actions are in meeting management objectives, and to test the hypothesized relationships that formed the basis for the forecasts. The baseline and targets used in monitoring should be measurable, and be quantified. Grazing monitoring protocols should be described in detail including utilization standards, and monitoring personnel and methods.

10. The Department does not believe that the Owens River will be suitable habitat for the protection and recovery of listed fish species due to the presence of predatory gamefish species and other non-native fishes. Furthermore, the USFWS Recovery Plan states:

"Neither named tributaries to the Owens River nor the main-stem Owens River can be or will be reclaimed as habitat for the native fish assemblage. This approach to recovery is necessary because deleterious, non-native aquatic species are distributed throughout the system, and the difficulty and expense of moderating their impacts in these river habitats limits the likelihood for successful implementation of recovery tasks in these environments."

Therefore, efforts to preserve and recover listed fish species should be directed to other areas identified in the Action Plan, 1999 draft Ecosystem Management Plan, and the USFWS Recovery Plan within the LORP area.

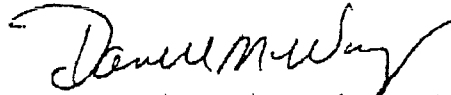
11. In addition to the Potential Adverse Impacts described in the NOP and others identified in this letter, the DEIR/DEIS should consider and analyze: the potential long-term adverse impacts to the riverine-riparian system from the Slow Release Proposal as outlined in the previously referenced Department letter of July 26, 1999, the potential lack of fish passage around project facilities, and the introduction of undesirable exotic species into listed species refuges via water conveyance facilities.

Thank you for the opportunity to comment on the proposed project. Questions regarding this letter and further coordination on these issues should be directed to Ms.

Mr. Gene Coufal
February 15, 2000
Page Nine

Denyse Racine, Environmental Specialist III, at the letterhead address and phone.

Sincerely,

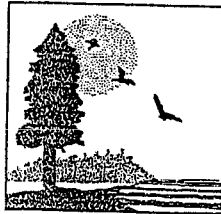
A handwritten signature in black ink, appearing to read "Darrell M. Wong". The signature is fluid and cursive, with a large initial "D" and "W".

Darrell M. Wong, Acting Supervisor
Habitat Conservation Program

cc:

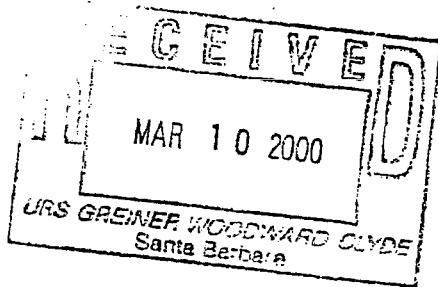
Mr. C. Taucher, Long Beach
Mr. A. Pickard, Bishop
Ms. D. Racine, Bishop
Mr. Greg James, Inyo County Water Department
Mr. Mark Bagley, Sierra Club
Ms. Carla Scheidlinger, Owens Valley Committee
Mr. Mike Valentine, State Lands Commission

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February 29, 2000

File Ref: SCH 2000011075

Gene L. Coufal
City of Los Angeles,
Department of Water and Power
300 Mandich Street
Los Angeles, California 93514

Dear Mr. Coufal:

Subject: Lower Owens River Plan SCH# 2000011075

This responds to your request for review and comments from the California State Lands Commission (CSLC) on the Notice of Preparation (NOP) for the Lower Owens River Plan Draft Environmental Impact Report (DEIR).

Upon admission to the Union in 1850, California acquired nearly four million acres of sovereign land underlying the State's navigable waterways. Such lands include, but are not limited to, the beds of more than 120 navigable rivers and sloughs, nearly 40 navigable lakes, and the three-mile wide band of tide and submerged land adjacent to the coast and offshore islands of the State. The CSLC holds its sovereign interest in these lands subject to the Public Trust for commerce, navigation, fisheries, open space, and preservation of natural environments, among others.

The proposed project area includes the Owens River and Owens Lake, which are sovereign lands of the State of California as described above. The CSLC has a legal responsibility for, and a strong interest in, protecting the ecological and Public Trust values associated with the State's sovereign lands, including the use of these lands for habitat preservation, open space and recreation. Proposed development located within these waterways is subject to the CSLC's leasing process and the Commission is a Responsible Agency under the California Environmental Quality Act (CEQA).

The document should discuss the full range of environmental issues required under CEQA, including, but not limited to, water quality and hydrology, including runoff, sedimentation, degradation, erosion and drainage; biology, including native, rare,

endangered, and threatened plant, animal, and aquatic species, and species of special concern; and the loss of wetland and upland habitats.

All studies which may be needed to evaluate the environmental effects of this project, including biotic studies and inventories of plants, animals, and aquatic resources, should be conducted as part of the preparation of the Draft EIR. Relevant impact analyses should be incorporated into the document. In addition, proposed project alternatives to reduce the significant effects to a level of insignificance or proposed mitigation measures that will be incorporated into the project should be included in the document. Maps, charts, or other graphics should also be included to illustrate the location of biotic species and their habitats in relation to the project site, and the proposals for their protection.

We appreciate the opportunity to comment and look forward to our review of the draft document. If you have questions concerning the CSLC's leasing process, please contact Barbara Dugal at (916) 574-1833. For questions concerning the proposed environmental document, please contact Betty Silva at (916) 574-1872.

Sincerely,



Mary Griggs, Assistant Chief
Division of Environmental Planning
and Management

cc: Barbara Dugal
Betty Silva



California Regional Water Quality Control Board Lahontan Region

John H. Hickox
Secretary for
Environmental
Protection

Victorville Office

Internet Address: <http://www.mscowm.com/~rwqcb6>
13428 Civic Drive, Suite 100 Victorville California 92392
Phone (760) 241-6583 • FAX (760) 241-7308

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February 24, 2000

General - LORP

Mr. Gene L. Coufal, Manager
Aqueduct Business Group
Los Angeles Department of Water and Power
300 Mandich Street
Bishop, California 93514

Dear Mr. Coufal:

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL REPORT LOWER OWENS RIVER PROJECT, INYO COUNTY

California Regional Water Quality Control Board, Lahontan Region staff (Board staff) reviewed your above-referenced notice of preparation dated January 14, 2000 related to a summary of the proposed project and its probable impacts upon the environment. Please be advised that the Board does not have a copy of the 1991 Environmental Impact Report (EIR) prepared by the Los Angeles Department of Water and Power (LADWP), or the Lower Owens River Project (LORP) Action Plan. As a part of our overall involvement with this project we would appreciate receiving a copy of each. We have received a draft copy of the LORP Water Quality Monitoring Program, however our comments on the notice of preparation do not include review of the Water Quality Monitoring Program. Regional Board staff member, Joe Kenny, attended your Public Scoping meeting on February 16, 2000, in Lone Pine and found the presentation to be informative and useful.

Board staff has the following comments regarding the notice of preparation for an EIR.

General Comments

Regional Board staff support the goal of the LORP to establish a healthy, functioning Lower Owens River riverine-riparian ecosystem ... for the benefit of biodiversity and threatened and endangered species, while providing for the continuation of uses such as recreation, grazing, and others. We appreciate the many years of development of the LORP and look forward to working with you to see the project to fruition.

The Water Quality Control Plan for the Lahontan Region (Basin Plan) lists water quality objectives and beneficial uses for the Lower Owens River and other related water bodies within the project area. The EIR should include a description of these objectives and uses. The EIR must evaluate the impact of the project as related to these water quality objectives and beneficial uses. Both surface and ground water resources must be considered. All possible mitigation measures must be evaluated as well as appropriate monitoring for proposed mitigations.

Date	2-29-00	# of pages	5
From	CLARENCE		
Dir	MARTIN		
Phone	(760) 873-0342		
Fax #			
Post-it#	7671		
To	JOHN G-RAY		
Co/Dept			
Phone #			
Fax #			

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FEB 28 2000

Mr. Coufal

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February 24, 2000

The Lower Owens River is listed as impaired due to flow variations. The Regional Board is required to develop a Total Maximum Daily Load (TMDL) for the Lower Owens River Watershed. The LORP can be a valuable part of the implementation plan of the TMDL. The EIR should include a description of the TMDL process and how the LORP will address the flow variation(s) impairment. Your management plan should include long-term protection of riparian habitat established via Best Management Practices (BMP) as consistent river flows, grazing practices, and recreation control, etc. As a goal of the LORP is to also maintain other uses, the EIR should include a discussion of all land use practices and how the ecosystem habitat established will be protected with these land uses.

Specific Comments

1. Item 1.3 Role of Adaptive Management in the LORP

On page 3 you state that if the environmental objectives are not being met as shown by your planned monitoring efforts, that the LADWP will consider changes in ecosystem management techniques. Board staff feels that the wording should be changed to "will implement changes to the ecosystem management techniques in order to achieve the water quality objectives of the Lower Owens River body". The EIR should address each anticipated adverse condition and mitigation measure that is proposed as a part of the project and include the circumstances that will trigger implementation of the mitigation measure.

The Owens River Gorge Rewatering Project provides an opportunity to study and model effects of rewatering on water quality. The EIR should include a description of any information that can be used from that project to predict and evaluate the effects of the LORP on short-term and long-term water quality, appropriate models that may be used, and to identify mitigation measures.

2. Item 4.1 Enhancement of Riverine-Riparian Habitats

Objectives

In your Objectives paragraph, you did not include the improvement of air quality as one of the objectives, even though you mention particulate abatement in the Pump System paragraph on page 7. Board staff feels that even though you are involved in a separate project for this objective, it should also be included as an important objective for the LORP EIR evaluation, since rewatering of the Owens Lake delta area is part of the planned use of the water resources.

Water Release Facilities

The EIR should include analyses of the quality of water that will be used for the rewatering project (i.e., chemical data of the water from the aqueduct system). The EIR

Mr. Coufal

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February 24, 2000

should make a comparison of this water quality to that, historically and currently, of surface water and ground water within the project area. The EIR should evaluate any potential impacts from differences in water quality.

Required Flows

The EIR should evaluate the historic flow variations and discuss how the LORP will mimic those variation patterns to provide a sustainable river system habitat.

Proposed Release Regime

The notice of preparation describes a release regime of initially 1 cfs increments with monitoring to determine if adverse impacts are occurring. The EIR should describe the time period over which monitoring will occur as well as parameters to be monitored. The impacts of each flow rate regime may not be immediate and the EIR should describe the anticipated best point at which to monitor. Additionally, any adverse impacts may continue even after the flow rate is changed. For example, an incremental increase may not immediately show adverse impacts. However, once an impact is noticed a decrease in flow may not immediately mitigate the adverse impact. The EIR should address these issues and describe how they will be addressed.

The last paragraph of this section appears to be missing part of the last sentence.

3. Item 4.3 Owens River Delta Habitat Area

This section mentions three habitat enhancement flows to be introduced into the Delta Habitat Area. However, it does not include an explanation of how these flows were determined. The EIR should include a description of how these flows were developed, the objective of each range of rates, objectives of each rate and monitoring to determine if the objectives are met.

4. Other Elements of the LORP

Item 5.1 Land Management Plan

The EIR should include a figure(s) indicating areas that will be fenced. The notice of preparation states that certain springs and sensitive areas may be fenced. The figures and descriptions in the EIR should be of sufficient detail to determine those areas specifically as well as larger areas.

Item 5.3

Small boats are allowed on the lakes and ponds. Please describe what types of boats (i.e., motorized or not).

Mr. Coufal

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February 24, 2000

5. Potential Adverse Impacts

You list the degradation of water quality and possible fish kills during the initial years of re-watering. Even though these events are possible, Board staff feels that your river re-watering alternative of Slow Release Proposal can still be managed to extend the mitigation for water quality degradation and potential fish kills. Board staff suggests that the EIR evaluate potential mitigation from design and installation of settling/stilling ponds prior to the commencement of re-watering to allow the augmentation and stabilization of water quality parameters, i.e., dissolved oxygen, ammonia, pH, turbidity and temperature. Natural points along the Owens River that could be used for stilling ponds for the collection of river scouring sediments and floating debris are located at Twin Lakes, Goose Lakes, Billy Lake and Hidden Lake. Alternatively, or in addition to, man-made stilling ponds could be designed off-river for the collection of scour and debris, as well as for stabilizing the river flows during the donor years of the re-watering. Some of these areas could eventually be converted to wetland areas within the floodplain of the Owens River after attainment of the 40 cfs design base flow.

Fish kills may also be avoided or mitigated by 1) Not allowing any fish to enter the upper river channel with the re-watering flows or by re-stocking the water body during the donor years; and 2) Removing the existing fish from the lower river valley until water quality parameters attain a sufficient level to promote the healthy growth of fish. We request the EIR to evaluate these options. It is the goal of Regional Board staff to work with LADWP during development and implementation of the project such that the water quality objectives of the Owens River water body are attained and maintained to allow the implementation of the beneficial uses designated and regulated by the Basin Plan for the Lahontan Region.

6. River Flow Alternatives

Board staff believes that the proposed alternative of slow release flows appears to be the most protective of water quality and the environment. It is unclear if the EIR will evaluate each alternative or only the slow release proposal (as this is listed as the proposed project). If it appears that under the slow release proposal it is unlikely that riparian flows will be able to be achieved until late in the three-year initial implementation schedule, the EIR should also evaluate the impact of Alternative 2.

The EIR project description should state the end flow regime anticipated, interim conditions as well as initial conditions. Each phase of the project may have different mitigation and monitoring requirements. These should all be discussed in the EIR.

Additional Comments

The EIR should include the list of habitat indicator species developed for the LORP Action Plan. It should address how the project will provide habitat for these species, how the habitat and/or species they will be evaluated and monitored, and how the indicator species relate to the overall health of the ecosystem. The EIR should note if different

Mr. Coufal

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February 24, 2000

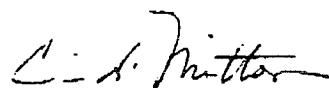
EIR should describe how habitat indicator species relate to overall habitat suitability and attainment of beneficial uses as described in the Basin Plan.

Implementation of the LORP may require the filing of a Report of Waste Discharge with the Regional Board. Parts of the project that involve work in stream bed areas, wetlands or other waters of the United States may require filing an application with the Regional Board. As the rewatering project involve the discharge of waste sediments, waste discharge requirements or other action by the Regional Board may be needed. Board staff will identify actions requiring permitting during the project development process, however, we also request that LADWP staff work closely with Board staff during project specific planning to identify actions that may require permitting or other approvals by the Regional Board.

The EIR must include a description of the mitigation monitoring plan and a description of who is responsible for implementing the plan. It should also describe actions that will be taken based on the monitoring results.

Thank you for the opportunity to comment on the notice of preparation of the LORP EIR. If you have any questions please contact me at (760) 241-7412 or Cindi Mitton at (760) 241-7413. We look forward to working with you during development of the project.

Sincerely,



For Joseph H. Kenny
Environmental Specialist III

cc: Bureau of Land Management, Bishop
Environmental Protection Agency, San Francisco
US Fish and Wildlife Service, Ventura
California Department of Fish and Game, Bishop
State Clearinghouse, Office of Planning and Research, Sacramento
Inyo County Department of Health Services, Independence
Inyo County Water Department, Bishop



Counties of Inyo-Mono



GEORGE L. MILOVICH
AGRICULTURAL COMMISSIONER
DIRECTOR OF WEIGHTS AND MEASURES
207 WEST SOUTH STREET • BISHOP, CALIFORNIA 93514
TELEPHONE: 760.873.7860 • FAX 760.872.1610

inyocoag@telis.org

February 18, 2000

Gene Coufal, Manager
City of Los Angeles
Department of Water and Power
300 Mandich Street
Bishop, CA 93514

SUBJECT: Lower Owens River Project

Dear Gene:

In response to your request for comments on the Lower Owens River Project (LORP) let me initially define my agency's responsibilities, and then briefly state what I anticipate as the positives and negatives of the project.

As you may already know, county agricultural commissioners, among other duties, are responsible for executing state and federal laws pertaining to and regulating agriculture. The law specifically states "to protect and promote agriculture". I interpret this as a declaration for the importance of food and fiber production. That is to say, the State of California agrees that agriculture goes beyond private business rights and is a resource to the land and a vital component to the well being of all who live in this state.

The specific concerns regarding the LORP, as it applies to agricultural issues facing my department, is that of exotic plant introductions and the effects to cattle grazing in the area. The primary goal of the LORP, as I understand it, is to enhance the area by sending a constant flow of 40 second feet down the old channel. This apparently will be augmented by flushing of in excess of 200 second feet in spring and fall. This, I believe, will enhance the opportunity for noxious weeds to get established. Once this occurs, then many of the species that concern us will progressively out-compete native vegetation. Realizing that there may be no alternatives to this approach, it will be vital to our cause to have access to these areas in order to monitor and suppress any outbreaks prior to their expanding. The fencing that is proposed, which may make access difficult, should have enough gates to get eradication personnel and equipment to the hot spots.

In conclusion, I feel that the enhancement project is of value to our valley and its future. I hope that by working together with all concerned parties, we can deter major threats to the project by catching them early. I also feel that the primary success of the entire LORP is dependent on the lessees - the cattle ranchers, who for that last century, have kept the land intact and productive by irrigating and keeping green the many areas throughout the valley. They are vital for the project and their agricultural practices have proven to be the best use for the land.

Sincerely,

George L. Milovich
Agricultural Commissioner

/rlc

Independence Chamber of Commerce

Incorporated November 1998

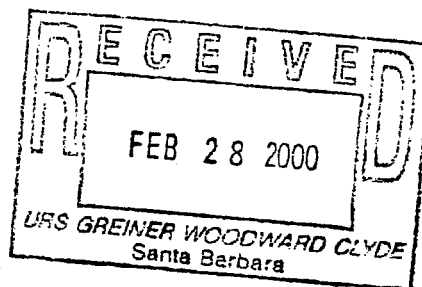
P.O. Box 397
Independence, CA 93526

Phone: 760-878-0084

e-mail: agindep@anet.com

February 18, 2000

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



SUBJECT: Response to Notice of Preparation of a Draft Environmental Impact Report
Lower Owens River Project City of Los Angeles-Owned Lands in Inyo County

COMMENTS FROM: Independence Chamber of Commerce

Agency contact person: Attn: Arlene Grider, President

The Independence Chamber of Commerce requests the following issues and areas be addressed in the Draft Environmental Impact Report (EIR) for the Lower Owens River Project (LORP).

The issues and areas are near the town of Independence. Through the years the areas have sustained a significant loss of recreational areas, wildlife habitat and agricultural use due to the surface water gathering and pumping practices on City of Los Angeles-Department of Water and Power owned lands. The Independence area has been conspicuously and significantly impacted by the water gathering and pumping practices

ITEM #1- Off-river channels, ponds and lakes: All the existing and previous irrigation ditches from the west side of the Lower Owens River and the east side of the Los Angeles Aqueduct should be revitalized to re-create a productive grassland area. The area more specifically includes the entire historic Stevens Ditch from its Owens River diversion point, above the Five Culverts Area, all the way to the Alabama Gate, including but not limited to the Army Ditch, Dean Ditch, Russell Ditch and Locust Ditch. These ditches should be integrated along with Independence and Georges spill gates to sustain a productive grasslands and small pond system to enhance wildlife habitat, recreational and agricultural uses.

ITEM #2 - Off-river channels, ponds and lakes: The ditches mentioned in Item #1 above should be dug out to allow permanent water depth in excess of five feet to enhance fishing. These ditches should be maintained on a yearly schedule to remove silt accumulation and tule removal. The flows should never be less than 2 cfs in any of the above ditches.

ITEM #3 - The local ranch lessees should regulate water flow and water placement on these grassland areas using a rotational basis to promote livestock grazing and recreational uses. The local ranchers are good stewards of the land and have first hand knowledge of these areas.

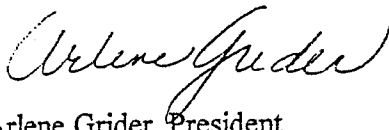
ITEM #4. Hidden and Pintail Lakes (or ponds) should have tules and existing vegetation removed on an annual basis to allow access to Upper and Lower Twin Lakes, Upper and Lower Goose Lake, Billy Lake, Hidden Lake, Pintail Lake and Polly Connable Pond. Scheduled tule control should also take place to maintain the fishery recreation in the above-mentioned off-river ponds and lakes.

ITEM #5. Exotic plants over the entire area should be monitored and removed when needed.

ITEM #6. All the above ponds and lakes should be interconnected permanently, including the Lower Owens River and the Los Angeles Aqueduct, to allow game fish species movement resulting in sustaining and enhancing sport fishing.

Thank you for the opportunity to comment to the scope of the NOP.

Sincerely,

A handwritten signature in cursive script that reads "Arlene Grider". The signature is written in dark ink and is positioned above the typed name.

Arlene Grider, President

*The Owens Valley Committee
The Sierra Club*

15 February 2000

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

Dear Mr. Coufal,

The Owens Valley Committee (OVC) and the Sierra Club (SC) would like to take this opportunity to respond to the Notice of Preparation (NOP) letter of January 14, 2000 regarding the Draft Environmental Impact Report (DEIR) for the Lower Owens River Project (LORP). As you know, our groups were centrally involved in the negotiations that led to the acceptance of the 1991 Los Angeles/Inyo County Groundwater Pumping EIR and to the Memorandum of Understanding (MOU) that further provided for legally mandated environmental protections for the Owens Valley. We welcome the invitation to provide input to the scoping process for this new DEIR.

There are several issues that the OVC and the SC wish to receive thorough analysis of alternatives in the DEIR. They include the changes to the pumping station, and the management strategies for the Blackrock area. In the first case, we note that in the 1991 EIR, and assumed in the MOU, the capacity of the pumping station was to be a maximum of 50 cfs. This would have readily handled the volume of the base flows, but would have required that much of the 200 cfs habitat flows be passed through to the Delta. We understand that one purpose of the increased capacity for the pumping station (up to 200 cfs) is to use the water from the habitat flows for dust control on the playa. Although we do not necessarily oppose this plan, we believe that the changes that such a modification in management strategy would impose on the Delta, on the brine pool, and on the river (due to changes in the impoundment) should receive full analysis in the DEIR and consideration by the MOU Group, since this represents a change from the negotiated settlement of the MOU.

A related issue involves the habitat maintenance in the Delta. The MOU states that 325 acres of existing habitat will be maintained, and further specifies that new habitat will be established and maintained. If the lack of habitat flows to the Delta will not allow for this new habitat, this is an impact that must receive thorough analysis. If habitat can still be established and maintained in the absence of these habitat flows, a reasonable plan for this habitat establishment and maintenance must be presented. Various flow alternatives and management strategies for the Delta should be analyzed in the DEIR.

The NOP indicates that the Blackrock area is to be managed in blocks, with only part of the habitat area receiving water at any given time and in any given year. We are

concerned that such a management strategy would have the result of promoting salt cedar and other weedy growth. Recent statements made by LADWP regarding their reluctance to implement aggressive salt cedar control makes this issue especially serious. The management of the Blackrock area should receive full alternatives analysis, examining management strategies other than the one assumed in the NOP.

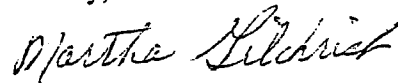
Additionally, as noted in the NOP (p. 2) the MOU provides certain minimum requirements for the LORP related to flows, locations of facilities, and habitat and species to be addressed. Alternatives analysis in the DEIR should consider the project with higher than the MOU's minimum requirements in order to identify the environmentally superior alternative.

Finally, we note that the development of a Habitat Conservation Plan (HCP) is specifically excluded from the LORP and hence from the DEIR scope of analysis (NOP p.9). As indicated on p. 3 of the NOP, the MOU and the LORP Action Plan specified that an HCP be included in the LORP project. During the negotiations for the MOU, LADWP specifically indicated that they wished to develop management plans for their lands *one area at a time* to avoid the necessity of overburdening staff with the preparation of too many plans at once. This strategy, and the MOU agreement, would certainly indicate that an HCP for the LORP lands should be prepared as part of the LORP management plan. The rationale for excluding HCP preparation at this time requires an explanation and consideration by the MOU group.

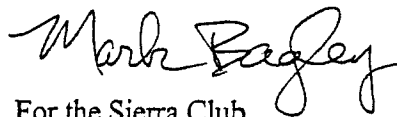
Finally, we would like the implementation schedules for the management plans to have specific time tables. The only time tables specified in the NOP appear to be for the timing of flow releases to the river. The associated projects associated with the LORP require schedules to be articulated as well.

We look forward to the review of the DEIR for this important project. Please do not hesitate to call on us if we can be of any assistance during the DEIR preparation process in ways that would help to assure the adequacy of this document, and thus avoid costly delays in the timely implementation of the project.

Sincerely,



For the Owens Valley Committee
Martha "Betty" Gilchrist
Rte. 2, Box 89, Lone Pine, CA 93545



For the Sierra Club
Mark Bagley
P.O. Box 1431, Bishop, CA 93515



EASTERN SIERRA AUDUBON SOCIETY
P. O. BOX 624, BISHOP, CA 93514

Feb. 16, 2000

Comments of Eastern Sierra Audubon Society on the NOP of a DEIR for the Lower Owens River Project in Inyo County by the City of Los Angeles.

The Eastern Sierra Audubon Society has been actively promoting the enjoyment and protection of wildlife in the Owens Valley for nearly 20 years. The Owens River and the wetlands around Owens Lake have long been an important part of our fieldtrip and conservation program.

The chapter would like to start by praising several of the noteworthy parts of the Summary.

1.) Control of beaver by limiting their numbers and breaching of their dams is critical. Since the late 1980's areas of riparian habitat along several miles of the river near Lone Pine have been lost due to flooding and outright cutting of large trees by beaver. The aggressive control of Tamarisk is also applauded.

2.) Three to four seasonal flows of up to 25 cfs past the pumpback station that will reach the playa. These flows will support the current migrating shorebird populations that peak in fall and spring. Owens Lake has just recently been designated a Nationally Significant Important Bird Area by the American Bird Conservancy and the National Audubon Society (also the Point Reyes Bird Observatory and the California Partners in Flight) because of its nesting snowy plovers and large numbers of migrating shorebirds.

3.) Tule removal from channels. This will enable us to canoe from the intake to the lake.

4.) No overnight camping.

5.) Off-road vehicle use restricted to existing roads. A detailed map showing current routes would help establish a baseline of ORV use.

6.) Active management of grazing that reflects the current range science that grazing requires rotation and rest in order for goals to be met.

The chapter suggests the following:

1.) Mitigation for habitat loss due to the 1 mile impoundment of the pumpback station. We suggest seasonal flooding from July 15 through June 1 of the "Little Diaz" playa area across highway 395 from Diaz Lake. This area supports large numbers of

waterfowl and shorebirds on the few years that it receives water. This would be a good highway pull off for wildlife viewing working with CalTrans.

2.) Habitat created in the delta cannot be double counted for required mitigation for dust treatment on Owens Lake. These are two different EIR's.

3.) The 6-9 cfs base flow should be clearly defined as a minimum flow that will not lessened. This flow must always reach the playa in order to continue to support the wildlife that require it there.

4.) The summer seasonal flow through the delta and out onto the playa should commence July 15 for 20 days since many fall migrating shorebirds return by the middle of July and would benefit from this timing.

5.) Alternatives should analyze various flows through the delta and river and their effects on wildlife.

6.) The EIR needs specific timelines for when work will be accomplished.

7.) Alternatives should discuss various pumpback station capacities.

8.) Alternatives should detail the plan to control exotic plant species throughout the LORP, but especially in the Blackrock Waterfowl Habitat Area.

9.) Specifics on the pumpback station are needed. Site? local impacts? sources of rock and earth? impoundment?

10.) The HCP should be included in the LORP. The two cannot be separated and still meet the goals of the LORP.

11.) No wood cutting of standing dead trees due their importance for wildlife.

12.) We urge you to include a cowbird control program in order to meet the goals of the LORP.

13.) Alternatives should clearly link the wildlife values of Owens Lake to the LORP flows. Audubon has abundant data to share with your staff.

We look forward to working with you on this exciting project that attempts to restore much of what was lost in the past.

Sincerely,



Michael Prather
Eastern Sierra Audubon
Drawer D
Lone Pine, CA 93545
prather@qnet.com

Lone Pine Paiute-Shoshone Reservation

1103 South Main St.

P.O. Box 747

Lone Pine, CA 93545

(760) 876-5414

FAX (760) 876-1080

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February 18, 2000

Mr. Gene Coufal, Northern District Manager
Los Angeles Department of Water and Power
300 Mandich Street
Bishop, CA 93514

Dear Mr. Coufal:

The Lone Pine Paiute-Shoshone Reservation is responding to the Notice of Preparation of a Draft EIR for the Lower Owens River Project. The Lone Pine Tribe is concerned that in this notification, nothing is mentioned with regards to the cultural and archeological impacts this project will have in this region.

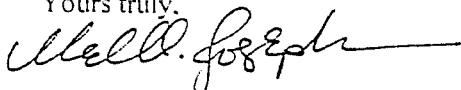
The Advisory Council on historic Preservation provides Tribes the opportunity for input on such projects even though they are not located on Tribal Lands. It is our position that Tribal involvement is a critical element for this project proposal, and it is felt that a Native American monitor should be present during this study period.

Listed below are some general concerns the Lone Pine Paiute-Shoshone Tribe would like addressed:

- What discoveries have been made since the de-watering in 1913.
- What impacts will the project have on these known sites.
- What measures are being taken to identify and preserve these sites
- What discussions, if any, haven taken place with regards to the archeological, cultural and historic sites
- What impact will the re-watering have on these sites
- With the increased use of this area, what measures will be taken to safeguard against damage to the studied sites

I would like to thank you for your attention in addressing these concerns and request that more emphasis be placed on the cultural and archeological resources pertaining to this project.

Yours truly,



Mel O. Joseph
Environmental Coordinator

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FORT INDEPENDENCE INDIAN RESERVATION

P.O. Box 67 • INDEPENDENCE, CA 93526 • (760) 878-2126 • FAX (760) 878-2311

Mr. Gene Coufal, Northern District Engineer
Los Angeles Department of Water and Power
300 Mandich Street
Bishop, CA. 93514

February 17, 2000

RE: Draft EIR-EIS, Lower Owens River Project

Dear Mr. Coufal:

The Fort Independence Indian Reservation is responding to the EIR/EIS being done by the City of Los Angeles, Inyo County, and EPA. The Tribe is concerned about impacts the project may have on cultural and archeological resources in the region. It is my understanding that the Advisory Council on Historic Preservation provides Tribes the opportunity for input on such projects even though they are not located on Tribal lands.

I have attached Section 106 (National Historic Preservation Act of 1966) guidelines from the Council pertaining to this issue. The 1992 amendments provide for substantial Tribal involvement. These were published May 18, 1999.

Have there been any discoveries of sites since dewatering was accomplished in 1913? What impacts will the project have on known sites? What procedures are being undertaken to identify and preserve sites? Have there been any discussions of archeological, cultural, or historical significance? What procedures will be undertaken if sites are discovered during the project? Will Tribal monitors be involved during project implementation? What impact will rewatering have on archeological sites? What impacts will increased use of the area have on artifacts and sites?

I await your responses to these comments and look forward to providing consultation if necessary. I can be reached at the above number.

Thank you.

Sincerely,

Vernon J. Miller
Tribal Chairman

cc: Wendy Stine, Tribal Administrator
Richard Wilder, Environmental Manager
Nancy Oien, EPA

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FEB 22 2000

AQUEDUCT MANAGER
PUBLIC ADMINISTRATION

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January 21, 2000

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

SUBJECT: Notice of Preparation of a Draft EIR, Lower Owens River Project

Dear Mr. Coufal,

Regarding the Notice of Preparation of a Draft EIR for the Lower Owens River Project, I have just three short comments. First, I want to congratulate LADWP for the good work that has been done on the project up to this time, including the technical memorandum prepared by Ecosystem Sciences which have been keeping me abreast of the planning and environmental review work that has been accomplished prior to completing the Draft EIR. Second, the Notice of Preparation of a Draft EIR does a good job in reporting what you expect to cover in the Draft EIR and from this standpoint, everything appears to be in order and proceeding correctly. Finally, regarding your statement in the section titled "Pump System" of the Notice of Preparation of a Draft EIR that, "LADWP is considering using some or all of the water from the pump system for particulate control on Owens Lake," I want to both congratulate LADWP for this decision and at the same time encourage you to follow through and in fact use all the water from the pump system for particulate control.

Re-watering the Lower Owens River is a major step in healing the environmental damage done by years of city water diversions, but controlling the particulate that presently blows off the drained Owens Lake by restoring to the lake bed a small measure of the water that has been diverted would be as important a step. Even though we are talking about limited shallow flood irrigation of the lake bed coupled with irrigation of newly planted vegetation, using water, rather than gravel or sand fences, would without question, restore a part of the Public Trust values to Owens Lake that were lost when the water was diverted from the Owens River. In this way, the combination of re watering the lower Owens River and the use of the river water for particulate mitigation on the lake bed is a natural step in the city fulfilling its promise to do what is right for Owens Valley, which has contributed so much over the years and decades to the City of Los Angeles.

Sincerely,



Andrew D. Morin
PO Box 24
Lone Pine, CA 93545

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JAN 24 2000

AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

Mark Belles
9318 Willard Street
Rowlett, Texas 75088

Janet Parrish
US EPA Region IX (WTR-2)
75 Hawthorne Street
San Francisco, California 94105

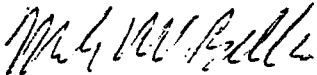
05 February, 2000

Dear Ms. Parrish,

Regarding the "Notice of intent to prepare a Draft Environmental Impact Report/Environmental Impact Statement", as published in the Federal Register (Volume 65, Number 21), dated February 01st, 2000), please include my name on the mailing list for this process.

I am eager to participate in this process. The environmental damage wrought by the Owens and Mono water projects during the last century has devastated these areas. I am hopeful that this effort will begin to restore these areas to the natural balance they once had.

Thank you for the opportunity to comment,



*emailed address to
J Gray
2/8/02*

Arlene Grider
P O Box 435
Independence, CA 93526
(760) 878-2326

February 18, 2000

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

SUBJECT: Response to Notice of Preparation of a Draft Environmental Impact Report
Lower Owens River Project City of Los Angeles-Owned Lands in Inyo County

COMMENTS FROM: Arlene Girder, I am an individual and not responding as an agency.

I submit the following comments to the scope and content of the information contained in the Notice of Preparation (NOP) of a Draft EIR and request they be addressed:

1. A Recreation Plan is expected. A "selling point" of the Agreement and M.O.U to the non-environmental groups was to develop a better recreation area, which in turn would be an economic enhancement to the area.

Comment: The NOP does not indicate a formal Recreation Plan is to be developed. The general public, through the process of developing the Water Agreement and the M.O.U, was assured the LORP would contain Plan for development of a recreation area, making the project a win/win situation for all parties.

2. The LORP Work Plan and Tasks indicate a Recreation Plan was to be developed.

Comment: The consulting contract indicates a Recreation Plan component would be developed, which included development of a map, identify recreational users and activities, and develop draft recreational activities plan. These items should be included in the EIR

In Technical Memorandum #6, it is noted the MOU includes all stakeholder using the Lower Owens River environment and to take "into account economic, environmental, legal, social and technological factors." All of these factors should be part of the EIR.

3. The EIR should address current and future recreation use of the proposed project. The following items and if any will reduce, sustain or increase recreation access and use.

Comment: The phrase: "... the public has mostly unrestricted access for recreational uses during the day, with the exception of irrigated pastures."

The LORP has changed the grazing management. The EIR should include whether or not access/uses has been restricted for recreation use due to increased irrigated pastures, whether by ground water or through the use of flooding of the future water in the river. If restricted access has been increased, the EIR should include the justification and impact on traditional use.

Comment: The sentence, "Primary [sic] recreational use is fishing in the river and in off-channel lakes and ponds."

There are other current recreation uses of the LORP and adjacent area, the EIR should address them and if they are restricted. In attending the LORP NOP Meeting it appears, with the exception of the Black Rock Area, most of the off-channel lakes and ponds are not being addressed. The EIR should include what potential recreation, economic and environmental impacts may affect the off-channel lakes and ponds with the development focused on the re-watering of the river. The EIR should address whether or not the Owens River re-watering will affect the channels, lake and ponds and potentially make the traditional uses of them unuseable, jeopardize game fish and/or encourage tule growth.

Comment: The NOP Document states, "Camping is restricted to designated campgrounds."

If there are any designated campgrounds in the project they need to be identified. The EIR should address what types of developed recreation sites can be done. If no recreation sites are planned now or in the future, the EIR should explain why they not included and give impacts.

Comment: The NOP Document states: "Off-road vehicular travel is prohibited."

In this time of many other discussions as to defining "road-less" and "off-road", the EIR should address the specific definition of "off-road vehicular travel" for the LORP. The EIR should indicate any potential reduction in the recreation roads and impact.

Comment: The NOP Document states: "Hunting is allowed except in areas that are [sic] posted." The EIR should include if there are to be additional new posted areas in the project and the impact.

Comment: The NOP states "No major changes to the recreation access and uses . . ." Cumulative minor changes to recreational access and use should be addressed in the EIR. Several minor changes can make a major difference.

Comment: The NOP indicates the current access will be maintained to the river and off-channel lakes and ponds. The EIR should also address whether or not the river and off-channel lakes and ponds will be sustained, improved, or significantly altered under the project. The recreation use of these water courses should be addressed.

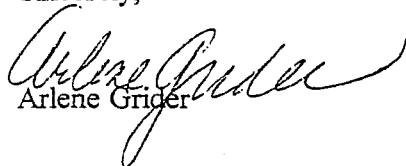
Comment: The NOP indicate there are no plans for several stated specific recreation enhancement projects at this time. The EIR should address why there are no plans for recreation enhancement; what is the time frame to develop a recreation plan; and elaborate on what is the future process required to develop a recreation plan in the future?

4. Why an EIR and EIS

Comment: The EIR should specifically indicate why the Federal Environmental Protection Agency is a lead agency in the EIR and adding the requirements of the National Environmental Policy Act (NEPA). The joint EIR/EIS should include what is required under NEPA over and above what is required by CEQA, this give the public a broader understanding of the process.

Thank you for the opportunity to comment on the NOP. If you have any questions please contact me as noted above.

Sincerely,


Arlene Grider

CEC
TLW
RCC
KEH

CEM
AJM
BBT
JCC

DSR
PMM
CJP
FILE

Mr. Coufal
I have fished the lower Owens for
a lot of year and it's a crime
the way it is now

Eco system science you have
working on it is a joke. The only
thing they have done is kill a
lot of fish and they said they
wouldn't clean up the river
bottom.

The test that was run six
and half years ago should have
shown you that you will have to
remove a lot of tules and cut tails
to get the water to run. You have
a good example at Longford and
it has worked very well. It
will save a lot of water and a
lot of fish

If you would forget about the
fence and put the money in
digging out a channel you
would be further ahead. Fish
don't reproduce as quick as
Eco system said and I conprove it.

Lahontan water said the Owens
is a Bass river and we had to
get someone from Fish & Game
to check out the river. But Bishop
doesn't have qualified person
to do that.

as for as wild life, ducks don't
land in Tule and the Herons

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ADMINISTRATIVE OFFICE

That nestle there left because they
couldn't get to the water. We
need to leave the bigger beaver
ponds for spawning and fishing.

Some of the older people used to
fish some of the holes for cat fish
but there is no holes now.

People ask about fishing the river
and you have to tell if you
can find water.

Inyo County Water Dept sure hasn't
done much about getting the channel
cleared, the water will run
through salt cedar but not
through the tules, it seems
they are prolonging their job.

As for the pup fish in well 365
Fish & game planted them in
there, why?

What a sorry mess
Tom Nulley