



BIG PINE PAIUTE TRIBE OF THE OWENS VALLEY

Big Pine Paiute Indian Reservation

P.O. Box 700 · 825 SOUTH MAIN STREET · BIG PINE, CA 93513
(760) 938-2003 · FAX (760) 938-2942 www.bigpinepaiute.org

JAMES RAMBEAU
TRIBAL COUNCIL CHAIRMAN

July 13, 2020

Los Angeles Board of Water and Power Commissioners
Los Angeles Department of Water and Power
111 North Hope Street, Room 1555-H
Los Angeles, CA 90012

Subject: Comments on “Six-Month Pumping Test of Testing Well East (TW-E) at Owens Lake, May 2020 Revised Testing Plan”

Dear Commissioners:

The Big Pine Paiute Tribe of the Owens Valley (“Tribe”) submits this comment letter on the May 2020 Revised Testing Plan prepared by Los Angeles Department of Water and Power (“LADWP”) and Technical Consultants regarding a six-month pumping test of Well “TW-E” on Owens Lake.

The Tribe commented earlier this year, in a letter to your Board dated February 24, 2020, regarding this same subject of LADWP’s intent to pump TW-E. In that letter, the Tribe objected to further operation of this well because:

- The proposed pumping is a component of LADWP’s Owens Lake Master Project;
- LADWP is required to prepare an Environmental Impact Report (“EIR”) for the Master Project according to the California Environmental Quality Act (“CEQA”);
- The CEQA/EIR process is the appropriate way to solicit comments and engage the Tribe through the AB 52-mandated Tribal Consultation process;
- The Tribe has for many years objected to LADWP groundwater pumping at Owens Lake; and
- Groundwater pumping at the lake may result in adverse impacts to resources.

In February, LADWP had filed a CEQA Notice of Exemption in order to allow LADWP to proceed with pumping TW-E for six months. LADWP replied to the Tribe in a letter dated March 2, 2020, stating the CEQA Notice of Exemption had been retracted. On June 10, 2020, Tribal staff received an email alerting the Tribe to LADWP’s latest attempt to operate TW-E. LADWP staff and consultants prepared a “Testing Plan” for TW-E and it was circulated among participants in the Owens Lake Master Project Groundwater Working Group to solicit comments. The Tribe should have received official notification from LADWP about this new Testing Plan given the Tribe’s clear interest in this matter. Once again, the Tribe needs to formally object to LADWP pumping of TW-E and to all LADWP-planned pumping for the purpose of supplying water to dust control projects at Owens Lake. In the Tribe’s view, LADWP consistently disregards Tribal concerns as LADWP continues to attempt to carry out projects, such as pumping millions of gallons of water at Owens Lake, without conducting adequate CEQA review and Tribal Consultation. The proposed six-month test of TW-E will result in approximately 350 million gallons of water pumped out of the lake’s aquifers.

The Tribe reminds LADWP that the now-dry bed of Owens Lake, (which we traditionally knew as *Patsiata*, meaning the lake with rivers and streams that flow into it all the time) is regarded as land publicly-owned by all of the peoples of California, and the ground water beneath Owens Lake also belongs to California. Although anyone, including LADWP, is free to “propose” the idea of pumping water from beneath the lake bed, the appropriate forum for assessing the proposal is through the CEQA process. It is absolutely inappropriate for LADWP to sidestep the public CEQA process and work only among a small group of state and local agencies and with a handful of others supportive of LADWP’s Master Project.

The intended purpose of the six-month pumping test of Well TW-E is to perturb the hydrologic system in the vicinity. This discretionary pumping has the potential to result in environmental impacts which may be irreversible. Tribal staff reviewed the May 2020 Revised Testing Plan, and despite claims that a “conservative” approach will be taken, the Tribe disagrees and concludes the pumping could result in prolonged or irreversible changes in groundwater storage, land surface elevation, and spring discharge. These impacts could result in stress to vegetation, lower plant cover, increased dust emissions from areas on or near the lake, and damage to infrastructure. Already groundwater is being discharged through human-installed artesian wells on and near the lake. LADWP’s proposed pumping will serve to remove even more ground water. Given the recent seismic activity under Owens Lake, the Tribe sees potentially devastating consequences of further depletion of ground water. In addition, staff finds LADWP’s stated reasons for operating the well for six months to be questionable. If the purpose of installing TW-E (and TW-W) on the lake bed was to gain a better understanding of the Owens Valley and Owens River fault systems, why were the wells placed so far away from the actual faults? The industry standard for gathering a new well’s hydraulic characteristics are the 24-hour flow test and step-drawdown test. These tests were performed for TW-E and TW-W, and parameters were acquired. The Tribe wonders why these standard tests are never sufficient for LADWP? LADWP repeatedly desires to “test” for an excessive length of time relative to a 24-hour test (a six month test is about 4,300 hours).

The Tribe looks forward to hearing from you regarding this important matter.

Sincerely,



James E. Rambeau, Sr.
Tribal Chairman

Cc (via email): Meagan Wylie, Lead Facilitator, Owens Lake Master Project and Groundwater Working Group

November 12, 2020

Mr. James E. Rambeau, Tribal Council Chairman
Big Pine Paiute Tribe of the Owens Valley
P.O. Box 700
Big Pine, CA 93513

Dear Chairman Rambeau:

Subject: Response to Comments on the Proposed Six-Month Operational Test of
Testing Well TW-E at Owens Lake

Thank you for your July 13, 2020, letter to the Los Angeles Department of Water and Power (LADWP) Board of Commissioners with the review and comments on the testing plan for a proposed six-month operational test of well TW-E (TW-E) at Owens Lake. The Big Pine Paiute Tribe's comments are focused on the general policy and procedural issues regarding the Owens Lake Groundwater Development Program (OLGDP), along with a few technical issues.

The proposed operational test of TW-E is part of the OLGDP, a component of the Owens Lake Master Project (OLMP). The objective of the OLGDP is to optimize groundwater management at Owens Lake by implementing groundwater banking in and around Owens Lake when excess Los Angeles Aqueduct supply is available, and utilize water from beneath Owens Lake to supply a portion of water demand for dust mitigation in an environmentally sustainable manner. As we have conveyed in the past, LADWP is utilizing an adaptive management strategy by implementing the OLGDP in small increments, along with extensive and comprehensive monitoring, and adjusting the program as data is collected and analyzed.

As stated in your letter, the Owens Lakebed is under the jurisdiction of the California State Lands Commission (CSLC). All of LADWP's dust mitigation related activities on the lakebed are in accordance with leases or permits from the CSLC. During the planning stage of the proposed TW-E operational test, LADWP filed an application along with a notice of exemption (NOE), with the CSLC. Based on responses from stakeholders including the Big Pine Paiute Tribe, we retracted the NOE and prepared a revised testing plan, which included extensive monitoring and conservative measures to ensure that groundwater-dependent resources are protected during the test.

The revised testing plan was submitted to responsible agencies and Groundwater and Habitat Working Group participants for their review and to provide comments. Additionally, the plan was uploaded to LADWP's OLGDP web page at www.ladwp.com/olg, with an invitation to all stakeholders to review and provide comments. LADWP also offered to meet with stakeholders to address their concerns. Once all comments were addressed, the testing plan was updated, which will be used as the basis for the preparation of a California Environmental Quality Act (CEQA) document, in this case a Negative Declaration. The adopted CEQA documentation will then be submitted to the CSLC, which should complete our application for the CSLC's consideration.

We understand your concern with the potential impacts of the proposed operational test on groundwater-dependent resources in and around Owens Lake. Please consider the following reasons why we believe the proposed operational test will not have any impact on the groundwater-dependent resources:

1. The surficial aquifer, which groundwater dependent-resources generally depend on, is separated from the deeper aquifer, where TW-E is screened, by approximately 100 feet of clay layer that will minimize any potential effect of pumping on the resources.
2. The testing plan includes a trigger mechanism utilizing a number of monitoring wells at or near groundwater-dependent resources to manage the operational test. If the groundwater level in any of the trigger wells falls below the pre-set trigger level for that well, pumping will stop and recovery data will be collected. A preliminary trigger level is assigned to each trigger well. Trigger levels will be finalized by the technical staff from LADWP and responsible agencies, prior to the start of the test.
3. LADWP plans to conduct the proposed operational test during the dust season, which generally coincides with the non-growing season, when plants are dormant and their water demand is minimal.
4. The proposed operational test will also occur during the rainy season, and any potential reduced groundwater supply to vegetation would be compensated by precipitation.
5. Finally, even with a groundwater level drop, vegetation roots will still have access to moisture from the capillary action of the soil during the operational test period.

Regarding the industry standard for the operational tests, step drawdown and 24-hour constant rate tests are generally used to design pump equipment and calculate aquifer

Tribal Council Chairman
Page 3
November 12, 2020

parameters near a well. One of the main reasons for the proposed six-month pumping test is to evaluate the effect of the Owens Valley and Owens River faults on groundwater flow and to improve the Owens Lake groundwater model as a tool for groundwater management at Owens Lake. Because of our CSLC permit limitations, the 24-hour pumping test was too short and the pumping rate was too low to detect any measurable drawdown in the monitoring wells across the Owens Valley and Owens River faults. LADWP's goal is to collect necessary data without risking potential impacts on nearby resources.

I would like to thank the Big Pine Paiute Tribe for their active participation in the proposed operational test by reviewing and providing comments on the testing plan. Based on all the comments received, the testing plan has been updated and can be downloaded from the OLGDP web page at www.ladwp.com/olg. As always, the Big Pine Paiute Tribe is welcome to participate in the habitat and groundwater working group meetings and help in performing a successful operational test and ensuring that groundwater-dependent resources at Owens Lake are not impacted by the proposed test.

If you have any additional comments, questions, or concerns, please contact Dr. Saeed M. Jorat, Manager of Eastern Sierra Environmental Group, at (213) 367-1119 or via email at saeed.jorat@ladwp.com.

Sincerely,



Anselmo G. Collins
Director of Water Operations Division

SMJ:jm

c: LADWP Board of Water and Power Commissioners
Martin Adams
Richard F. Harasick
Adam Perez
Nelson O. Mejia
Dr. Saeed M. Jorat