

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

Dear Mr. Martin,

I am writing to comment on the Lower Owens River Project Draft Environmental Impact Report and Environmental Impact Statement.

I live and work in the Owens Valley and spend much of my personal time birdwatching in the area, which means that I enjoy the free access that LADWP allows on their land. I appreciate the great potential of the LORP and am very hopeful that it will be successful beyond all our expectations. However, I am concerned with what I read as violations of the Water Agreement and MOU that LADWP has already signed and on which they have given their word.

121-1

In which document does it state that the parties to the MOU agree that the pumpback station would be 150 cfs? I understand that a larger pump station will reduce the amount of water that will reach the delta during the seasonal flow. I want water to flow into the delta and the brine pool transition area because it will provide a wetlands for birds some of whom are threatened and endangered. I suggest that LADWP insure that they are not in violation of the Endangered Species Act, the Migratory Bird Treaty Act, and NEPA. Citizens today are far more aware of the law and have nearby help due to the Internet. While we may live in the "boonies" the world is at our fingertips.

121-2

I am also concerned with the repetitive "if funding is available" regarding monitoring and adaptive management of the ecosystems that LADWP is supposed to "maintain, enhance, and create." LADWP is a public entity, and therefore has a responsibility to the public to conduct itself in an honorable, respectable, and legal manner. To meet its obligations, LADWP must choose funding option 2, which is the only option that will insure the success of the LORP.

121-3

As a birdwatcher, I was disappointed at the brief and inadequate treatment given threatened, endangered and species of special concern. The Owens Valley has a long and impressive history of ornithology. If the LORP is successful the next century will be even more impressive than the last.

I do not look at the LORP as a bird project. It is an ecology project; one that will benefit all plants and animals. If the environment is healthy, the plants and animals will be healthy. A healthy Owens Valley is a wealthy Owens Valley, in terms of nature and economics.

I appreciate the time you have taken to consider my comments.

Sincerely,

Carolyn Gerna

*Carolyn Gerna
124 S First St #A
Bishop CA 93514*

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AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

851 Shahar Ave.
Lone Pine, CA 93545

January, 10, 2003

Mr. Clarence Martin
Los Angeles Department of Water and Power
300 Mandich St.
Bishop, CA 93514

Comments re: Lower Owens River Project Draft Environmental Impact Report
and Environmental Impact Statement

Dear Mr. Martin:

To address all of the flaws and omissions of this very important document, the DEIR/EIS of the Lower Owens River Project is a monumental but essential task that must be done in the process of development of this unique habitat restoration program, probably the first nation-wide, if not internationally

I can only appreciate the great potential of the LORP and take this opportunity to comment on a few important issues.

122-1 1). PUMPBACK STATION: in proposing to increase the size of the pumpback station from 50 cfs to 150 cfs, DWP is violating the terms of the 1991 water agreement. The EPA has already determined that a larger pumpback station is not economically or environmentally justified. A 50 cfs pump station and 9cfs annual average delta baseflows must be the option chosen to meet maximum delta habitat goals and to comply with the water agreement.

122-2 2). ADEQUATE FUNDING : the EIR repeatedly states that funding limitations may prevent essential adaptive monitoring and management practices which are essential to the success of the LORP.

Mosquito Control is one specific example. Public health officials anticipate eventual spread of the west Nile virus (10-3), but insufficient funds for mosquito abatement control is predicted, thus making the potential for a significant un-mitigable impact (class 1).

122-3 Increase in noxious weeds: when the LORP creates new wetlands the increase in noxious weeds, such as perennial peppergrass, Russian knapweed, certain thistles, but primarily, salt cedar, will become a significant unmitigable impact with the possibility of insufficient funds to mitigate.

122-4 3). RECREATION: There is no recreation plan in the DEIR/EIS, nor is there a description of current and anticipated recreational uses of the LORP area.

Public Health and safety have not been addressed, e.g. need for more roads, signage, parking areas, rest rooms, etc. with increased tourism. The document should contain an assessment of current and potential recreational use in the LORP area and a plan to manage that recreation in order to protect habitats and cultural resources.

The LORP is a valuable project, and I expect it to work. I urge LADWP to abide by the terms of the water agreement and the goals of the project, thoroughly describe all management plans to the public, choose the least environmentally damaging alternatives, and guarantee adequate funding.

Thank you for your consideration of my comments.

Sincerely,

Martha S. Gilchrist

January 9, 2003

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

Dear Mr. Martin,

I am writing to comment on the Lower Owens River Project Draft Environmental Impact Report and Environmental Impact Statement.

The DWP has done it again. It is implementing tactics of foot-dragging and half-truths. This is the 21st century, Mr. Martin. Every comment that comes out of the mouths of DWP spokespersons is no longer believed, thanks to you and your superiors. Why don't you try to work with the Owens Valley and its citizens as a worthy partner instead of an adversary. Really, this has been going on for almost 100 years!

All of the below criticisms are well known to you and your many staff attorneys and hydrologists. Still, I guess I might as well join with others in outlining, yet again, what is obvious. DWP, with this inadequate EIR, is only pointing out to all the citizens of California, that it is living up to its legendary reputation of manipulation.

The DEIR/EIS fails to describe essential components of the project and presents project alternatives that directly violate the 1991 Long Term Water Agreement and the established project goals. Some of my concerns include:

- 123-1 1) Size of the pump station and delta flows: A 150 cfs pump station violates the Inyo-LA 1991 Water Agreement. LADWP has not justified using a pump station that is three times larger than the water agreement allows. A larger pump station won't allow enough water to reach the delta and may help LADWP to pump more groundwater from the valley. LADWP should select the 50 cfs pump station and 9 cfs annual average delta baseflows. This option allows the maximum amount of water flow to the delta under the agreements and approaches current flows. This is needed to meet the delta habitat goal of maintaining existing and new delta habitats for waterfowl and to comply with the water agreement.
- 123-2 2) Funding: Monitoring and adaptive management are absolutely essential to the success of the LORP, but the DEIR/EIS repeatedly states that funding limitations may prevent their full implementation. To meet its obligations, LADWP should select funding option 2, which is the only option that adequately funds the LORP.
- 123-3 3) Recreation plan: There is no recreation plan in the DEIR/EIS, nor is there a description of current and anticipated recreational uses of the LORP area. The document should contain a thorough assessment of current and potential recreational use in the LORP area and a plan to manage that recreation in order to protect natural habitats and cultural resources.
- 123-4 4) Impact to brine pool transition area: The Class I impact to shorebird habitat in the brine pool transition area, identified in Draft EIR/EIS Table S-1, can and must be avoided. This is an area that is used by thousands of ducks and geese and hundreds of thousands of

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WATER DUCT MANAGER
 WATER ADMINISTRATIVE OFFICE

123-4 shorebirds. It is in an area that has been recognized by the National Audubon Society as a Nationally Significant Important Bird Area and is part of the U.S. Shorebird Conservation Plan. This is a very important wildlife habitat. The existing flows to this transition area have been released by LADWP for many years. Have they been in violation of the existing court injunction that they say would prohibit mitigation of this impact? If the current flows are allowable, it is inappropriate to argue that maintaining those flows under the project is not feasible. LADWP can and must avoid this impact by maintaining existing flows and by not allowing this area to dry up in late spring and summer as currently happens. Additionally, if LADWP insists that this impact is unavoidable, they have an obligation under CEQA to explore mitigation alternatives that are feasible.

123-5 5) Source of additional water to supply the LORP: The Draft EIR/EIS fails to disclose whether or not LADWP will attempt to recover the additional 16,000 acre-feet/year of water that the project will require beyond the current releases. Where will the additional 16,000 acre-feet/year of water that the LORP will require come from? Will there be increased groundwater pumping? Will there be new wells drilled? Will it come from existing aqueduct supplies? What will be the impacts of the need for 16,000 acre-feet/year more water? The DEIR/EIS should clearly disclose LADWP's intention to replace or not replace the 16,000 acre-feet/year with groundwater pumping. The document fails to recognize the inadequacy of current pumping management to attain the vegetation protection goals of the Long Term Water Agreement. The Draft EIR/EIS therefore greatly underestimates the likelihood of potential future impacts due to any groundwater pumping associated with the LORP.

123-6 6) Grazing: Understory impacts as a result of current grazing are severe in riparian habitats in much of the LORP area. In many places there is no understory and there are no young willows or cottonwoods. Several habitat indicator species such as the yellow-breasted chat are dependent on habitats with trees and a dense understory in the riparian zone. Unless the diversity of habitat provided by understory growth significantly improves, the habitat goals for the river system will not be met. Monitoring for understory development as described on p. 2-78 will not be conducted unless the need for it is determined in some unspecified future time by unspecified means. Whether or not this important monitoring function is needed should not be left to some future decision. There should be a clear commitment to conduct this monitoring as the need for it is obvious. Protocols for this monitoring data collection and analysis should also be included in the EIR/EIS.

123-7 Additionally, individual grazing lease management plans are not provided in the document and LADWP has denied requests by reviewers to see them. Without these critical documents and with no evaluation of the present lease condition and trend presented in the Draft EIR/EIS there is no way to compare change over time when evaluating whether the goals of the project are being met. There is no way for commenters to evaluate proposed management, monitoring and the need for mitigation. This is inadequate.

Sincerely, John Gorham



P.O. Box 637, Big Pine, CA 93513

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

Dear Mr. Martin,

I am writing to comment on the Lower Owens River Project Draft Environmental Impact Report and Environmental Impact Statement.

I appreciate the great potential of the LORP. However, the DEIR/EIS fails to describe essential components of the project and presents project alternatives that directly violate the 1991 Long Term Water Agreement and the established project goals. Some of my concerns include:

124-1 1) Size of the pump station and delta flows: A 150 cfs pump station violates the Inyo-LA 1991 Water Agreement. LADWP has not justified using a larger pump station that is three times larger than the water agreement allows. A larger pump station won't allow enough water to reach the Delta and may help LADWP to pump more groundwater from the valley. LADWP should select the 50 cfs pump station and 9 cfs annual average delta baseflows.

124-2 2) Funding: Monitoring and adaptive management are absolutely essential to the success of the LORP, but the DEIR/EIS repeatedly states that funding limitations may prevent their full implementation. To meet its obligations, LADWP should select funding option 2, which is the only option that adequately funds the LORP.

124-3 3) Recreation plan: There is no recreation plan in the DEIR/EIS, nor is there a description of current and anticipated recreational uses of the LORP area. The document should contain a thorough assessment of current and potential recreational use in the LORP area and a plan to manage that recreation in order to protect natural habitats and cultural resources.

Mr. Martin, the LORP is a valuable project, and I want it to work. I urge LADWP to abide by the terms of the Water Agreement and the goals of the project, thoroughly describe all management plans to the public, choose the least environmentally damaging alternatives, and guarantee adequate funding.

Thank you for your consideration of my comments.

Sincerely,

Ross & Maiya Gralia
PO Box 1010
Nevada City CA 95959

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AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

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

Subject: Comments on the Lower Owens River Project Draft EIR/EIS

Dear Mr. Martin,

I would like to comment on Lower Owens River Project (LORP). I am concerned that the successful implementation of the project could result in significant project impacts that would not be mitigated. I do not believe that this is not the intent of the LORP which, if implemented with attention given to the following comments, could be quite beneficial to both California and the Nation. I have taken the liberty to reiterate the comments that I agree with which have been presented based both on strong scientific and legal conclusions and offered by various environmental concerns.

125-1

Pump station and Delta flows: A 150 cfs pump station violates the Inyo-LA 1991 Water Agreement. A larger pump station won't allow enough water to reach the Delta and may help LADWP to pump more groundwater from the valley. LADWP should select the 50 cfs pump station and 9 cfs annual average delta baseflows. This option allows the maximum amount of water flow to the delta under the agreements and approaches current flows. This is needed to meet the delta habitat goal of maintaining existing and new delta habitats for waterfowl and to comply with the Water Agreement.

125-2

Lack of commitment to monitoring, adaptive management and mitigation measures: Monitoring and adaptive management are absolutely essential to the success of the LORP, but the DEIR/EIS repeatedly states that funding limitations may prevent their full implementation. To meet its obligations, LADWP should select funding option 2, which is the only option that adequately funds the LORP. However, option 2 should be restated to say LADWP would fund all of Inyo County's shortfall not "*some or all of Inyo County's shortfall*," as it does in the draft document (p.2-8). Additionally, option 2 lacks funding for mitigation measures PS-2 and V-2. A commitment to fully fund these measures should also be included in funding option 2. In light of LADWP's tremendous financial resources, the project should not be compromised by lack of funding.

125-3

Lack of funding for noxious weed control: All of the LORP areas and habitat goals are at risk if saltcedar and other noxious weeds are not controlled. The spread of saltcedar presents a serious problem in the Owens Valley and the LORP Draft EIR/EIS must realistically address this problem. The document states that new saltcedar growth resulting from the LORP would be a significant Class I impact, but defers control of this problem to the separate pre-existing Inyo County saltcedar control program that has unsecured funding (mitigation measure V-2). If the LORP is truly to be "one of the most environmentally significant river habitat restorations ever undertaken in the United States," as Mark Hill, LADWP consultant, states it is, then it must include provisions for guaranteed funding for control of saltcedar and other noxious weeds in order to avoid significant impacts and meet the project goals.

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125-4 **Recreation plan:** There is no recreation plan in the DEIR/EIS, nor is there a description of current and anticipated recreational uses of the LORP area. The document should contain a thorough assessment of current and potential recreational use in the LORP area and a plan to manage that recreation in order to protect natural habitats and cultural resources.

125-5 **Impact To Brine Pool Transition Area:** The Class I impact to shorebird habitat in the brine pool transition area, identified in Draft EIR/EIS Table S-1, can and must be avoided. This is an area that is used by thousands of ducks and geese and hundreds of thousands of shorebirds. It is in an area that has been recognized by the National Audubon Society as a Nationally Significant Important Bird Area and is part of the U.S. Shorebird Conservation Plan. This is a very important wildlife habitat. The existing flows to this transition area have been released by LADWP for many years. Have they been in violation of the existing court injunction that they say would prohibit mitigation of this impact? If the current flows are allowable, it is inappropriate to argue that maintaining those flows under the project is not feasible. LADWP can and must avoid this impact by maintaining existing flows and by not allowing this area to dry up in late spring and summer as currently happens. Additionally, if LADWP insists that this impact is unavoidable, they have an obligation under CEQA to explore mitigation alternatives that are feasible.

125-6 **Source of additional water to supply the LORP:** The Draft EIR/EIS fails to disclose whether or not LADWP will attempt to recover the additional 16,000 acre-feet/year of water that the project will require beyond the current releases. Where will the additional 16,000 acre-feet/year of water that the LORP will require come from? Will there be increased groundwater pumping? Will there be new wells drilled? Will it come from existing aqueduct supplies? What will be the impacts of the need for 16,000 acre-feet/year more water? The DEIR/EIS should clearly disclose LADWP's intention to replace or not replace the 16,000 acre-feet/year with groundwater pumping. The document fails to recognize the inadequacy of current pumping management to attain the vegetation protection goals of the Long Term Water Agreement. The Draft EIR/EIS therefore greatly underestimates the likelihood of potential future impacts due to any groundwater pumping associated with the LORP.

125-7 **Grazing:** Understory impacts as a result of current grazing are severe in riparian habitats in much of the LORP area. In many places there is no understory and there are no young willows or cottonwoods. Several habitat indicator species such as the yellow-breasted chat are dependent on habitats with trees and a dense understory in the riparian zone. Unless the diversity of habitat provided by understory growth significantly improves, the habitat goals for the river system will not be met. Monitoring for understory development as described on p. 2-78 will not be conducted unless the need for it is determined in some unspecified future time by unspecified means. Whether or not this important monitoring function is needed should not be left to some future decision. There should be a clear commitment to conduct this monitoring as the need for it is obvious. Protocols for this monitoring data collection and analysis should also be included in the EIR/EIS.

125-8 Additionally, individual grazing lease management plans are not provided in the document and LADWP has denied requests by reviewers to see them. Without these critical documents and

125-8

with no evaluation of the present lease condition and trend presented in the Draft EIR/EIS there is no way to compare change over time when evaluating whether the goals of the project are being met. There is no way for commenters to evaluate proposed management, monitoring and the need for mitigation. This is inadequate.

As one of the most significant river habitat restorations in the country, the LORP represents an unprecedented opportunity if the Los Angeles Department of Water and Power properly implements the project. I hope the Final EIR/EIS will reflect a real commitment to make the project live up to its full potential.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew M. Harvey', written over a vertical line.

Andrew M. Harvey
PO Box 2493
Venice, California 90294-2493

January 14, 2003

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

Dear Mr. Martin,

I am writing to comment on the Lower Owens River Project Draft Environmental Impact Report and Environmental Impact Statement.

I appreciate the great potential of the LORP. However, the DEIR/EIS fails to describe essential components of the project and presents project alternatives that directly violate the 1991 Long Term Water Agreement and the established project goals. Some of my concerns include:

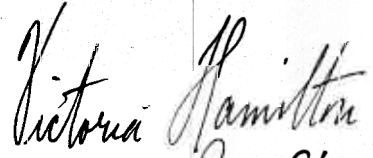
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126-2 2) Funding: Monitoring and adaptive management are absolutely essential to the success of the LORP, but the DEIR/EIS repeatedly states that funding limitations may prevent their full implementation. To meet its obligations, LADWP should select funding option 2, which is the only option that adequately funds the LORP.

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Mr. Martin, the LORP is a valuable project, and I want it to work. I urge LADWP to abide by the terms of the water agreement and the goals of the project, thoroughly describe all management plans to the public, choose the least environmentally damaging alternatives, and guarantee adequate funding.

Thank you for your consideration of my comments.

Sincerely,

 Victoria Hamilton
 Teacher Pine St. School, 23 years

Mr. Clarence Martin
LADWP
300 Mandich St.
Bishop, CA 93514

Dear Mr. Martin:

I am writing to comment on the LORP and the Environmental Impact Report. I recently received from you a glossy, full-color, obviously expensively-produced mailer which described your role in the LORP in glowing terms. Now I have information that LADWP intends to increase the pump station from 50cfs to 150 cfs thus lowering the flow to the Lower Owens River thus making a mockery of the whole project!

I frequently have to cringe when DWP, which has a great deal of good will with portions of the Owens Valley population because of leasing land to be used for benefit of the community and other good deeds, squanders this same good will by violating the terms of the Long Term Water agreement. I also understand that your plan lacks the funding necessary for monitoring and managing the recovery and that further, there is no plan and no funding for recreation.

Please think for a moment of the terrific Public Relations value of following through with the LORP as it should be done. I would be a lasting monument to LADWP – highly visible and of much greater value in Good Will than any glossy Brochure could ever produce.

Sincerely,



Marilyn Hayden
2225 Fiora Ave.
Bishop, CA 93514

cc: Inyo Count Board of Supervisors

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AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

127-1

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

Subject: Comments on the Lower Owens River Project Draft EIR/EIS

Dear Mr. Martin,

I appreciate the opportunity to comment on this very important project. The LORP has enormous potential benefits. However, there are many statements in the Draft EIR/EIS which call into question the successful implementation of the project and which could result in significant project impacts that would not be mitigated. Please consider my comments on the following issues:

128-1 **Pump station and Delta flows:** A 150 cfs pump station violates the Inyo-LA 1991 Water Agreement. A larger pump station won't allow enough water to reach the Delta and may help LADWP to pump more groundwater from the valley. LADWP should select the 50 cfs pump station and 9 cfs annual average delta baseflows. This option allows the maximum amount of water flow to the delta under the agreements and approaches current flows. This is needed to meet the delta habitat goal of maintaining existing and new delta habitats for waterfowl and to comply with the Water Agreement.

128-2 **Lack of commitment to monitoring, adaptive management and mitigation measures:** Monitoring and adaptive management are absolutely essential to the success of the LORP, but the DEIR/EIS repeatedly states that funding limitations may prevent their full implementation. To meet its obligations, LADWP should select funding option 2, which is the only option that adequately funds the LORP. However, option 2 should be restated to say LADWP would fund all of Inyo County's shortfall not "*some or all of Inyo County's shortfall,*" as it does in the draft document (p.2-8). Additionally, option 2 lacks funding for mitigation measures PS-2 and V-2. A commitment to fully fund these measures should also be included in funding option 2. In light of LADWP's tremendous financial resources, the project should not be compromised by lack of funding.

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 SHOP ADMINISTRATIVE OFFICE

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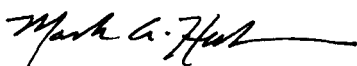
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128-8

is no way to compare change over time when evaluating whether the goals of the project are being met. There is no way for commenters to evaluate proposed management, monitoring and the need for mitigation. This is inadequate.

As one of the most significant river habitat restorations in the country, the LORP represents an unprecedented opportunity if the Los Angeles Department of Water and Power properly implements the project. I hope the Final EIR/EIS will reflect a real commitment to make the project live up to its full potential.

Sincerely,



Mark A. Heckman
425 East Yaney Street
Bishop, California 93514

January 14, 2003

Mr. Clarence Martin
Los Angeles Department of Water and Power
300 Mandich Street
Bishop, California 93514

RE: LORP Draft EIR/EIS Comments concerning water quality issues

Dear Mr. Martin:

Enclosed you'll find my comments on the LORP Draft EIR/EIS. I focused my reviewing efforts on the water quality portions of the document, because that is the area in which I have some technical expertise. My comments cover only those issues. If you have any questions or comments, you can telephone me at work at 873-3300.

Thank you for giving me the opportunity to make these comments on this important project.

Best Regards,



Darla J. Heil
336 E. Pine Street # B
Bishop, CA 93514

Enclosures

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AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

Water Quality Degradation and Fish Kills (Two Class I Impacts)

In the Draft EIR/EIS, Section 11.3.1 discusses alternative water release schemes for the LORP that may affect two Class I impacts including short-term water quality degradation downstream of Mazourka Canyon due to probable flow interaction with organic sediments that have accumulated over time in the river channel, and fish kills that may be caused by the short-term degradation of water quality. Under the Proposed LORP Implementation Schedule (Table 2-3) Phase I water releases will be initiated as soon as the diversion construction is completed in the river bed, and will be ramped up to achieve the 40 cfs baseflows at the end of construction of the pump station (planned to begin ramping by July 1, 2004). Under the proposed project the first seasonal habitat flow of 200 cfs is planned for release in May or early June 2005. Three alternatives to the proposed water releases were described in Section 11.3.1.

129-1 After careful consideration of the proposed LORP Implementation Schedule, the three alternatives suggested in Section 11.3.1, and the data contained in the 1993 Lower Owens River Planning Study (Jackson, 1994), I believe that neither the proposed project, nor any of the three alternatives described in the Section 11.3.1 of the LORP EIR/EIS, adequately minimize the significant impacts to either short-term water quality or the possibility of fish kills due to LORP implementation. None of the alternatives for implementation of the 40 cfs baseflow or the 200 cfs seasonal habitat flows discussed in the EIR/EIS minimize either the period of time when short-term water degradation may occur due to flow interaction with the organic sediments deposited below Mazourka Canyon, or the fish kills that may be caused by this short-term water quality degradation. I propose a plan described below, which I will refer to as Alternative Initial Release Regime 4 following the naming convention of the alternatives in Section 11.3.1 of the EIR/EIS, which would work to minimize these two significant impacts to a much greater degree than any of the alternatives described in the Draft EIR/EIS. My proposed Alternative Initial Release Regime 4 basically follows the Proposed LORP Implementation Schedule outlined in Table 2-3 of the EIR/EIS; but adds a very important element to that schedule. I believe that a 200 cfs flushing flow should be released during the first winter of LORP implementation. This proposed flushing flow is different and separate from the first seasonal habitat flow described elsewhere in the EIR/EIS, which in Table 2-3 is planned for release in May or early June 2005.

For a flushing flow released during the first winter of LORP implementation to be effective in minimizing the water quality degradation and fish kill significant impacts, this 200 cfs flushing flow must be of an adequate volume and duration to scour the organic sediments out of the river channel and redistribute them on banks, floodplain and terraces within the riverine-riparian system and the Owens River delta for the benefit of vegetation. For the river flushing to be as effective as possible, a 200 cfs flow should be maintained throughout the river system below Mazourka Canyon for a long enough period of time to flush the river channel of the organic sediments. This will necessitate either releasing higher flows at the River Intake, or supplementing flows down river as necessary from various spillgates.

The 200 cfs flushing flow should be released during the first winter of LORP implementation during the coldest winter months (December-February), regardless of whether the baseflow has been fully ramped up to 40 cfs at that time or not. The flushing flow should be released during the coldest winter months, when the surface water temperature is at its coldest, so that the

flow can scour the river system below Mazourka Canyon of organic sediments during the time of year when it would cause the least harm to water quality and to the fish population. A release of a 200 cfs flushing flow during winter is likely to reduce the water quality degradation that may kill fish during LORP implementation because colder water temperatures with higher oxygen solubility lead to higher oxygen concentration in the water to begin with. At the same time colder temperatures slow biochemical reactions with the stirred up organic sediments and reduce microbial oxygen consumption, so these processes will remove far less oxygen from the river water during the winter. In addition, using high flows to flush the river of the organic sediment during the winter will be less harmful to the fish because fish metabolic rates are slowed by the cold water temperatures, so that fish oxygen consumption is reduced during winter months and fish feed at lower rates.

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This first 200 cfs flow should be allowed to by-pass the pumpback station to allow the organic rich sediment (muck) to be transported and deposited on banks, floodplain and terraces within the riverine-riparian system and the Owens River delta for the benefit of the vegetation. Such a redistribution of "muck" is an objective directly provided for in the MOU (Section I. C. 1. B. ii second paragraph. (1)).

It is important that the 200 cfs flushing flow be released during the first winter of LORP implementation so that, if fish kills do occur during the first 200 cfs water release to the LORP, fish can be planted during the first spring and summer season of LORP implementation, which will ultimately result in the earliest possible re-establishment of a healthy warm water fishery in the LORP. Flushing the sediments during the first winter of LORP implementation also serves to minimize the period of time when short-term water quality degradation downstream of Mazourka Canyon due to flow interaction with the organic sediments is possible, thus minimizing this significant impact.

Because the flushing flow is different from the seasonal habitat flows and has a different objective, during May-June of the first year of LORP implementation the first seasonal habitat flow should be released as scheduled in the proposed LORP Implementation Schedule (Table 2-3) to benefit the riverine-riparian and delta systems as provided for in the MOU (Section I. C. 1. b. ii). Section 4.2 of the EIR/EIS says, "The timing of the seasonal habitat flows is designed to coincide with seed production by willows and cottonwoods in the floodplain, thereby providing an opportunity to stimulate growth of new trees on the floodplain adjacent to the river channel." As such, it is important that the first seasonal habitat flow be released during the first spring of LORP implementation to begin the restoration process as described in this document, and that the first seasonal habitat flow be kept separate from the flushing flow that I have described above, which needs to take place during the coldest winter months.

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It was suggested in Section 4.4.3 of the EIR/EIS that implementing project baseflows of 40 cfs has the potential to degrade water quality in the current wet reach of the river downstream of Mazourka Canyon for several water quality parameters including reduced dissolved oxygen concentrations (D.O.). While I agree that dissolved oxygen may be somewhat reduced during the initiation of the 40 cfs baseflow, based on data contained in the Inyo County Water Department report entitled "Lower Owens River Planning Study: Transient Water Quality in the Lower Owens River During Planning Study Flow Releases in July and August of 1993"

(Jackson, 1994), I don't believe that D.O. levels would be reduced to below 2.5 mg/l during the 40 cfs baseflow initiation. Unfortunately, the 1993 experiment described in Jackson, 1994, was flawed by a paucity of water quality data collected during the critical (for use in predicting the effects of initiating baseflows of 40 cfs) early days of the water release during July and August, 1993. Therefore the results of the study are of somewhat limited use for predicting the effects of initiating baseflows of 40 cfs to the lower reaches of the Owens River.

As reported in Jackson, 1994, Inyo County and LADWP conducted an experimental study between July 6 and August 12, 1993 in which a flow of 20 cfs was initially released to the Lower Owens River and then rapidly increased to 155 cfs by day 15 of the study. The flows were then subsequently reduced to the normal summer flow regime of 1-5 cfs at Keeler Bridge by day 40 of the study. When one looks at the data presented in Appendix A, Table 1 of the Jackson, 1994, report, one sees that very little crucial water quality data was gathered prior to day 10 of the study, when the flows at the LA Aqueduct Intake had already been increased to 115 cfs. For the following discussion I refer to information taken from Jackson, 1994, Appendix A, Table 1. Table 1 shows the following:

At Mazourka Canyon no dissolved oxygen (D.O.) readings were reported until day 11. On that day the D.O. was 6.3 mg/l, but the flow was not recorded. However on day 12 the flow was recorded as 29 cfs at that station. D.O. was not read again at Mazourka Canyon until day 15 when the flow had increased to 59 cfs and the D.O. was 3.1 mg/l.

At Manzanar Reward Road, D.O. was not measured until day 18 when flows were 55 cfs and D.O. was 2.4 mg/l.

At Reinhackle Spring D.O. was not measured until day 15 when the flow was 14 cfs and D.O. was 5.5 mg/l. By day 18 at Reinhackle Spring the flow had increased to 49 cfs and the D.O. was 2.4 mg/l.

At Lone Pine Ponds, no water quality data were recorded to document initial water quality conditions in the ponds; the first water quality readings were not recorded until day 14 when D.O. was below 1 mg/l., where it stayed until day 39 of the study.

At Lone Pine Station Road the first water quality readings were not taken until day 11 when flow was 14 cfs and D.O. was 4.2 mg/l. Another reading was not taken at Lone Pine Station until day 14 when the flow had increased to 73 cfs and D.O. was 0.9 mg/l.

At Keeler Bridge the first water quality readings were taken on days 9 & 11 when flows were less than 0.1 cfs and D.O. concentrations were 5.2 and 6.5 mg/l, respectively. The next water quality data from Keeler Bridge was taken on day 14 then the flow had already increased to 63 cfs and D.O. was 3.7 mg/l.

Table 4-10 in Section 4.4.3.1 of the EIR/EIS contains mean values of the water quality data measured at the various stations throughout the 1993 study, however these mean values have no worth for estimating the effects of initiating the 40 cfs baseflows on water quality in the LORP, because during the 1993 experiment most of the measurements used for calculating the means were taken after flows had been increased to well above 40 cfs and during the flow ramp-down period after high flows had already mobilized sediments that would not have been stirred up by flows of 40 cfs and below. For predicting the effects of initiating LORP baseflows of 40 cfs it

is far more instructive to look at the few data points that were gathered during the earliest parts of the 1993 study, before flows had increased to above 40 cfs and before sediment disturbance had been increased by the high flows. Jackson, 1994, Appendix A, Table 1 reports the following:

At Mazourka Canyon Road when flow was 59 cfs, D.O. was 3.1 mg/l.

At Manzanar Reward Road when flow was 55 cfs, D.O. was 2.4 mg/l.

At Reinhackle Spring Station when flow was between 34 and 55 cfs, D.O. was 3.8 mg/l.

At Lone Pine Station Road when flow was 14 cfs, D.O. was 4.2 mg/l and then no data were taken until after the high stage had been reached in the river flow (73 cfs at that gaging station).

At Keeler Bridge when flow was 63 cfs, D.O. was 3.7 mg/l.

The data from Lone Pine Ponds is useless for this analysis because no initial conditions were recorded.

129-2 In Jackson, 1994, Figure 2 (taken from Swingle, 1969) is used to show the effects of dissolved oxygen concentration on warm water pond fish. According to this figure, with dissolved oxygen concentrations of 1-5 mg/l warm water pond fish will survive, but their growth is slowed with prolonged exposure. D.O. levels above 5 mg/l are the desirable range for these fish and levels below 1 mg/l can be lethal if the exposure is prolonged. As we can see in the data from Jackson, 1994, Appendix A, Table 1, dissolved oxygen levels can be expected to remain well above 1 mg/l during initial releases of the 40 cfs baseflows, and most likely will remain above 2.5 to 3 mg/l. Though the Jackson, 1994, report is inconclusive as to what exactly killed the fish during the 1993 release, I see no evidence presented or referenced in the report that would lead to the conclusion that initiating a baseflow of 40 cfs in the LORP will lead to fish kills from diminished dissolved oxygen concentrations. I noted that Table 4-7 in the EIR/EIS shows that during 1995-96, D.O. concentrations of 2.5 mg/l, and below, were recorded at all of the stations below Mazourka Canyon; and the text on page 4-19 says that in summer 1999, dissolved oxygen levels were below 4 mg/l. This leads me to conclude that while the dissolved oxygen concentration may not be in the desirable range during that first summer and fall of LORP baseflow initiation, it won't be much different than the fish in the Lower Owens River have experienced each summer since flows were released below Mazourka Canyon, and it may even be an improvement. The fish may not be completely happy that first summer and fall season of LORP implementation, but water quality conditions should improve markedly during the next summer season if the river is flushed of organic sediments during the first winter of LORP implementation. As is shown in Jackson, 1994, any fish kill impact associated with LORP implementation is most likely to occur with release of the higher seasonal habitat flows, and that significant impact can be most effectively reduced by releasing the first 200 cfs flow during the coldest winter months and using it to remove the organic sediment from the river channel, as I've suggested in my proposed Alternative Initial Release Regime 4.

For the reasons given above, under proposed Alternative Initial Release Regime 4, I see no reason to delay initiating the baseflow of 40 cfs, as described in the EIR/EIS Section 4.1, Phase I and Phase 2 Releases. The baseflow should be initiated as soon as possible and the first 200 cfs

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flow should be released during the first winter of LORP implementation and used to scour the river channel of organic sediments during the time of year when impacts to the fish population will be as minimal as they can ever be expected to be. A fish kill may still happen during the first winter's 200 cfs flushing flow due to un-ionized hydrogen sulfide or ammonium. The cause of the fish kill that occurred during the 1993 experiment was never identified. However, any fish kill that happens during the winter flushing flow will be less severe than that which can be expected if the first 200 cfs flow is released during the warmer springtime months as a seasonal habitat flow. If a fish kill does happen early in the LORP implementation process from a winter flushing flow that removes the organic sediments from the river channel, warm water fish can be replanted the next spring and summer, and in the long run this will lead to the re-establishment of a healthy warm water fishery in the LORP as early in the process as possible. This plan will also reduce the amount of time that water quality may be degraded by flow interaction with the organic sediments, because they would be removed during the first winter of LORP implementation.

My discussion and analysis of the three Initial Release Regime alternatives listed in Section 11.3.1 follows:

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11-5, Alternative Initial Release Regime 1 – Gradual Baseflows and Deferred Seasonal Habitat Flows: Recommendations by Jackson (1994) and Ecosystems Sciences (Technical Memorandum No. 11, no date) are referenced in this section of the EIR/EIS. Their recommendations are for slow and gradual ramping of the initial water releases to achieve the baseflows in order to reduce the magnitude of water quality and fish kill impacts. Alternative Initial Release Regime 1 in the EIR/EIS is designed to follow these recommendations. However, the Jackson (1994) report contains absolutely no data or references that support his conclusion that gradual flow increases made over a period of weeks, months, or years is necessary to avoid water quality degradation and fish kills when initiating the 40 cfs baseflow, or that such a scheme would avoid these impacts when higher seasonal habitat flows are eventually released. Jackson, 1994, does show that water quality degradation did occur during the July-August, 1993 water releases to the lower Owens River, but the data in the report shows that severe water quality degradation did not occur until the flows reached their highest levels during the study (155 cfs at the LA Aqueduct Intake). The few oxygen readings that were taken during the critical ramping up period indicate that dissolved oxygen concentrations stayed above 2.5 mg/l until the flows increased to more than about 55 cfs (Jackson, 1994, Appendix A, Table 1). Moreover, the report is inconclusive as to what exactly killed the fish during the 1993 release. I see no evidence presented or referenced in the Jackson, 1994, report that would lead to the conclusion that gradually increasing the flow in the Owens River is necessary to avoid fish kills, or would mitigate the impact when the flow is increased to 200 cfs during the first May-June seasonal habitat flow. I am concerned that Alternative Initial Release Regime 1 will only work to lengthen the period of time when there will be a possibility of poor water quality and resultant fish kills due to implementation of the LORP. Higher flows in the river will cause a disturbance of organic sediments, no matter whether the flow occurs during the first year or the sixth year of the project, as long as the sediments remain in place to be disturbed. The best course is to remove the sediment with flushing flows during the cold winter season when water quality is likely to be least degraded and fish are likely to be least severely impacted, as described above in our proposed Alternative Initial Release Regime 4. The data in Jackson, 1994, indicate that taking

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up to 36-months to reach the 40 cfs baseflow as described in Regime 1 is unnecessary. It is highly speculative that a slow release of the 40 cfs baseflow will have anything to do with improving water quality during the first 200 cfs flow release when water quality is most likely to be the most severely degraded. This gradual increase in baseflow seems more likely to draw out the water quality degradation problem for a longer period of time and will only delay the fish kill that is likely to happen when higher seasonal flows are released during the first springtime seasonal habitat flow which would not occur until two or three years after the baseflow is finally established under Regime 1 as described in the EIR/EIS. Ultimately the alternative presented in Regime 1 will only cause a several year delay in the re-establishment of a stable fishery in the LORP. This alternative would just serve to delay implementation of the LORP at the same time that it is likely to extend the period of poor water quality in the lower river and delay the re-establishment of a healthy fishery.

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11-6, Alternative Initial Release Regime 2 – Begin with Seasonal Habitat Flows to Flush the System: It is our opinion that flushing the river with high flows is a good idea, but that these flows should be released during the first winter of the LORP implementation as described in our proposed Alternative Initial Release Regime 4, instead of during summer 2004, as described in Alternative Initial Release Regime 2. Because disturbance of organic sediments during high seasonal habitat flows in the river is inevitable, the best alternative is to flush these sediments out of the river channel during the season when they are likely to cause the least water quality degradation and damage to the fish population. If the flushing flows are released in the winter season it is possible that the organic sediments can be removed from the river channel without causing massive fish kills. This flushing should be done sooner, rather than later during LORP implementation, so that in case there are any fish kills, the job of restocking the river and re-establishing a healthy fishery can begin as early in the process as possible. If Alternative Initial Release Regime 2 is adopted for the LORP as written in Section 11.3.1, the 200 cfs flushing flow would be released during July 2004 during the time of year when water temperatures are highest and dissolved oxygen concentrations are lowest; and microbial oxygen consumption and fish metabolic rates, oxygen consumption and feeding rates are highest. In short, Regime 2 would maximize the negative impacts that will occur when the first 200 cfs flow is released into the LORP. Our proposed Alternative Initial Release Regime 4 would garner all of the positive aspects of using high flows to flush the organic sediments out of the river channel, while minimizing the possible negative impacts on water quality and fish mortality by releasing the flows during the first winter season of LORP implementation.

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11-6, Alternative Initial Release Regime 3 – Delay Releases for Baseflows Until Winter 2004-2005: An argument similar to that presented in the discussion for Regime 1 also holds for Regime 3. While Jackson, 1994, does show that water quality degradation did occur during the July-August, 1993 water releases to the lower Owens River, the data in the report shows that severe degradation did not occur until flows were increased to the highest levels during the study period. Unfortunately, LADWP and Inyo County did not take many dissolved oxygen readings in the river during the ramping up period in July 1993. The few readings that were taken during the critical ramping up period indicate that dissolved oxygen concentrations stayed above 2.5 mg/l until the flows in the river were increased to more than 55 cfs (Jackson, 1994, Appendix 1, Table 1). Furthermore, the 1993 study was done during July and August, the warmest summer months, and so the data record the worst case scenario as far as impacts to dissolved oxygen

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concentrations go. The data in the report indicate that there is likely to be little water quality degradation at the proposed baseflow of 40 cfs, regardless of when the initial baseflows are released. Though the report is inconclusive as to what exactly killed the fish during the 1993 release, I see no evidence presented or referenced in Jackson, 1994, that would lead to the conclusion that dissolved oxygen concentrations will be reduced to a lethal level for warm water fish (Jackson, 1994, Figure 2) at flows up to the proposed baseflow of 40 cfs no matter what time of year they are released. The plan in Alternative Initial Release Regime 3 would only work to lengthen the period of time when there will be a possibility of poor water quality and resultant fish kills due to implementation of the LORP, because in this alternative release of the initial 200 cfs seasonal habitat flow would not be released into the river until late May or early June one year after the establishment of the 40 cfs baseflow. Higher flows in the river will cause a disturbance of organic sediments, as shown in Jackson, 1994, no matter whether the flow occurs during the first year or the sixth year of the project, as long as the sediments remain in place to be disturbed. The best course is to remove the sediment with flushing flows during the cold winter season when water quality is likely to be least degraded and fish are likely to be least severely impacted, as described in our proposed Alternative Initial Release Regime 4. Alternative Initial Release Regime 3 seems more likely to draw out the water quality degradation problem for a longer period of time and will only delay the fish kill that is likely to happen during the first seasonal habitat flows, if the river is not first flushed to remove organic sediments during the colder winter season as described in our Alternative Initial Release 4. In addition, because of the delays that have already occurred in the LORP and the additional 6-month delay that LADWP has built into this document by neglecting to have plans already drawn up for a 50 cfs pumpback station, I feel that adopting Regime 3 would cause an unnecessary further delay in implementation of this project with little or no benefit. I agree that Alternative Initial Release Regime 3 is infeasible because it would result in a delay in the establishment of the 40 cfs baseflow even beyond that of the proposed project. Delaying the first seasonal habitat flow for a year after delaying the establishment of the 40 cfs baseflow, as described under Regime 3, would only serve to postpone the time when the high flows will disturb the organic sediments and effect water quality and perhaps cause fish kills in the river. Ultimately it seems that this strategy will only delay the re-establishment of a healthy warm water fishery in the Lower Owens River, which should be avoided.

References

Jackson, R.J. 1994. Lower Owens River Planning Study: Transient Water Quality in the Lower Owens River During Planning Study Flow Releases in July and August of 1993. Inyo County Water Department Report 93-2.

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Mr. Clarence Martin
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14 January 2003

Dear Mr. Martin,

I am writing to comment on the Lower Owens River Project Draft EIR/EIS.

When I moved to the Owens Valley in 1972 from southern California I felt like I had won the lottery. I taught and coached at Big Pine School District, middle and high schools, for six years. An opportunity to teach overseas arose and I moved to South America and the Middle East for 12 years. On retirement my husband and I agreed that after traveling around the world many times that the finest place was right here in the Owens Valley so we returned to our home to begin our research on the birds of the area. I am primarily a biologist with an emphasis in ornithology. My husband and I are writing a book on the Birds of Inyo County. My biological concerns with the LORP will be included in the Owens Valley Committee's response.

I want to take this opportunity to discuss the complexity of the LORP, my view of the Owens Valley, and thank you for all you and the others in the Bishop office have done in trying to design the largest river riparian restoration project in history. The staff should have been increased significantly because the effort needed to produce a complete and comprehensive DEIR/EIS was beyond what was humanly possible with the Bishop office. This endeavor is so complicated that it will take all of us, giving all we have to give, to insure a LORP that will truly be a monument to the energy and intellect of those who are dedicated to its success.

The reason so many people have spent so much time reading, researching, and writing to you is because we all are passionate about the Owens Valley. While there are different views on how the valley should be managed, the bottom line is that we all live here because there is no finer place. That said, it does not mean that everything is acceptable the way it is at present. While you are not personally responsible for all the environmental damage that LADWP has done, what they have caused is not acceptable. As you know, most of the people in the valley see LADWP as a double-edged sword. We are grateful that this valley did not evolve like the San Fernando Valley, which went from a beautiful paradise to a valley filled with homes, freeways, and large and small industry. However, that does not mean that LADWP has the right to destroy the paradise that was here before it arrived. In reading the early explorers descriptions of the Owens Valley, it is deplorable to see the change man has wrought and because LADWP owns almost the entire valley they are responsible for the majority of the damage.

That was then...this is now. LADWP has a unique opportunity to be more than just a utility supplier. In fully implementing the LORP as quickly as possible, LADWP will stand as the avant-garde in corporate responsibility. History will decide who was motivated only by the bottom line and who was motivated by the legacy they left behind as well as profits. I understand that the decisions are handed to the Bishop office from Los Angeles but I ask that you do everything in your power and ask others you work with to do the same and work with us to bring the LORP to a successful conclusion. This will be a decades long endeavor and many of us won't be here to enjoy the fruits of our labor but that is not important. Those who come after us deserve the same moments of awe we had when wonderful experiences made us feel alive and grateful to reside in this extremely beautiful valley. This is an historical time. I ask that you envision a future that includes what the valley would look like if LADWP became a responsible steward of its land and encourage you to consider the legacy by which you and LADWP will be judged.

Yours truly,

Jo Heindel

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JAN 14 2003

AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

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