



# AADAP, Inc.

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January 9, 2003

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

Dear Mr. Martin:

The Los Angeles Department of Water and Power (LADWP) is taking the initiative to restore the Lower Owens River by returning a steady flow of water to it from the Los Angeles Aqueduct while spreading additional water into basins to create wetlands habitat. We applaud them for this effort and are fully supportive of their proposal.

We share the LADWP's sentiment on the November 2002 draft Environmental Impact Report regarding the Lower Owens River Project (LORP) and agree that restoration of the river's ecosystem is a sound idea and will greatly enhance wetlands habitat.

The issue surrounding the size of the pump-back station does present a major concern. We strongly support the 150 cubic-feet-per-second pump station as proposed by the LADWP as opposed to the 50 cfs pump station as outlined in Option 2 in the EIR.

17-1

The argument for Option 2 is that it would allow for higher seasonal habitat flows to the Owens Lake Delta and beyond. However, there is scientific evidence to support our concern that most of the higher habitat flows would pass through the Delta and end up in the brine pool in the middle of Owens Lake. This would provide very little benefit to the general public.

A larger pump station (150 cfs), as described in Option 1, and preferred by the LADWP, would capture the flow of water before it passes to the brine pool and deliver it to Owens Lake for dust mitigation, or to Los Angeles for much-needed public use. LADWP has identified its first priority for this excess water as the dust control project, with flows above capacity to be diverted to the Los Angeles Aqueduct. Again, scientific evidence shows that the Delta habitats will flourish through conservative water allocations and advanced water management techniques. The proposal provides water to the Delta during key periods for wetland needs and wildlife.

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AQUEDUCT MANAGER  
SHOP ADMINISTRATIVE OFFICE

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Los Angeles, CA 90008  
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Youth & Family Programs  
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Los Angeles, CA 90018  
(323) 766-5541  
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Indochinese Youth  
Community Center  
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Gardena, CA 90247  
(310) 768-8064  
Fax (310) 768-2779

Adolescent Treatment  
13931 S. Van Ness Ave #202  
Gardena, CA 90249  
(310) 768-8018  
Fax (310) 768-4170

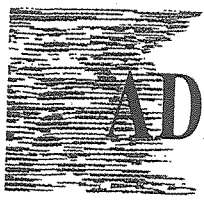
Olympic Academy  
(323) 933-9022  
Fax (323) 933-4029

As a non-profit, community-based service agency in the Greater Los Angeles Area we are constantly seeking new approaches to balance the needs of the environment with water demands of a growing population. The LORP, as proposed with the 150 cfs pump station option, will achieve this balance and provide for a restored ecosystem that will offer recreational opportunities to the general public while continuing to maintain a reliable water supply to Los Angeles residents and businesses.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Watanabe", written in a cursive style.

Mike Watanabe, MSW  
Executive Director



**ADRO** ADRO ENVIRONMENTAL, INC.

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310.306.9444 ♦ Fax: 310.306.2502 ♦ 13445 Beach Avenue, Marina del Rey, CA 90292

January 9, 2003

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

Dear Mr. Martin:

We applaud the Los Angeles Department of Water and Power (LADWP) for taking the necessary steps to restore the Lower Owens River by returning a steady flow of water from the Los Angeles Aqueduct to the Owens River as well as spreading additional water into basins to create wetlands habitat.

As delineated in the November 2002 draft of Environmental Impact Report, the Lower Owens River Project (LORP) restoration approaches are scientifically sound, and will significantly enhance and restore the river's ecosystem.

However, one issue that remains outstanding is the size of the pump-back station. We strongly support the 150 cubic-feet-per-second pump station as proposed by the LADWP in the draft EIR.

18-1

Inyo County and the Environmental Protection Agency advocate installing a smaller (50cfs) pump station, Option 2 in the EIR. This option would allow higher seasonal habitat flows to flow past the pump station to the Owens Lake Delta and beyond. However, scientific evidence presented in the EIR shows that most of the higher habitat flows would quickly pass through the Delta and end up in the brine pool in the middle of Owens Lake, providing little benefit to the project or public.

181

A larger pump station (150cfs), described as Option 1, which is preferred by the LADWP, would capture excess flows before they pass to the brine pool and deliver the water onto Owens Lake dust mitigation, or to Los Angeles for much-needed public use. LADWP has identified its first priority for this excess water as the dust control project, with flows above capacity to be diverted to the Los Angeles Aqueduct. Scientific evidence shows that the Delta habitats will flourish through conservative water allocations and advanced water management techniques. The proposal provides water to the Delta during key periods for wetland needs and wildlife.

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The 150cfs pump station would simply recover water that is not necessary to achieve environmental goals in the LORP Delta habitat area.

In the arid west, we must realize the necessity of wisely using water resources to balance the needs of the environment with water demands of a growing population. The LORP, as proposed with the 150 cfs pump station option, will achieve this balance and provide for a restored ecosystem that will offer tremendous recreational opportunities to the general public, while continuing to maintain a reliable water supply to Los Angeles residents and businesses.

18-1

18-1

Sincerely,



ADE ADENIJI

Chief Executive Officer, ADRO Environmental Inc.

Secretary/Treasurer, California Urban Water Conservation Council (CUWCC)

adroinc@aol.com



January 7, 2003

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

Dear Mr. Martin:

We are in favor of the Los Angeles Department of Water and Power taking steps to restore the Lower Owens River by the return of a steady flow of water from the LA Aqueduct to the Owens River, as well as spreading additional water into basins to create wetlands habitat.

As outlined in the 2002 Environmental Impact Report, the Lower Owens River Project restoration seems sound and appears to be significant in the enhancement and restoration of the river's ecosystem.

The installation of a small pump station (50 cfs) would not allow LADWP to capture the excess water flow and deliver it to the Owens Lake for dust mitigation or into Los Angeles for the much-needed public use. A smaller pump station would only allow the flow through the Owens Lake Delta and into a brine pool, providing little use to the public.

We strongly support a 150 cubic-foot-per-second pump station as proposed by LADWP in their draft EIR. Evidence shows the Delta habitats will flourish through conservative water allocation. The proposal provides water during key periods for wetland needs and wildlife. Excess water can be utilized as dust control and the above capacity flows can be diverted to the Los Angeles Aqueduct.

In this dry desert western state, we need to realize the necessity of using our water resources wisely for balance of the environment and the growing water demands of the population. The 150 cfs pump station option will help achieve this balance, provide for a restored ecosystem that will promote tremendous recreational opportunities to the general public, and continue to maintain a reliable water supply to Los Angeles residents and businesses.

Sincerely,

  
Jim Davis  
Director of Property Operations

dv

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AQUEDUCT MANAGER  
BISHOP ADMINISTRATIVE OFFICE



Anheuser-Busch, Inc.  
ONE OF THE ANHEUSER-BUSCH COMPANIES

January 13, 2003

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

Dear Mr. Martin:

Anheuser-Busch is in support of the Los Angeles Department of Water and Power (LADWP) taking action to assist in restoring the Lower Owens River. To that end, according to the November 2002 draft Environmental Impact Report, the Lower Owens River Project (LORP) restoration approaches would help restore the Lower Owens River by returning a steady flow of water from the Los Angeles Aqueduct to the Owens River. It would also spread additional water into basins to create wetlands and significantly enhance and restore the river's ecosystem.

20-1

On the issue of the size of the pump-back station, we support the 150 cubic-feet-per-second pump station as proposed by the LADWP. A larger pump station (150 cfs), which is preferred by the LADWP, would capture excess flows before they pass to the brine pool and deliver the water onto Owens Lake for dust mitigation, or to Los Angeles for public use. The 150 cfs pump station would recover water that is not necessary to achieve environmental goals in the LORP Delta habitat area.

We realize the necessity of wisely using water resources to balance the needs of the environment with the water demands of a growing population. The 150 cfs pump station option, we believe, achieve this balance and provide for a restored ecosystem, while continuing to maintain a reliable water supply to Los Angeles residents and businesses. The Lower Owens River Project would be among the most significant river habitat restorations ever undertaken in the United States, providing thousands of acres of habitat for fish, wildlife, and recreational uses.

Sincerely,

*Gary P. Lee*  
Gary P. Lee  
Plant Manager  
Los Angeles Brewery

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JAN 14 2003

AQUEDUCT MANAGER  
BISHOP ADMINISTRATIVE OFFICE



A nonprofit organization protecting California's natural areas from wildland weeds through restoration, research, and education

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January 6, 2003

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

Dear Mr. Martin,

I appreciate the opportunity to comment on the Lower Owens River Project Draft EIR/EIS. While the LORP holds great promise as a significant mitigation project, it falls short by not guaranteeing funding for noxious weed control.

The mission of CalEPPC, as you are probably aware, is to protect California wildlands from invasive plants through research, restoration and education. We are especially concerned that the LORP will create new habitat for invasion by saltcedar. This will cause significant impacts if funding for saltcedar monitoring and control is not provided. Since the main goal of the LORP is "the establishment of a healthy, functioning Lower Owens River riverine-riparian ecosystem...for the benefit of biodiversity and threatened and endangered species," the project should include funding for the control of invasive weeds.

21-1

Saltcedar control is feasible with a fully-funded and vigorous approach designed specifically for the LORP areas. Because the LORP will potentially cause significant environmental impacts from noxious weeds through its re-watering measures, it seems clear that the responsibility for funding weed control should rest with the implementing agencies, the LADWP and Inyo County.

I urge you to provide funding necessary for the control of invasive weeds in the LORP areas. Thank you.

Doug Johnson (handwritten signature)

Doug Johnson Executive Director

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JAN 10 2003

CONDUCT MANAGER -OP ADMINISTRATIVE OFFICE



# California Native Plant Society

338 Ortega Street, San Francisco, California 94122

6 January 2003

Los Angeles Department of Water and Power  
300 Mandich Lane  
Bishop, California 93514

Comment Letter No. 22

RE: LORP DEIR

We have read the draft EIR for the Lower Owens River Project and the comments by our Bristlecone Chapter. We strongly concur with the chapter comments.

Saltcedar or tamarisk (*Tamarix ramosissima*) has wreaked ecological devastation in riparian areas, springs, seeps, and wetlands throughout the southwest. Absent the natural controls of its home range, all its photosynthetic energy goes into biomass and seed production, thus overwhelming the native plants. The native animals and other organisms dependent on these plants are then displaced. Areas of high natural values, of great richness and beauty, are lost.

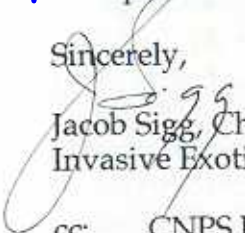
Because of saltcedar's ability to concentrate salts in its leaves, the leaf litter creates soil too salty for most plants to survive. Thus, moist habitats from Texas to Wyoming westward have been invaded and their biological communities turned into wastelands. This happens not just in areas where the hydrology has been altered by dams; here in California tamarisk is continuing to spread on unregulated rivers, such as Cache Creek. On grounds of water conservation alone, it should be the goal of LORP to eradicate tamarisk from Owens Valley. In addition, priceless biological communities would be preserved. Pinching pennies would be short-sighted and will not solve the problem.

22-1

What is needed is a well-funded, vigorous, program of eradication. Although tamarisk can be a formidable opponent, it has its Achilles heel in its short-lived seedbank. Seeds are light for wind-dispersal; that same lightness is bought at the price of containing little stored energy. The seed must find a suitable site right away or perish. Therefore, although the initial effort to eradicate seems costly, once mature plants are killed there is no persistent seedbank to provide more plants, and the original eradication cost diminishes in importance. We find it difficult to credit this statement from the draft EIS/EIR: "the potential for a significant increase in saltcedar is considered a significant, unmitigable impact because of the possibility that the County and/or LADWP will not have sufficient funds to mitigate an increase [in] saltcedar resulting from the LORP".

It seems clear that to achieve the goals of the LORP, there must be full funding for saltcedar control and address of long-term cumulative impacts associated with proliferation of noxious weeds

Sincerely,

  
Jacob Sigg, Chair  
Invasive Exotics Committee

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JAN / 7 2003

cc: CNPS Board of Directors, Pam Muick, CNPS Executive Director AQUEDUCT MANAGER  
BISHOP ADMINISTRATIVE OFFICE



Dedicated to the preservation of California native flora





# California Native Plant Society

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

Comment Letter No. 23

Jan. 14, 2003

Dear Mr. Martin,

We are writing these comments on the Lower Owens River Project Draft EIR/EIS on behalf of our local Bristlecone Chapter of CNPS. Comments below are organized by the sections in the LORP Draft EIR/EIS, and a list of references follows at the bottom. We are excited about the potential benefits of this mitigation project, but there are some significant problems with it that will fundamentally undermine the stated goals of the LORP. Our comments focus mainly on impacts associated with weed proliferation and environmentally-damaging groundwater pumping. We hope these can all be addressed in the Final EIR/EIS. Thank you very much for considering our comments.

## GENERAL COMMENTS

Although the LORP DEIR/DEIS recognizes some of the problems associated with the spread of noxious weeds, such as saltcedar (*Tamarix ramosissima*) and perennial pepperweed (*Lepidium latifolium*), it fails to provide a solution to their continued proliferation in the Owens River corridor as a result of the LORP. The DEIR/DEIS offers only piecemeal control programs without guaranteed funding, fails to address cumulative long-term impacts of weed proliferation, and fails to acknowledge that unfunded mitigation is inadequate.

23-1

The effective control of invasive, exotic plant species is crucial if the LORP is ever to be considered a success. In riparian areas of the southwestern U.S. where saltcedar has outcompeted native plants, entire ecosystems have been eliminated, fire frequency has increased, and species diversity has declined. Saltcedar presents a serious problem in the Owens Valley, and the LORP must realistically address this problem. If the LORP is truly to be "among the most environmentally significant river habitat restorations ever undertaken in the United States," as LADWP claims it is in their "Lower Owens River Project Journal," then it must include provisions for guaranteed funding for control of saltcedar. Without adequate saltcedar control there will not be healthy functioning riparian ecosystems, the main goal of the LORP. The environmental degradation associated with further weed infestations will only become more extreme and more expensive to control the longer they are ignored.

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CNPS Bristlecone Chapter JAN 14 2003



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AQUEDUCT MANAGER  
LADWP ADMINISTRATIVE OFFICE

## PROJECT DESCRIPTION

23-2 2.2.2.3: The goals of the LORP will not be achieved without controlling invasive noxious weeds such as saltcedar. As the LORP is mitigation for LADWP's environmentally destructive groundwater pumping, LADWP should be financially responsible for fully implementing the LORP. Full implementation requires the control of saltcedar and other noxious weeds. Funding Option #2 should cover the costs of the full implementation of the LORP including mitigation measure V-2, control of saltcedar in the LORP areas.

23-3 2.3.9: The LORP is court-ordered mitigation for years of environmentally damaging activities engaged in by LADWP and should be considered a separate project from other habitat enhancement projects undertaken by LADWP or Inyo County in the Owens Valley. Current noxious weed control programs are designed and funded for current habitats. The LORP will create new habitats that will be susceptible to invasive noxious weeds. Consequently, discussions of funding for current saltcedar programs are irrelevant to the critical issue of controlling saltcedar in the new LORP habitat areas. For successful implementation, the LORP must include a specific program for control of noxious weeds within the LORP areas.  
~ Provide evidence that habitat goals of the LORP can be achieved without a fully funded noxious weed control program specifically designed for the LORP areas.

## DIVERSION, PUMP STATION, POWER LINE, AND ROAD SURFACING

23-4 5.1.2. Fill for service road construction that comes from off-site sources, which may commonly contain seeds of Russian thistle (*Salsola* spp.), white sweetclover (*Melilotus alba*) and other noxious weeds, should be monitored and managed for weed control.

23-5 5.1.4: Research has shown that restoration goals can be more successfully achieved with the use of LOCAL native plant seeds and seedlings (Millar and Libby 1989). Seeds should be collected from surrounding areas that contain species from similar plant communities. Upfront costs may be higher but seedling establishment is significantly greater with the use of seedlings rather than direct seeding. Seedlings should be grown from locally collected seed and planted in the fall. Seedlings should be irrigated until established. Protection from herbivory and weed infestation should be provided. The DEIR/EIS should provide a specific restoration plan including species



lists, weed control, irrigation plans, and a budget. There should also be a plan for permanent noxious weed control for diversions, the pump station, road construction and power line areas.

23-5

~Provide specific restoration plan including species list, weed control and irrigation plans and budget.

~Provide plan for permanent noxious weed control plan for diversions, pump station, and power line areas.

#### **DELTA HABITAT AREA**

23-6

6.6: There should be a separate monitoring and control program for the potential spread of saltcedar and other noxious weeds on the Delta. Additional wetting, at any time of year, will undoubtedly lead to the spread of saltcedar, which is currently present in the Delta area. See additional comments for Section 10.4.1.

#### **BLACKROCK WATERFOWL HABITAT AREA**

23-7

7.1.4: Mitigation Measure B-1 states that disturbed areas will be seeded with "native or naturalized grasses and shrubs common to the valley..." "Naturalized" species may include invasive, undesirable species that should not be used. Research has demonstrated that seeding with locally collected native plant seeds is more effective than using seed from outside sources [citation]. The EIR should list specific local native species that will be used to revegetate disturbed upland habitats.

~Provide clarification on who will be responsible for monitoring and mitigation in this area.

#### **LAND MANAGEMENT PLAN**

23-8

9.2.2: When discussing the status of sensitive plant species, the DEIR/DEIS should refer to the latest information of the California Native Plant Society (CNPS) Inventory, now in its sixth edition published in 2001 (rather than the 1994 edition cited in the DEIR/EIS), and should include definitions of CNPS categories, such as IB, meaning a plant is rare, threatened or endangered in California and elsewhere.

23-9

It is stated that Inyo County star-tulip (*Calochortus excavatus*) has no federal status, but its state status is not given. This species has no state status, but is listed by CNPS as IB, and List



1B plants are eligible for state listing. Furthermore, we want to point out that it is mandatory that List 1B plants be fully considered during preparation of environmental documents relating to CEQA. (CNPS 2001).

23-10

It is incorrectly stated that Owens Valley checkerbloom (*Sidalcea covillei*) has no state status immediately after the sentence correctly stating that it is state listed as an endangered species. It has state status but no federal status. It is also listed by CNPS as 1B.

### **GENERAL COMMENTS REGARDING GROUNDWATER PUMPING IMPACTS ASSOCIATED WITH THE LORP AS A WHOLE (Section 10)**

Because the DEIS fails to recognize the inadequacy of current groundwater management to attain the vegetation protection goals of the LTWA, the DEIS grossly understates the probability of growth-induced impacts from any LORP-associated groundwater pumping. In the comments below, evidence for the inadequacy of current management is presented along with suggestions for improvement to groundwater management practices which should be stipulated in the EIS to minimize the risk of impacts from LORP-associated groundwater pumping.

23-11

10-14: Table 10-5 (Water Requirements of the LORP): the total for the "Total LORP Consumptive Use" (Steady State Conditions) column is not the sum of the entries above it.

10-14: It is stated that water for the LORP will be taken from the Owens River, and, one sentence later, that there are no plans to use groundwater to supply water to the LORP in the future. This is deceptive and incorrect for two reasons:

23-12

1) The Owens River is already used as a conveyance to move groundwater to the aqueduct intake from wells such as well #349 which lie upstream of the intake. The water released to the LORP will thus be a mix of surface water (Eastern Sierra runoff) and pumped groundwater. The language in the DEIS should be changed to make it clear that pumped groundwater will comprise some portion of the water to supply the LORP.

23-13

2) The statement, "*At this time*, LADWP has no future plans to use groundwater to supply water to the LORP project elements" [italics added] does not constrain LADWP from making such plans in the future. A sentence should be added pointing this out and noting that this allows the possibility of LORP-related increases in

groundwater pumping with attendant risks of pumping impacts throughout the Owens Valley.

23-14

10-15: It is stated that the LORP will consume 16,000 a.f./yr. of water above the amount already supplied to the "Early LORP". There is no statement regarding LADWP's intentions to recover the 16,000 a.f./yr. of new LORP consumption. What are LADWP's plans with regard to recovering or not recovering the 16,000 a.f./yr of new consumption? This question must be answered if discussion in the EIS of potential growth-induced impacts is to be credible.

23-15

LADWP periodically releases to the Technical Group summaries of its water use and pumping activities. One of the categories of use is entitled "Enhancement/ Mitigation Water Uses and Pumping" (Table 2, Coufal 2002). Notwithstanding the fact that the LORP is clearly identified as "compensatory mitigation" in the 1991 EIR, water currently applied to the "Early LORP" is included in this total E/M consumption. Will the 16,000 a.f./yr. of water to be supplied to the LORP be added to the "Enhancement/ Mitigation Water Uses and Pumping" total?

23-16

In its proposed 2002-2003 Operations Plan LADWP includes a column labeled "Cumulative E/M Pumping vs. Use Imbalance" (Table 7, Coufal 2002b). This total shows the difference between the amount of water applied to E/M projects and the amount pumped from E/M wells. LADWP has repeatedly referred to this difference as a "deficit" in public meetings which suggests that LADWP believes it may be entitled under the LTWA to make up this deficit through increased groundwater extraction. What are LADWP's intentions with regard to recovering or not recovering this "deficit"? The EIS must make clear LADWP's intentions with regard to the E/M "deficit" at least to the extent this total includes water applied to the LORP if the analysis of potential growth induced impacts is to be credible.

23-17

10-14, 10-19, 10-20, 10-22, and 10-23: There are statements on all these pages to the effect that groundwater pumping of both existing and new wells will be managed according to provisions of the LTWA. On page 10-20 it is even pointed out that average annual pumping has declined since the LTWA and Drought Recovery Policy went into effect. Because "a primary goal" (p. 2-69, City of Los Angeles Department of Water and Power and County of Inyo 1991) of the LTWA is to avoid significant impacts to vegetation as mapped in the 1984-87 baseline period, readers may assume that management under the provisions of the LTWA is adequate to insure that any groundwater pumping directly or indirectly related to the LORP will cause no significant



impacts. There are compelling reasons, however, to believe this assumption is incorrect, and that any increase in groundwater pumping directly or indirectly attributable to the LORP will have significant environmental effects. The reasons can be grouped into four categories: 1) evidence of substantially degraded conditions of vegetation and lowered water tables even after 11 years of management under the LTWA; 2) theoretical flaws in the pumping management model of the LTWA which make it inadequate to prevent significant declines in vegetation; 3) refusal of the current LADWP management to acknowledge the LTWA's requirement for proactive management to avoid significant impacts; and 4) failure of the Technical Group to carry out required tasks pertaining to vegetation protection. These reasons are elaborated below.

- 1) Lowered cover of perennial vegetation relative to cover in the 1984-1987 baseline period has been repeatedly documented by Manning (2002, 2001, 2000, 1999, 1998, 1997, 1992). For example, parcel LAW085 was mapped at 30% perennial cover in 1984-1987 and in 2001 it had 10%; LAW062 was mapped at 21% perennial cover in 1984-1987 and currently has about 11%; BLK094 was mapped at 41% perennial cover in 1984-1987 and now has about 27% (Manning 2002). The fact that water tables in these parcels are below the bottom of the rooting zone defined in the Green Book for the particular vegetation type strongly suggests the declines in vegetative cover are an impact of groundwater pumping. The fact that Manning also documents undiminished vegetative cover (relative to baseline conditions) in parcels unaffected by pumping-induced drawdowns is evidence that the decline in vegetation in pumping-affected parcels cannot be attributed to regional-scale phenomena such as drought or global warming, and further supports the attribution of the decline to groundwater pumping. Of 93 parcels sampled in 2001, (the latest year for which data have been released) about 1/3 were control parcels unaffected by pumping-induced drawdowns, 1/3 were parcels which had recovered to baseline conditions with regard to water table and perennial cover, and 1/3 were still below baseline with regard to water table and/or perennial cover (Manning 2002). The idea that there may be other indices of ecosystem condition -- such as rates of soil erosion, nutrient cycling, and vertebrate and invertebrate biodiversity -- upon which to assess pumping impacts has never even been publicly suggested, much less discussed by the Technical Group.
- 2) The On/Off management model currently used to control pumping is fundamentally inadequate to maintain vegetation as mapped in the baseline period. In this model a pump is allowed to be operated only when estimated soil moisture is adequate to meet estimated

23-17



vegetation water requirements at a monitoring site associated with the pump. The estimated vegetation water requirements are recalculated twice a year, however, rather than being tied to the requirements of perennial cover documented in the baseline period. There are any number of reasons — fire, grazing, disease, excessive groundwater pumping etc...-- why perennial cover may decline below baseline levels. If lowered vegetative cover is present when plant water requirements are calculated, vegetation will be found to require less water (than the baseline vegetation), which will allow increased pumping. This, in turn, will tend to reduce available moisture. If this cycle happens repeatedly it will reduce soil moisture sufficiently that it will be impossible to support the cover mapped in the baseline period. Because in the arid Owens Valley climate there are so many more factors which may cause decline in cover than may cause increase in cover this management model for all practical purposes has a built in ratchet that allows water tables to decline and makes their recovery very unlikely.

23-17 A good example of the inadequacy of On/Off is seen clearly in the Laws wellfield. Notwithstanding the diminished perennial cover in parcel LAW085 (cited above), wells affecting that parcel are currently in "On" status. A striking example of the downward ratchet is found in parcel Man37 in the Bairs-George wellfield. A fire in April, 2002 burned much of this parcel including the vegetation at a monitoring site. When vegetation moisture requirements are re-calculated in spring 2003, they will be based on the cover of the burnt vegetation, rather than on conditions in the baseline period. This will allow increased pumping (as explained above) and make recovery of vegetation to baseline conditions extremely unlikely.

Apart from the downward ratchet of the On/Off model, Steinwand (2000) documented invalid assumptions in the very calculations used to estimate plant water requirements upon which pumping decisions are based. His revised calculations suggested that, for at least one common species, water requirements had been underestimated by at least 50% (Steinwand 1997).

Further evidence for the inadequacy of On/Off comes from consideration of the actual pumping volumes it permits: As of May 2002 the allowable volume was about 151,000 a.f./yr (Coufal 2002b). For comparison, the USGS has estimated the long term sustainable average volume of pumping to be about 75,000 a.f./yr (Danskin 1998). Pumping programs of 152,000 a.f./yr and above were approved in 1987-1989 and water



23-17 tables and vegetative cover declined so dramatically the "Drought Recovery Policy" (DRP) was approved as an overlay to the Water Agreement. The gradual recovery of water tables and vegetation in selected parcels — chiefly ones farthest from pumps — since 1991 can be attributed entirely to the DRP because, as noted above, the On/Off model still allows a volume of pumping which, along with drought conditions, lowered water tables so dramatically in the first place. The very existence of the DRP in the LTWA/EIR is an implicit acknowledgment that there were serious doubts about the efficacy of the On/Off model from the inception of the LTWA.

23-18 3) Pumping management to provide a reliable water supply to Los Angeles and avoid significant impacts in the Owens Valley are the two basic goals of the LTWA. Statements in the LTWA/EIR and Response to Comments make it clear that avoidance of impacts is not optional -- it is an obligation just as providing a reliable water supply to Los Angeles is. This is clear from repeated references to impact avoidance as an imperative. The phrase "...pumping *will be managed to avoid...*" [italics added] is used repeatedly with regard to numerous potential impacts, (p. 5-14 City of Los Angeles Department of Water and Power and County of Inyo 1990) (pp. 2-11 & 2-12, City of Los Angeles Department of Water and Power and County of Inyo 1991). On page 2-42 it is stated, "These goals *require* that surface water and groundwater be managed to avoid significant decreases and changes in Owens Valley vegetation from conditions documented in 1984 and 1987 and to avoid other significant impacts" [italics added]. Another reference in the imperative voice is on page 2-42 and descriptions of impact avoidance as a "primary goal" of the LTWA are found on pages 2-58 and 2-69 (City of Los Angeles Department of Water and Power and County of Inyo 1991).

23-19 Evidence documenting LADWP's refusal to acknowledge its responsibility for impact-avoidance occurs in recent documents written by LADWP itself. One example is in arguments submitted to arbitrators in the dispute over the running of the McNally Canals in 2000. In this case water tables under several parcels in the Laws wellfield were (and still are) below the rooting zones of the vegetation mapped in the baseline period and vegetative cover in the parcels was (and still is) below that mapped in the baseline period. After 10 years of these conditions, Inyo County asked that LADWP raise water tables on the grounds that this was necessary to avoid significant impacts as required by the LTWA (Inyo County 2000). In addition to blaming grazing LADWP chose to misconstrue Inyo County's claim as an "unfulfilled mitigation" (pg. 9, City of Los



23-19

Angeles 2001) and argued that Inyo County had not followed the procedures in section I.C.1 of the Green Book for mitigating impacts after the fact. In making this rebuttal, LADWP made no reference to any responsibility for pro-active management and acknowledged only the responsibility to mitigate impacts after the fact.

23-20

In 2001 Inyo County again cited the requirement of management to avoid impacts in dispute resolution proceedings over LADWP's proposed 2001 pumping program (Inyo County 2001). This time, in its response, LADWP made its position much clearer:

"In short, the Agreement requires the City to *consider* impacts of its groundwater pumping before implementing the annual plan, but does not authorize Inyo to restrict or limit the City's pumping before the fact. The Agreement instead sets forth the method of determining *after the fact* whether an impact to vegetation has occurred which is measurable, significant, and attributable to groundwater pumping" [italics added] (p.2 City of Los Angeles 2001b).

23-21

While the LTWA/EIR repeatedly states a requirement to "*avoid*" impacts (as noted above), LADWP in this statement diminishes this requirement to a meaningless obligation to merely "*consider*" impacts. LADWP acknowledged -- just as it did in the McNally case -- only the responsibility to mitigate after the fact as described in section I.C.1. of the Green Book. It is instructive to compare LADWP's emphasis on mitigation after the fact to the importance assigned to mitigation in the EIR for the LTWA (p. 10-70, City of Los Angeles Department of Water and Power and County of Inyo 1990): "It should be emphasized that under the Agreement, *mitigation is not a primary goal, but a secondary tool* to be employed if the primary goals are not fully achieved" [italics added].

23-22

Given the inadequacy of the On/Off management model (discussed above), the Drought Recovery Policy (DRP) with its explicit goal of recovery of water table "in the rooting zone"(City of Los Angeles and County of Inyo 1991) is the most specific guideline provided in the LTWA/EIR as to how the requirement for proactive management was to be implemented. In its 2002 proposed pumping plan, however, LADWP attempted to unilaterally terminate the DRP (Inyo/Los Angeles Technical Group 2002). Inyo County did not agree, but, rather than resolve the issue through the LTWA's dispute resolution process, LADWP and Inyo County decided to "table their dispute" (Erb 2002) and agree on a pumping program. The pumping program, however, lowered water tables throughout the valley (Inyo/Los Angeles Technical Group 2002) -- including parcels which have yet to recover to baseline conditions with regard to water table and vegetative



cover -- and therefore violated the DRP. While the dispute is "tabled", the DRP is de facto not being enforced and there is no indication it ever can or will be again.

23-23

Before releasing its proposed 2002 pumping plan, LADWP had released a report in fall 2001 on the DRP which concluded that the goals had been reached and the policy should be terminated (Montgomery Watson Harza 2001). The report contained numerous self-serving assertions inconsistent with the language of the DRP, and these were the subjects of comments by groups such as the California Native Plant Society as well as the Inyo County Water Department. The report's definition of water table recovery as occurring when water tables recovered to 80% of the total drawdown is one of the most striking examples. This definition explicitly contradicts the DRP's stated goal, which is substantial recovery of the water table *in the rooting zone* so that the vegetation protection goals of the LTWA will be achieved. When questioned regarding the development of the 80% rule at the Inyo County Water Commission meeting of February 10, 2002, LADWP's consultant cited section I.C.1 of the Green Book (Pritchett 2002). This is the same section LADWP cited in its arguments to arbitrators in the disputes over McNally Canals and the 2001 pumping program discussed above. Once again, by asserting only the obligation to mitigate impacts after the fact, LADWP implicitly denied its requirement to avoid impacts in the first place.

23-24

- 4) The Technical Group has broad responsibilities for implementing the LTWA. LADWP and Inyo County each have one vote in the Technical Group and it has been explained that "the court" has the deciding vote. Unfortunately getting "the court" to cast its vote through dispute resolution and litigation requires substantial amounts of money, and, as LA Board of Water and Power Commission Vice President Dominic Rubalcava boasted, LADWP's litigation budget is larger than Inyo County's entire annual budget (James 2001). The court, therefore, rarely votes. With this openly hostile management environment, the Technical Group is generally in a state of gridlock and is unable to carry out its responsibilities with regard to the vegetation protection goals of the LTWA. Below are a few of its failures:

"This vegetation [dependent on springs and seeps] and spring flows will be carefully monitored" (p.10-63 City of Los Angeles Department of Water and Power and County of Inyo1990). We know of no evidence the Technical Group has ever adopted any

comprehensive monitoring plan for springs and seeps and associated vegetation. Indeed, the inventory of spring and seep flora and fauna required by the MOU has yet to be completed.

"Certain areas that contain vegetation of significant environmental value are not shown on the management maps. These areas will be identified by the Technical Group for monitoring purposes. Such areas may include riparian vegetation dependent on springs and flowing wells, stands of willows and cottonwood trees..." (p.5-5, City of Los Angeles Department of Water and Power and County of Inyo 1990). We know of no evidence the Technical Group has ever performed this task.

"Should it be determined, through ongoing monitoring studies or analysis, that vegetation is incorrectly classified, it will be reclassified as appropriate" (p.5-3, City of Los Angeles Department of Water and Power and County of Inyo 1990). Incorrect classification of vegetation has been documented for over 10 years (Manning 1992b) but we know of no evidence the Technical Group has ever made the necessary reclassifications.

23-24

There are currently 17 production wells which have no associated monitoring sites upon which to base calculations for management according to the On/Off (Inyo County Water Department 2002). We know of no evidence that the Technical Group has developed any management plan for these wells in spite of the fact that some of them are being operated and impact water tables below parcels (for example LAW052, LAWS082) on which perennial cover is below baseline conditions (Manning 2002).

The Technical Group has failed to address the problem in parcel BLK094, where pumping for a mitigation project (the Black Rock Fish Hatchery) has lowered water tables with the result of not only lowered perennial cover, but also ongoing type conversion, from groundwater-dependent meadow to upland shrub community (Manning and Harrington 1999). The Technical Group is thus allowing a mitigation to create new impacts and by refusing to acknowledge them allows them to remain un-mitigated.

The Technical Group has failed to remedy the fundamental flaws in On/Off (described above). As noted above, the inadequacy of On/Off was apparent as early as 1991 when the DRP was adopted and the "experimental nature" of the On/Off management was mentioned explicitly in the DRP's preamble. More recently, Aaron Steinwand presented



his findings on the problems with On/Off (mentioned above) to the Technical Group in 2000. On this occasion several LADWP representatives left the room. They returned at the conclusion of Steinwand's presentation and the meeting adjourned with no discussion whatsoever. The Technical Group has not publicly discussed this issue since that time and On/Off remains as the management model.

To conclude, assertions in the DEIS that any LORP-related groundwater pumping will be managed according to provisions of the LTWA are deceptive because they may imply (to readers unfamiliar with conditions in wellfields and details of LADWP's legal arguments) that these provisions will be sufficient to achieve the vegetation protection goals of the LTWA. The following qualifications should be added to these assertions to insure that readers understand the extent of the inadequacy of current management under the LTWA:

- 1) vegetative cover and water tables in selected parcels throughout the Owens Valley are still below those mapped in the baseline period and have been so since management under the LTWA started in 1991;
- 2) the On/Off model used to manage pumping is incapable of preventing water tables from declining below vegetation rooting zones, and when water tables remain permanently below vegetation rooting zones significant impacts are certain to occur;
- 3) LADWP is attempting to unilaterally terminate the DRP, the only management policy which has had any success in restoring water tables and vegetation;
- 4) When its management was challenged based on the LTWA/EIR's explicit requirement to "avoid" impacts, LADWP acknowledged only a diminished requirement to "consider" impacts of its groundwater pumping in advance and mitigate them after the fact;
- 5) The Technical Group has repeatedly failed to carry out specific tasks with regard to vegetation protection assigned to it under the LTWA/EIR/MOU and the Technical Group's inherent structural problems make it unlikely it will ever be capable of carrying these tasks out;
- 6) LADWP has denied Inyo County's authority to attempt to curtail groundwater pumping to comply with the LTWA's requirement that pumping be managed to avoid significant impacts.

23-25

23-26

10-23: It is stated that there may be growth-induced impacts due to LORP- related groundwater pumping

*"if its [the LTWA's] goals are not achieved, if its provisions are not enforced, if the Agreement is not able to protect the environment from the effects of groundwater pumping by LADWP..."* [italics added].

In case the reader misses the "ifs", the conditional in this statement is reinforced in the following paragraph, where it is stated that the statement quoted above is "uncertain" and "speculative."

23-26

This use of the conditional is incorrect. For the reasons given in comments presented above, it is clear that the vegetation protection goals of the LTWA are already not being met, the DRP and other provisions of the LTWA/EIR are already not being enforced, and the basic On/Off groundwater pumping management model is already demonstrably unable to protect the environment. This is not "uncertain" and it is not "speculative." If the EIS is to be credible with regard to identifying growth-induced groundwater pumping impacts, it must explicitly acknowledge the certainty of such impacts under the current management environment if there is to be any new pumping directly or indirectly associated with the LORP.

The LORP is a mitigation project. As such it is imperative that any LORP-associated groundwater pumping be managed to avoid creation of new impacts. The case cited above of parcel BLK094 (impacted by pumping for the Black Rock Hatchery mitigation project) provides a cautionary example. To assure that any pumping associated with the LORP doesn't follow the example of the Black Rock Fish Hatchery pumping, there are several ways the EIS should be modified. These modifications are designed to ensure that the LTWA functions as it was intended and will thereby provide reasonable certainty that further groundwater pumping impacts will be avoided as the LORP is implemented. The LORP EIS should:

23-27

- 1) Specify that all pumping for the "Early LORP" currently included in the "Cumulative E/M Pumping vs. USE Imbalance" (Coulal 2002b) be removed and that no LORP-associated water use will be added to this total in the future;
- 2) Specify that pumping will be managed so as not to lower water tables under parcels subject to the DRP, and that DRP's termination criteria of substantial recovery of water tables in the rooting zone and recovery of vegetation to baseline will be applied on a parcel by parcel basis;
- 3) Specify that there will be no pumping in excess of 75,000 a.f./yr. (the long-term sustainable average estimated by the USGS in Danskin 1998) until the Technical Group has developed a new groundwater pumping management model in which operation of pumps is related to availability of adequate moisture to support



vegetation as mapped in the baseline management maps and the goals of the DRP have been realized on the parcel scale throughout the entire Owens Valley;

- 4) Specify that there will be no pumping in excess of 75,000 a.f./yr. until the Technical Group completes its backlog of required tasks, including, but not limited to those specified above;
- 5) Include a statement by LADWP acknowledging that the LTWA requires as a primary goal management strategies to "avoid" impacts -- not merely "consider" them -- and that the requirement to mitigate impacts as specified in section I.C.1 of the Green Book is secondary to the primary requirement of impact avoidance;
- 6) Specify that temporary declines in vegetation due to factors not covered in the LTWA -- such as fire, disease, insect outbreaks, and livestock grazing -- do not obviate the need to maintain adequate soil moisture to support vegetation as mapped in the baseline period;
- 7) Specify that the Technical Group will conduct all its business at scheduled meetings open to the public so its credibility may be restored and it will be accountable to the public.

23-27

#### **WEED IMPACTS ASSOCIATED WITH THE LORP AS A WHOLE**

10.4.1: The LORP will create thousands of acres of new potential habitat for invasive noxious weeds such as perennial pepperweed and saltcedar. It is unrealistic and erroneous to expect current noxious weed control programs in Inyo County to adequately control new infestations within the LORP. It has been reported that Inyo County is currently unable to respond to all new noxious weed infestations in a timely manner. The LORP should include funding for a noxious weed control program to monitor and manage weed populations specifically within the LORP areas.

23-28

Mitigation for perennial pepperweed and other noxious weed infestation is ambiguous due to stated lack of funding for Inyo/Mono Agricultural Department and stated uncertainty of funding for LORP monitoring program. Hence, if noxious weed control programs remain unfunded, the potential increase in noxious weeds along the river should be a significant, unmitigable impact.

23-29

- ~ Provide results of Inyo County's current perennial pepperweed control program.
- ~ Provide Eastern Sierra Weed Management Area's Strategic Management Plan showing sufficient funding for increased weed control in LORP areas.

-Provide specific information on who is responsible for monitoring and controlling noxious weeds in specific areas of the LORP. Lack of specific plan for controlling noxious weeds constitutes deferred mitigation, which is not allowed under CEQA.

10.4.2: The DEIR/DEIS's own lengthy description of saltcedar and its negative impacts to riverine ecosystems is a compelling argument for why saltcedar must be controlled in the LORP areas. The LORP DEIR/DEIS states:

- Saltcedar is a non-native invasive spreading rapidly in the Owens Valley
- Saltcedar colonizes moist areas
- Saltcedar displaces native plants
- Saltcedar reduces water availability to native plants by its high water usage
- Saltcedar produces huge quantities of seeds and individual plants are hard to kill
- Saltcedar provides poor or unsuitable habitat for most wildlife

It is stated that "with the implementation of the LORP, this (Inyo County saltcedar control) program will be directed not only to saltcedar stands presently in existence but also to new growth resulting from the LORP." Impacts of the LORP need to be addressed in the LORP DEIR, and not deferred to a separate pre-existing program with unsecured funding. All of the LORP areas and habitat goals are at risk if saltcedar is not controlled. Control of population size and growth of saltcedar is a feasible goal.

- Provide citations showing land management practices in "other regional restoration projects" that have reduced saltcedar populations and rate of infestation.
- Provide estimate of cost of noxious weed control program specifically for the LORP.
- Provide analysis of off-site impacts of saltcedar and other noxious weed infestations on surrounding natural ecosystems on non-LORP lands.

## ALTERNATIVES

11.3.6: The conclusion that saltcedar control is infeasible even with mitigation is erroneous. To achieve the habitat goals of the LORP, it is essential to establish and fully fund a specific noxious weed control program for the LORP areas. Such programs have successfully controlled saltcedar in Inyo County and elsewhere (e.g., Barrows 1993). As the responsible agency for the LORP, LADWP should fully fund a noxious weed control program.



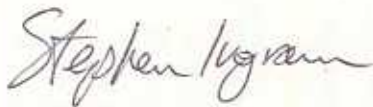
## OTHER FEDERAL IMPACT CONSIDERATIONS

23-32 14.1: The infestation of saltcedar along the river, Blackrock Waterfowl Habitat Area, and in the Delta should be considered an impact to resources.

23-33 14.5: The Environmental Protection Agency should consider the impacts of noxious weeds such as saltcedar and perennial pepperweed to wetlands in the LORP area. The habitat goals of the LORP cannot be achieved without a fully funded noxious weed control program

23-34 14.6: Without effective saltcedar control, and managing for the underlying causes of its spread, the restoration of Southwestern Willow Flycatcher habitat will not be fully achieved. Investigators have noted that "in the case of saltcedar, water management and water quality are the key factors. Control programs that do not consider these factors in the design of a restoration program run the risk of further reducing biological diversity of an area, and possibly eliminating nesting habitat for the Southwestern Willow Flycatcher." (Finch and Stoleson 2000).

Sincerely,



Stephen Ingram  
President



Daniel Pritchett  
Conservation Chair

## Literature Cited

- Barrows, C.W. 1993. Tamarisk control II: a success story. *Restoration and Management Notes* 11: 35-38.
- CNPS. 2001. Inventory of Rare and Endangered Plants of California (sixth edition). Rare Plant Scientific Advisory Committee, David P. Tibor, Convening Editor. California Native Plant Society, Sacramento, CA. 388 pp.
- City of Los Angeles Department of Water and Power and County of Inyo 1990. Water from the Owens Valley to supply the second Los Angeles Aqueduct 1970 to 1990 and 1990 onward pursuant to a long term groundwater management plan. Draft Environmental Impact Report. Volume I. Unpublished report. September 1990.
- City of Los Angeles Department of Water and Power and County of Inyo. 1991. Response to comments on September 1990 Draft Environmental Impact Report. Water from the Owens Valley to supply the second Los Angeles Aqueduct 1970 to 1990 and 1990 onward pursuant to a long term groundwater management plan. Volumes I-III. Unpublished report. August 1991.
- City of Los Angeles Department of Water and Power 2001. Response to notice of dispute resolution. Unpublished manuscript submitted to Inyo County. July 2, 2001.
- City of Los Angeles Department of Water and Power 2001b. Reply to Inyo County Water Department Comments Dated May 18, 2001 and Transmittal Letter Dated May 2, 2001. Unpublished manuscript submitted to Inyo County Water Department. June 1, 2001.
- Coufal, G. 2002. 2001-2002 Pumping Totals and Runoff Year Water Use tables. Unpublished report submitted to the Technical Group. May 20, 2002.
- Coufal, G. 2002b. 2002-2003 Operations Plan and Pumping Program. Unpublished report submitted to Inyo County Water Department. April 10, 2002.



- Danskin W.R. 1998. Evaluation of the hydrologic system and selected water management alternatives in the Owens Valley, California. US Geological Survey Water-Supply Paper 2370-H. 175pp.
- Erb, T. 2002. LA, Inyo, and others need to work together. Guest Opinion. Inyo Register. August 20, 2002.
- Finch, D.M. and Stoleson, S.H., ed. 2000. Status, ecology and conservation of the Southwestern Willow Flycatcher. Gen. Tech. Rep. RMRS-GTR-60. Ogden, UT. USDA Forest Service, Rocky Mountain Research Station. 131 pp.
- Inyo County. 2000. Notice of Dispute. Unpublished manuscript submitted to the Los Angeles Department of Water and Power. October 13, 2000.
- Inyo County. 2001. Basis of Inyo County's Disagreement with LADWP's proposed annual Owens Valley operation plan, 2001-2002 runoff year. Unpublished manuscript submitted to LADWP. May 18, 2001.
- Inyo County Water Department 2002. Map released at Inyo County Supervisors Meeting. February 19, 2002.
- Inyo/Los Angeles Technical Group 2002. Request for adoption of this report to the Standing Committee on the following subjects: 1) 2002-2003 Runoff Year Owens Valley Operations Plan; 2) Drought Recovery Policy; 3) Reductions in water supply to specified enhancement/mitigation projects; 4) Irrigation water at Laws Ranch. Unpublished report submitted to the Inyo/Los Angeles Standing Committee. May 31, 2002.
- James, G. 2001. Comments to the Inyo County Water Commission, October 8, 2001.
- Manning, Sara J. 2002. Classification of re-inventoried vegetation parcels according to the drought recovery policy, 2001. Unpublished report submitted to the Inyo/LA Technical Group. February 19, 2002.
- Manning, S. J. 2001. Vegetation conditions in monitored Owens Valley parcels in 2000. Unpublished report submitted to the Inyo/LA Technical Group. August, 2001.

- Manning, S. 2000. Summary of 1999 perennial cover and life form changes in parcels inventoried with line-point transects. Unpublished report submitted to the Inyo/LA Technical Group. April, 2000.
- Manning, S.J. and R. F. Harrington. 1999. Effects of water table fluctuations on phreatophytic plant communities in the Owens Valley, California. Presentation to the American Geophysical Union. November 16, 1999. San Francisco, CA. Supplement to EOS, Transactions, AGU 80:46, (Presentation December 17, 1999).
- Manning, S. 1999. Summary of 1998 perennial cover and life form changes in parcels inventoried with line-point transects. Unpublished report submitted to the Inyo/LA Technical Group April, 1999.
- Manning, S. 1998. Results of 1997 vegetation re-inventory. Unpublished report submitted to the Inyo/LA Technical Group. May, 1998.
- Manning, S. 1997. Line Point data analysis, 1996: Overview. Unpublished report submitted to the Inyo/LA Technical Group report. March, 1997.
- Manning, S. 1992. Measuring vegetation change: Preliminary report. Unpublished report submitted to the Inyo/LA Technical Group. February, 1992.
- Manning, Sara J. 1992b. Describing and managing Owens Valley vegetation according to water use. in *The History of Water: Eastern Sierra Nevada, Owens Valley, White-Inyo Mountains*. C.A. Hall, V. Doyle-Jones, and B. Widawski, eds. White Mountain Research Station Symposium Volume 4.
- Millar, C.I. and Libby, W.J. 1989. Disneyland or native ecosystem: genetics and restorationist. *Restoration and Management Notes* 7(1): 18-24.
- Montgomery Watson Harza 2001. Evaluation of the Drought Recovery Policy. Unpublished manuscript submitted to the Technical Group. December 10, 2001.



Pritchett, D. 2002. LADWP tries to evade responsibility to "avoid" impacts. Bulletin of the Bristlecone Chapter of the California Native Plant Society. March 2002 22(2).

Steinwand, Aaron. 2000. The effects of Kc and Green Book models for vegetation water requirements on permanent monitoring site On/Off status. Unpublished manuscript submitted to the Inyo/LA Technical Group. April 24, 2000.

Steinwand, Aaron 1997. Groundwater use by Nevada saltbush. The Owens Valley Monitor. Inyo County Water Department.



# Center for Biological Diversity

*Protecting and restoring endangered species and wild places of North America and the Pacific through science, policy, education, citizen activism and environmental law.*

January 14, 2003

LADWP  
300 Mandich St., Bishop CA 93514  
760.873.0266 fax

On behalf of our over 7,500 members in California and the nation, we offer these comments on the Lower Owens River Project (LORP) draft EIR. This project offers great potential to restore 62 miles of the river, but only if water flows and land management practices are sufficient to protect and restore native ecosystems.

24-1 We generally support, and incorporate by reference, the comments of the Owens Valley Committee and Sierra Club, with clarifications below of the Center's position on livestock grazing. We stand with these public-interest organizations in strong support of Owens River restoration, and are ready to back them up in court if necessary to ensure a final EIR that truly restores the river and the endangered species that depend on it.


24-2 Livestock grazing must be fully eliminated and kept out of the riparian corridor by strong barriers such as fencing – the river itself and at least 100 meters from each bank. Water gaps should not be allowed. Any fencing to exclude livestock should be of wildlife-friendly design (smooth wire bottom, etc.) to ensure native wildlife can access the river.

24-3 Livestock severely degrade rivers, especially in arid areas such as the Owens Valley, trampling banks causing erosion and sedimentation, defecating in the water and harming water quality, eating cottonwoods, willows and other native vegetation – harming riparian forest health and regeneration. Livestock also introduce and sustain non-native invasive species, such as salt cedar and cowbirds, both of which degrade habitat for endangered species including the Least Bell's vireo and Southwestern willow flycatcher.

24-4 Livestock must be fully removed from the LORP area to ensure the project meets its stated goals of wildlife conservation and recovery.

24-5 Motor vehicles and roads should also be removed the river corridor for many of the same reasons livestock grazing should be eliminated.

Please keep us fully informed on LORP progress and send us the final EIR when it is available.

Sincerely,   
Daniel R. Patterson, Desert Ecologist

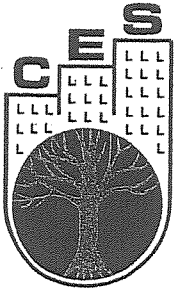
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COMMUNITY  
ENHANCEMENT  
SERVICES

January 10, 2003

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

Dear Mr. Martin:

We applaud the Los Angeles Department of Water and Power (LADWP) for taking the necessary steps to restore the Lower Owens River by returning a steady flow of water from the Los Angeles Aqueduct to the Owens River as well as spreading additional water into basins to create wetlands habitat.

As delineated in the November 2002 draft Environmental Impact Report, the Lower Owens River Project (LORP) restoration approaches are scientifically sound, and will significantly enhance and restore the river's ecosystem.

However, one issue that remains outstanding is the size of the pump-back station. We strongly support the 150 cubic-feet-per second pump station as proposed by the LADWP in the draft EIR.

Inyo County and the Environmental Protection Agency advocate installing a smaller (50 cfs) pump station, Option 2 in the EIR. This option would allow higher seasonal habitat flows to flow past the pump station to the Owens Lake Delta and beyond. However, scientific evidence presented in the EIR shows that most of the higher habitat flows would quickly pass through the Delta and end up in the brine pool in the middle of Owens Lake, providing little benefit to the project or public.

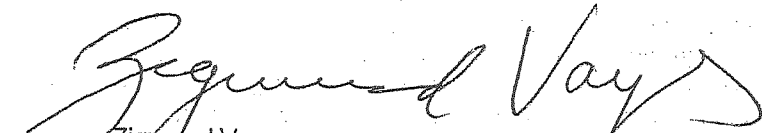
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A larger pump station (150 cfs), described as Option 1, which is preferred by the LADWP, would capture excess flows before they pass to the brine pool and deliver the water onto Owens Lake for dust mitigation, or to Los Angeles for much-needed public use. LADWP has identified its first priority for this excess water as the dust control project, with flows above capacity to be diverted to the Los Angeles Aqueduct. Scientific evidence shows that the Delta habitats will flourish through conservative water allocations and advanced water management techniques. The proposal provides water to the Delta during key periods for wetland needs and wildlife. The 150 cfs pump station would simply recover water that is not necessary to achieve environmental goals in the LORP Delta habitat area.

In the arid west, we must realize the necessity of wisely using water resources to balance the needs of the environment with water demands of a growing population. The LORP, as proposed with the 150 cfs pump station option, will achieve this balance and provide for a restored ecosystem that will offer tremendous recreational opportunities to the general public, while continuing to maintain a reliable water supply to Los Angeles residents and businesses.

As a member of Integrated Resources Plan Steering Group as well as a long time provider of water and energy conservation, environmental and other related services for low-income population, I fully support option #1.

Sincerely,

  
Zigmund Vays  
President

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