

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:

- 171-1 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. 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.
- 171-2 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.
- 171-3 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, *Lawrence Nahm*
407 East Taney
Bishop CA 93514

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JAN 10 2003
AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

January 10, 2003

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

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

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Thank you for your consideration of my comments.

Sincerely,


P.O. Box 31
Big Pine CA 93514

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QUEDUCT MANAGER
CHOP ADMINISTRATIVE OFFICE

To: Clarence Martin

Comment Letter No. 173

From: Tom Woland

Subject: Comments on draft EIR/EIS
Lower Owens River Project

- 173-1 Burning - Burning needs to be an option as a management tool. Neither burning or grazing has been the cause of massive die-off of trees along the river. The death of so many trees is caused by drowning from water backed up by beaver.
- 173-2 Pulse flows on Delta - The pulse flows are ok except for the pulse flow in winter (#4) Grazeable forage should not be flooded at this time of year.
- 173-3 200 cfs peak flow - Monitor, adjust and deal with beaver if erosion damage occurs.
- 173-4 40 cfs flow. This flow needs to stay in the river channel to prevent making lakes and tule beds out of grass-lands. (where possible)
- 173-5 Flow increase - The new flows to this project should be increased gradually over 2 or 3 years. A slow increase would allow new plants to become established to better hold the soil and prevent erosion.
- 173-6 Tules - Burning helps tules to be more palatable. Tules removal when necessary needs to be an option.
- 173-7 Recreation - An attempt should be made to inform people of the importance of staying on existing roads while driving. Suggest signs
- 173-8 Pump back station - Any water not needed for the delta should be pumped to the dust control area or the aqueduct. The 150 cfs pump station is best suited for this to avoid wasting water.

Comments continued LORP

to: Clarence Martin

873-0266

from: Tom Noland

173-9

Adaptive management and flexibility- These words are important to the success of the project. Therefore the words "only and prohibited" in reference to grazing dates (Chapter 2) need to be removed.

Tom Noland
Box 835
Lone Pine, Ca.
93545

3566 Brookside Dr.
Bishop, Ca 93514
January 12, 2003

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

Dear Mr. Martin:

This letter is in regard to the Lower Owens River Project for which you are presently considering public input.

It is my concern that the participants responsible for reaching an equitable agreement beginning the re-watering process will continue to argue and posture for political advantage while the public waits for water to flow in the old river bed. The process has reached the "knot picking" stage in an attempt to place such tight restrictions on the DWP that the flexibility needed, over the next few years, to adjust to unforeseen problems that may arise, along miles of new river bed, will be seriously hampered.

I believe the work completed to produce the necessary safeguards for future negotiations and provide new habitat for an abundance of wildlife has been addressed. The work done by Mark Hill, of Ecosystem Sciences, should be implemented now with water flow while his work is still current.

The ongoing argument over the size of a pump back station at Lone Pine is another attempt to control the DWP and its need for flexibility in moving water. In my opinion, the DWP has the right to place any size pump back station it feels necessary to move water. The fact that early LORP negotiations called for a 50 cfs pump should not mean additional concerns, arising during continued negotiations, would not allow you the flexibility to increase capacity.

The Department is ready to abide by the water agreement and add about 60 miles of re-watered river that will be a recreational and economic windfall for the lower Owens Valley. I ask that you continue your policy of public access, appreciated by all, and let the public enjoy this new playground without further delay.

174-1

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AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

It is the Department of Water and Power's business to provide water and power, primarily, to customers in the Los Angeles area. In my opinion, as an exporter of water, you have to make tough decisions and deal with hard core opposition. You will never please some LORP committee members because of harbored resentments held toward DWP that will never be satisfied.

Sincerely,

A handwritten signature in cursive script that reads "Dick Noles". The signature is written in dark ink and is positioned above the printed name.

Dick Noles

Clarence Martin
LADWP
300 Mandich St.
Bishop CA 93514

Dear Clarence Martin/DWP;

175-1

In the DEIR & DEIS for the lower Owens River Project the pump station was agreed upon and should remain at 50 cfs. No changes there "midstream." No other negotiations should be made to maintain this item as written.

175-2

The LADWP not only promised to restore 62 miles of the lower Owens River, but should be required to maintain flows to the delta leading to the Owens Lake, currently an attraction for birds. (No sacrificing of one for the other.)

175-3

The LADWP claims that funding for implementing and monitoring this project may be limited, but if they would stop sending those silly slick self-praising mailers out, which are almost insulting to Inyo and Mono county residents (who have watched vegetation dry up and die,) there could be more money there...

Hopefully this project will be successful and there will be some reason for commendation for the LADWP.

Sincerely,

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AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

Cheryl & Greg Norlin

1441 Birchim Lane

Bishop CA 93514

Mead

Jan 13, 2003

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

Dear Mr. Martin:

Thank you for the opportunity to comment on the Lower Owens River Project Draft Environmental Impact Report and Environmental Impact Statement.

Having read much of the document, it's obvious a lot of thought and work went into it in order to meet the legal requirements for this important and unique project.

176-1

One of my main concerns is the spread of non-native weeds, such as Lipidium latifolium (Pepperweed). As mentioned in your document, Table 2-25, page 2-95, under "Implementation Dependent on Outside Funding", your table says that outside funding is required to achieve this goal. It seems that there is no outside funding for the control of non-native weeds and that it would work best if you could take this on as part of meeting the goals. Also, once the water starts moving around these areas, a plan for monitoring for new growth and spread of non-native weeds needs to be put into place. If you could include the monitoring as part of your funding of this project, the project has a much greater chance of meeting the agreed upon goals in the Memorandum of Understanding between Los Angeles and Inyo County.

Thank you again for the opportunity to comment.

Sincerely,



Debby Parker
1625 Shoshone Dr.
Bishop, CA 93514

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JAN 15 2003

AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

*ROBERT H. PASCHALL
CONSULTING GEOLOGIST*

2758 Glenbrook Way, Bishop CA 93514- Phone (760) 872-2293

8 January 2003

Clarence Martin
LADWP
300 Mandich Lane
Bishop 93514

Dear Mr. Martin:

This may sound vain, but I'm in a better position than most to comment on LORP. I make that bold statement because (1) I was brought up in southern California, and went to UCLA, (2) was a desert rat in the Mojave when I was young, (3) next lived in Ventura County, where I was on the steering committee for the Casitas Dam project, (4) returned to L.A., lived in an apartment near Hollywood & Vine, and learned how southern Californians think about water—namely, not very much, (5) moved to Sacramento, where a huge sign near the confluence of the American and Sacramento rivers read "WATER IS PRECIOUS. CONSERVE IT," and where I served on the Auburn Dam committee, and (6) moved to Bishop in 1991, after having visited the Owens Valley since the 1940s. Believe me, that constitutes an education.

That education revealed that most southern Californians fall into two categories: Oldtimers who think that imported water is their personal God-given right, and newcomers who haven't the faintest idea where their water comes from. Those two mindsets create an awesome emotional and psychological dilemma for elected officials, who, like all politicians, are reluctant to tell their constituents hard truths about serious issues.

The serious issue here began with the DWP's exploitation of Owens Valley water by taking annual stream run-off. When that became inadequate for satisfying the demands of an ignorant and arrogant populace, wells were drilled. Aside from notable devastation of plant and associated animal life, that action was a subtle one of desperation, since, unlike annual run-off, wells drain aquifers that have finite boundaries and resultant finite lives.

The question therefore arises: What will DWP do for an encore? The answer is: There is no encore to this performance. Come the next severe drought—and there will be one, as surely as there will be a next earthquake—and L.A. will finally have to acknowledge that its front lawns, golf courses, and swimming pools are extravagances that are no longer affordable in a southern California coastal desert.

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CHIEF ADMINISTRATIVE OFFICE

177-1

That is the worst-case scenario, and the one that, knowing elected officials, is the most probable. It can be avoided, but only if elected officials bite the bullet, soon and hard. Namely, after ninety years of obfuscation and rejection, those officials should tell people to tear out their lawns and plant their yards to sage and ocatillo, as residents of Tucson do. Tell them about the 75-year-long drought that paleodendrologist Scott Stine has documented in the Eastern Sierra, and that it's necessary to adjust to such a disaster before it arrives.

177-1

But cheer them up by also telling them that, right down there at Long Beach and Santa Monica is the eastern edge of the world's largest body of water, namely the Pacific Ocean: "All we have to do, folks, is what the Israelis have done, and what's done on all large ships in the U.S. Navy, namely take the salt out of that water. Then, and only then, should we re-fill our swimming pools."

That is quite a political row to hoe, Mr. Martin, but it's the only longterm way to achieve LORP and to preserve the virtues of an area that has a far better climate than Palm Springs and more beautiful views than those from Van Nuys or North Hollywood. In the meantime, however, every element of LORP that reduces further despoliation of this lovely region should be undertaken.



Copies to Members, Inyo County
Board of Supervisors

P.S.- The attitude of L.A.'s citizens and LADWP's management is reminiscent of South Africa's government toward the AIDS virus: "What do you mean, a problem? Go away and don't bother me."

January 7, 2003

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

*J. Paulus
P.O. BOX 244
Bishop CA 93515-
0244*

RE: Comments on Lower Owens River Project Draft EIR/EIS

Dear Mr. Martin:

I am a local resident, a practicing consultant for botanical issues in the Owens Valley, and a scientist on the staff of the Great Basin Unified Air Pollution Control District. Having reviewed the Environmental Impact Report and Environmental Impact Statement for the Lower Owens River Project, dated November 1, 2002, I have the following comments.

Rare Plant Mitigation Measures

178-1

Mitigation Measures should be numbered throughout Table S-1 for easy reference. The MM to offset the project's effect on rare plants (page S-28) is written as an impact. Potential impacts include loss of existing plants or populations due to construction, or to changes in water table depth, or changes in grazing pattern, or to invasion by tamarisk. These impacts should be described in the "Impact" column, then quantified and ranked in the text for each known population within the study area (eg., pg. 2-62). The suggested mitigations (the only ones I could find are grazing exclosures at populations in three lease areas) should then be given in the "Mitigation Measures" column. Potential impacts to all existing populations due to water table changes and to ground disturbing activities associated with construction, and the impacts that could occur when tamarisk invades these areas where the water table has changed or construction has created new habitat for tamarisk, should be analyzed. Each rare plant MM must include targets and monitoring methods for assurance that the measure (in this case, the City has proposed exclusion of cattle) sufficiently mitigates for all the potential impacts.

Western Overflow Channel

178-2

Will the western overflow channel be closed off, or not? This feature is described on pg. 6-38 as being 20-30 ft wide and 3-4 ft deep at its overflow or point of divergence from the main channel. The possibility that significant and permanent stream capture could occur in this channel, resulting in loss of existing wetland area, is discussed on pg. 6-44, in apparent contradiction to the statement on pg. 6-40 that "Surface flow in the overflow channel has nowhere to go." It is stated on pg. 6-45 that closing off this feature would be "artificial and potentially invasive", so it will not be done even if wetland acreage targets are not being met due to stream capture. And yet, the modeling to

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178-2

anticipate the amount of water spreading that would be expected from annual by-pass and pulse flows (pg. 6-46) was conducted under the conflicting assumption that no flows would be allowed into the overflow channel, which could be true only after the channel was closed off. Delaying environmental analysis for a channel closing would be considered project piece-mealing, and should be done as part of this EIR if there is any likelihood that such a closing will be needed to meet LORP and MOU goals. It appears on pg. 11-8 that the threat of stream capture with resultant Delta wetland loss is being used to justify the larger pumpback station option. If so, overflow stream capture should be presented as a significant impact under the smaller pumpback station alternative and mitigation measures (for example, building a small barrier to flows at the point of divergence) should be formulated to bring this impact to below the level of significance.

Yours truly,

A handwritten signature in blue ink, appearing to read "Jim Paulus". The signature is written in a cursive, flowing style.

Jim Paulus, Ph.D.

January 10 2003

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

Dear Mr. Martin,

The following are my comments on the draft LORP EIR/EIS.

- #1 Page s-13, table s-1, mitigation measure f-1 "One time fish stalking program"
 179-1 **My comment**-Black bass fish stocks should be from fish that originate in the Owens River water system. In the 1992 studies by the CDFG on black bass samples from Haiwee Reservoir concluded that the black bass in the Owens River system are an almost pure strain of Northern large mouth bass. We oppose the introduction of any possible cross bred species.
- #2 Page 2-23, Paragraph 2.3.5.3-seasonal habituate flows. "The timing of the seasonal habituate flows is designed to coincide with seed production by willows and cottonwoods in the flood plain (e.g. late spring/early summer) thereby providing an opportunity to stimulate growth of the new trees on the flood plain adjacent to the river channel." **My comment**-This is also the peak spawning time for large mouth bass and blue gill. How is a fishery to survive if their spawn is continually interrupted?
 179-2
- #3 Page 2-26, Paragraph 2.3.6-Channel clearing prior to phase I releases. "Prior to initiating phase I releases LA DWP will mechanically remove sediments and marsh vegetation obstructions from 10,800 feet (approximately 2 miles) of river channel down stream of the river intake." **My comment**- There are many more miles of obstructions. Why do you propose to leave them in place?
 179-3
- #4 Page 4-2, paragraph 4.2 propose projects.
 Phase I and II releases. **My comment**-We object to this release schedule. In 1993 the Owens Valley Warm Water Fishing Association (OVWWFA) in response to a request for comment regarding a proposed water release schedule, warned, the release schedule would result in a massive fish kill. We were informed that "thanks, for your input, but we know better and we will proceed as planned." What resulted was thousands upon thousands of dead fish. Piles of dead bass on the banks of the Owens River. For the success of the LORP project it is not necessary to deliberately kill massive amounts of fish. We urge you to implement the original rewatering plan of 1999. Page 11-5, "alternative initial release regime I-gradual base
 179-4

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AQUEDUCT MANAGER
 SHOP ADMINISTRATIVE OFFICE

flows and deferred seasonal habituate flows." In 1999 this was the promised release schedule. Why is it not now?

179-5 #5. As Part of a law suit settlement LADWP agreed to a 50CFS pump back station as part of the LORP. The 50CFS pump back station should be the only one considered for this project.

179-6 #6. Any mention of "funds availability " should be deleted from the final EIR/EIS. If this language is allowed to remain a convenient funding escape will be available to LADWP. Creating a possibility that the entire LORP project could, at some point in the future, be terminated.

179-7 #7. The arrogance of LADWP is clearly demonstrated in the draft EIR/EIS. The(LADWP) claim that if the 50CFS pump back is chosen the project will be delayed by several months. WHY? LADWP is designing a 150CFS pump back station, not the 50CFS pump back station that they(LADWP) agreed to in the LORP agreement. LADWP must know something that the rest of us don't.

179-8 #8. The following is from W. A. Chalfants "The Story of Inyo" published in 1933. This quote is by Morrow Mayo from his book "Los Angeles": "Los Angeles gets its water by reason of one of the costliest, crookedest, most unscrupulous deals ever perpetrated, plus one of the greatest pieces of engineering folly ever heard of. Owens Valley is there for anybody to see. The city of Los Angeles moved through this valley like a devastating plague. It was ruthless, stupid, cruel and crooked. It stole the waters of the Owens River. It drove the people of Owens Valley from their home, a home which they had built from the desert. For no sound reason, for no sane reason, it destroyed a helpless agricultural section and a dozen towns. It was an obscene enterprise from beginning to end." It is our opinion that this quote is just as applicable today as it was 70+ years ago. The decision makers of the LORP final EIR/EIS must be ever vigilant in their dealings with the LADWP.

Francis and Francee Pedneau
P.O.Box 667
Lone Pine, Ca 93545
760-876-4319


Francee Pedneau

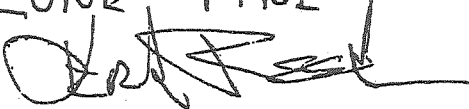
CLARENCE MARTIN
LADWP

Comment Letter No. 180

180-1

*I SUPPORT THE COMMENTS
ON THE LORP MADE BY THE*

*INYO MONO FARM BUREAU
AND THE
INYO COUNTY CATTLEMENS
ASSOCIATION*

KIRK PEEK
LONE PINE CA.


Filed 1/13/03
760-873-0266

Comment Letter No. 181

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 (LORP) Draft Environmental Impact Report and Environmental Impact Statement (DEIR/EIS).

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. There are several points which raise questions and concerns about the LADWP's commitment to uphold ANY agreement made with Inyo County.

181-1

I am especially concerned with the push to increase the size of the pump station and delta flows. A 150 cfs pump station violates the Inyo-LA 1991 Water Agreement. According to the EPA in a letter to Jerry Gewe dated February 27, 2002, "LADWP's proposal for the larger pump station does not appear to be economically or environmentally justified." The LADWP has not justified using a pump station that is three times larger than the water agreement allows. A larger pump station will not allow enough water to reach the delta and has all the appearance of a means to surreptitiously help the LADWP 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 goal of maintaining existing and new delta habitats for waterfowl and to comply with the water agreement.

181-2

In addition, funding for 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. The control of saltcedar and other noxious weeds which will increase exponentially need to have specific funding measures spelled out in the DEIR/EIS. To meet its obligations, the LADWP should select Funding Option 2, which is the only option that adequately funds the LORP.

181-3

There is no recreation plan or statement of potential economic impact to the Owens Valley 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.

181-4

With regard to cultural resources, the document is lacking in documentation of native uses of the riverine environment and the loss of those resources to the Paiute and Shoshone people. It appears that very little thought has been given to the restoration of the indigenous native fish species which populated the river. There seems to be great emphasis on sport fishing of modern planted non-native fish species.

The Lower Owens River Project is valuable and I want it to work. I urge the LADWP to abide by the terms of the water agreement and the goals of the project, to thoroughly describe all management plans to the public, choose the least environmentally damaging alternatives, and guarantee adequate funding. LORP has the potential to be a model environmental mitigation project or it could just simply turn into the third barrel of the Los Angeles aqueduct. I would prefer to see it be upheld as a viable model of environmental mitigation and cooperation over the use of this planet's most precious resource - water.

Thank you for your consideration of my comments.

Sincerely,



Beth S. Porter
PO Box 56
Independence, CA 93526

Mr. C. Martin
L.A.D.W.P.
300 Mandich Street
Bishop, CA 93514

Ms. Gail Louis
U.S. E.P.A., Region IX
75 Hawthorne Street, WTR-3
San Francisco, CA 94105

Ms. Leah Kirk
Inyo County Water Dept.
163 May Street
Bishop, CA 94514

Re: Public comments for the Lower Owens River Project EIS/EIR

Dear Sir or Ma'am;

My wife and I live in Olancho, California. I support many of the goals and objectives of the Lower Owens River Project. I believe it is a good and beneficial project. In particular, I support the opinion of the Environmental Protection Agency as expressed in their letter of February 27, 2002. Support option 2, for the 50 cfs pump station.

I believe the Tertiary and Quaternary deposits of Owens Valley may qualify as a Sole Source Aquifer per Title 40, Part 149 of the Code of Federal Regulations. Any citizen may petition the EPA for such a designation. I do so now, by copy of this letter, and I request that Region IX send me a copy of the correct forms for petitioning. It is well known that the City of Los Angeles obtains a large part of its water from aqueducts; but the citizens of Owens Valley obtain much of their drinking water from underground. This is particularly true for the towns that immediately border the Owens Lake. If possible, please ensure that any federal permits, authorizations and funding take this into account.

To Inyo County:

182-1 I believe that current court orders prohibit Inyo County from taking any action, including the approval of any Conditional Use Permit, that contributes to a violation of the current water agreement(s). If the proposed 150 cfs pump station is contrary to the water agreement, then Inyo County will be violating the Order by approving it. The LADWP cannot (or would not) be able to argue that it is harmed by such a denial because: (1) It does not harm the City of L.A. to comply with the Order, and; (2) In order to show that L.A. is being unduly deprived of water, it must first demonstrate a need for that water. It cannot do so. One should remember that L.A. uses only a part of the water to which it is entitled from the Metropolitan Water District. While this other water is more expensive than Owens Valley water, this slight inconvenience cannot be used as an excuse for evading a court mandate.

To State Agencies:

182-2 The California Department of Fish & Game has authority to approve or deny any Stream Alteration Permit for this action. Also, the California State Lands Commission acts as the actual land owner for the Owens River delta. So it is ultimately the State of California, not Los Angeles, that decides how the delta will be managed (I find it odd that LADWP has not decided whether it needs State permission to build on State lands; see Table 1-1). I urge the CDFG and State Lands Commission to set a good example of environmental management. These two agencies will look particularly bad if they approve any action that leads to a violation of the Migratory Bird Treaty, or any action that leads to degrading this delta. The CDFG and State Lands Commission may possibly also be subject to the water agreement. I say this because these agencies are apparently parties to the M.O.U., and the M.O.U. is part of a California court order. I believe that a state agency may not knowingly take any action that contributes to violating a California state court order.

182-3 As a geologist, I am keenly aware that mining operations in this state have to comply with California/Federal regulations governing migratory birds, wildlife habitat, water quality, and so on. I simply expect the State to apply the same environmental standards to a municipal project, as it would to an ordinary mineral project. I have understood that LADWP may, or may not, be able to guarantee funding for long-term monitoring and mitigation on these State-owned lands. Let us ask ourselves: What should a State agency do with a CEQA document that describes how an operator might possibly suck the water out from under a wildlife habitat, but that same operator refuses to guarantee adequate monitoring and compliance? State agencies often tell other parties how to take good care of the environment; here is an opportunity for the State of California to practice what it preaches.

182-4 For the sake of argument, let us assume that one day, the U.S. Fish & Wildlife Service chose to pursue a violation of the Migratory Bird Treaty caused by this project's actions on the delta. I do not think the USFWS would go after the LADWP. The USFWS would go after the CDFG (for the stream alteration permit that caused this) and the State Lands Commission (for permitting the action to take place on State lands).

To Federal Agencies:

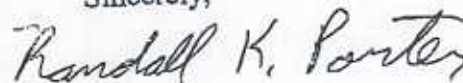
182-5 It is my understanding that the LORP will receive federal funds through the EPA, that the pump station is subject to a 404 permit from the Army Corps of Engineers, and that this permit will be subject to the Decision Record for this Environmental Impact Statement. I trust the EPA to decide which option is more appropriate, because I feel the EPA has a more objective viewpoint than the other agencies involved. It is my understanding that a federal agency is not allowed to take any action, including issuance of a permit, that leads to violating the Migratory Bird Treaty or leads to the deterioration of a Sole Source Aquifer. Whatever option is chosen, please ensure that any federal permits, authorizations or funding are so conditioned.

182-6 The author of the EIR/EIS implies the EPA's choice of Option 2 may cause an "unnecessary adverse impact on Los Angeles' water supply" (see the last paragraph of section 11.4.1). I disagree. In order for this to be so, LADWP would have to show that Option 2 is either contrary to local law, or that adequate water cannot be acquired from other sources. It can do neither. The author himself states that there are no prohibitions against it. And even if L.A. cannot conserve water other means, it always has the option of purchasing the equivalent amount of water from the Metropolitan Utility District. In addition, LADWP does not have authority to decide what is an 'unnecessary adverse impact' for an EIS. NEPA reserves that authority to Federal agencies. If this is the only reason against option 2, it is an insufficient reason.

182-7 Federal regulations commonly also require that recipients of a Federal authorization must remain in compliance with State & local regulations; at least so far as they do not conflict with federal authority. Such should be the case here also. Please ensure that any federal permit stipulates that all state laws and county ordinances *shall* be complied with as a condition of authorization.

Thank you:

Sincerely,



Randall Porter
Box 56
Independence, CA 93526

GENERAL COMMENTS

With the protracted dispute over the size of the pumpback station delaying this E.I.R. and a noticeable lack of funding for key components of the LORP, it is obvious that DWP has not thrown itself behind the project in a manner which will ensure its ultimate success.

It is not enough to pour water down the river channel and call it a project for the benefit of polishing your public relations image as an environmental steward. Many promises and high hopes have been expressed about LORP that the E.I.R. indicates may not be delivered.

SPECIFIC COMMENTS

183-1

1. I don't think the E.I.R. adequately addresses the impacts of a larger pump back station upon the migratory waterfowl that rely on delta flows out to the brine pool. This is Na, in fact the lake is a Nationally Significant Important bird area. Thousands of birds including the snowy plovers depend on the outflow from the delta

183-2

2. Throughout the E.I.R. many mitigations are tied to POTENTIAL FUNDING from DWP and the county. It seems to me that the success of the LORP in re-establishing natural systems and biological diversity is deeply compromised by the potential inability to fund long term projects for beaver, tule and salt cedar control.

183-3

3. Without adequate exotic plants control programs, LORP will hasten the spread of more exotics and further degrading an already degraded environment. There is no mention of other mitigations like a special levy on DWP water users to L.A. to fund a salt cedar program. There is talk about minimizing ~~cost~~ opportunities for colonizing new areas but what about existing salt cedar populations?

183-4

4. There is no recreation Plan or adequate discussion to manage the potential impacts from increased visitors recreating along the LORP. Things like illegal campfires, camping and increased ORV usage can significantly affect soils, archeology + sensitive plant and animal species. Mitigations should include the development of a recreation plan jointly with Inyo County. Both Bruce Klein and I put together a recreational plan and map for IMAEA, funded by the Forest Service, they should have a copy. This would be a good place to start

183-5

5. The E.I.R. is inadequate in respect to cultural and historic resources. There is no discussion about the Steven's and Eastside Ditch Intakes, historic resources in the LORP project area. The report fails to discuss impacts to prehistoric sites on Owens lake in the delta area

5. I find it difficult to believe that a survey of 62 miles of the Lower River yielded only 2 prehistoric sites. Mitigations should mention consultation w/ local tribes. | 183-5
6. If off lakes and channels are to remain as productive fisheries, tule removal programs must be incorporated into their management plans, i.e. Billy Lake | 183-6
7. If the potential of adaptive management is to be realized, increasing base flows in the river should be considered as a vital mitigation measure. | 183-7

Sincerely,

Richard Potashin
P.O. Box 525
Lone Pine, CA
93545

Clarence
24579 Hwy 6
Benton CA
93512

January 10, 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:

184-1

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. 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.

184-2

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.

184-3

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,

Colleen Reardon

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JAN 13 2003

AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

Reynolds
120 Wilson Rd.
Bishop CA 93514

January 10, 2002

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

Comment Letter No. 185

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:

185-1 **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.

185-2 **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.

185-3 **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

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AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

control of saltcedar and other noxious weeds in order to avoid significant impacts and meet the project goals.

185-4 **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.

185-5 **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 tens 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.

185-6 **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.

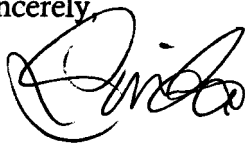
185-7 **Grazing:** Understory impacts as a result of current grazing are severe in riparian habitats in much of the LORP area. In many places there is no understory and there are no young willows or cottonwoods. Several habitat indicator species such as the yellow-breasted chat are dependent on habitats 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.

185-8

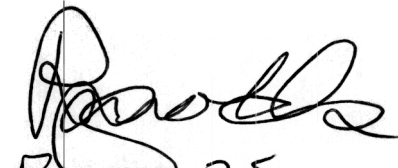
Additionally, individual grazing lease management plans are not provided in the document and LADWP has denied requests by reviewers to see them. Without these critical documents and with no evaluation of the present lease condition and trend presented in the Draft EIR/EIS there is no way to compare change 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



LINDA



REYNOLDS

Virginia Reynolds, R.C.S.W.
419 arboles Drive
Bishop, CA 9354

January 10, 2003

Clarence Martin
Los Angeles Dept. of Water & Power
300 Mandich Street
Bishop, CA 93514

Comment Letter No. 186

Dear Mr. Martin.

I am writing to you regarding the Lower Owens River Project Draft Environment Impact Report and Environmental Impact Statement.

I have concerns that the original agreement goals established in 1991 may not be implemented as written. These concerns include:

186-1

It is my understanding that a pump, three times the size designated in the plan is being proposed. This will take water that should reach the delta. It seems like LADWP may be trying to take even more of our ground water. We need to meet the delta habitat goal of maintaining existing and new delta habitats for waterfowl and to comply with the water agreement.

186-2

I have heard that funding levels may prevent full implementation. The monitoring and adaptive management are absolutely essential to the success of the LORP. Please insist that LADWP implement option two.

186-3

Further the residents of Owens Valley wish to have a description of current and anticipated recreational uses of the LORP area. We need an area that protects natural habitats and cultural resources.

urge LADWP to abide by the terms of the water agreement and the goals of the project.

Thank you for your consideration of my comments.

Sincerely,

Virginia M. Reynolds, Concerned Resident

387-0033

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JAN 13 2003

AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

Martin, Clarence

From: Richardson, Stanley
Sent: Tuesday, January 14, 2003 11:10 AM
To: Martin, Clarence
Subject: public comments lower Owens EIR

187-1

Mr. Martin,

I Believe a 150 cfs pump back station would help control flows to the Owen Dry Lake Delta, in the event of a west Nile virus outbreak, it would be desirable to limit mosquito habitat. A 50 cfs pump back station will restrict the DWP,S ability to act in the best interest of Public health .Also by allowing excessive water flows to reach the Owens Dry Lake Delta ,The Western Snowy Plover habitat may be negatively impacted.

Thank You

Stan Richardson

January 17, 2003

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

Dear Mr. Martin,

We are writing to comment on the Lower Owens River Project Draft Environmental Impact Report and Environmental Impact Statement. Mono Lake agreements provide the example of people getting together for a win-win restoration plan.

The Lower Owens River Project (LORP) promises to restore 62 miles of the lower Owens River to maintain, enhance and create hundreds of acres of new habitat for waterfowl and other wildlife; and to greatly improve the warm water fishery. 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:

- 188-1 1) Size of the pump station and delta flows: 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.
- 188-2 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.
- 188-3 3) Recreation plan: 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.

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

Thank you for your consideration of our comments.

Sincerely,

Donald L Rivenes Barbara L Rivenes

Donald L Rivenes
Barbara L Rivenes
18700 Angelwood Ln
Nevada City CA 95959

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JAN 21 2003

AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

E. Richard and Tamra Y. Roloff

P.O. Box 2814
Mammoth Lakes, CA 93546

January 11, 2003

VIA FACSIMILE

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

RE: LORP Draft DEIR/EIS

Dear Mr. Martin:

To reiterate Mark Hill, one of the LADWP's Consultants, "this is one of the most environmentally significant river habitat restorations ever undertaken in the United States". To make this come true it is important the LADWP follow through with foresight and with total honesty of their intent.

189-1

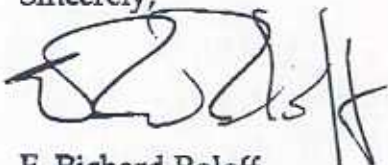
It is our understanding the LADWP is bound by an Inyo-LA 1991 Water Agreement that restricts the size of the pump station. If this is true, then this draft DEIR/EIS should not alter this agreement as to the pump size. If the LADWP deems constructing a 150 cfs pump station at this time is more economically feasible given long term projections and requirements, then these fact should be brought out along with all the relative data supporting your projections. It is only right that the LADWP be bound by prior agreements unless all parties agree to a change.

189-2

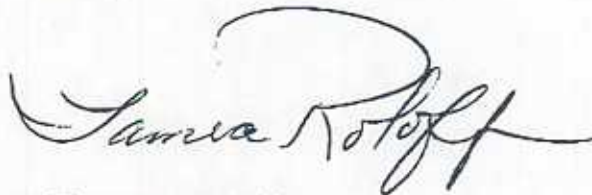
If the LADWP is sincere about restoring the Lower Owens River and maintaining, enhancing and creating hundreds of acres of new habitat for waterfowl and other wildlife, they must guarantee a proper flow into the delta and make available the necessary funds for monitoring and adaptive management to insure this project is a success.

The LADWP has available via LORP, the ability to make positive changes that will affect generations years from now. I hope you will make the necessary changes in the DEIR/EIS that will make this project a success and something the LADWP and the people of the Eastern Sierra would be proud.

Sincerely,



E. Richard Roloff



Tamra Y. Roloff

cc. Inyo County Board of Supervisors

January 10, 2002

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

Robert Robertson
322 N. Pasha Dr.
Bishop CA 93514

Comment Letter No. 190

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:

190-1 **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.

190-2 **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.

190-3 **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

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AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

control of saltcedar and other noxious weeds in order to avoid significant impacts and meet the project goals.

190-4

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.

190-5

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 tens 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.

190-6

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.

190-7

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.

190-8

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 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 "Robert Koluris". The signature is written in a cursive style with a large, sweeping initial "R".