Comment Letter No. 31

GUESS?, INC.

January 3, 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 Rivers 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.

31-1

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 option 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.

Sincerely,

Steve Chapnick
Director of Facilities
Guess?, Inc

cc: Deborah Siegel
Shirl Powell, LA-DWP

RECEIVED
JAN 17 2003
AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

EXECUTIVE OFFICES: 1444 SOUTH ALAMEDA STREET, LOS ANGELES, CALIFORNIA 90021 • PHONE (213) 765-3100

Comment Letter No. 32

HARBOR ASSOCIATION OF INDUSTRY & COMMERCE

5777 WEST CENTURY BOULEVARD, SUITE 520 • LOS ANGELES, CA 90045

(310) 417-3929 • FAX (310) 645-0994

February 14, 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.

32-1

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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.

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.

Sincerely,

Edward J. Rogan
President

Comment Letter No. 33

INDEPENDENCE CHAMBER OF COMMERCE
P. O. BOX 397 • INDEPENDENCE, CA 93526
PHONE: 760-878-0084 • [redacted]
www.independence-ca.com
indcc@qnet.com

INDEPENDENCE
GATEWAY TO DISCOVERY

January 13, 2003

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

Dear Mr. Martin:

The Independence Chamber of Commerce has reviewed the Draft Environmental Impact Report and Environmental Impact Statement prepared for the Lower Owens River Project, dated November 1, 2002 and submits the enclosed comments and concerns.

33-1 The Independence Chamber of Commerce is looking forward to the completion of the Re-watering of the Lower Owens River and its off river lakes and pond and the positive impact it will have on the environs of the Community of Independence. The Chamber is dedicated to working collaboratively with the Department, government agencies and natural resource groups to have a sustainable warm water fisheries within the enhanced habitat.

Thank you for the opportunity to comment and express our concerns.

Sincerely,

Rich White, President

INDEPENDENCE CHAMBER OF COMMERCE COMMENTS TO
THE DRAFT ENVIRONMENTAL REPORT &
ENVIRONMENTAL IMPACT STATEMENT
FOR THE LOWER OWENS RIVER PROJECT
DATED NOVEMBER 1, 2002

Organization Contact Person: Rich White, President

The Independence Chamber of Commerce (Independence Chamber) is making the following comments on the Draft EIR/EIS for the Lower Owens River Project (LORP).

33-2

Item #1 - Section 2.6 (Page 2-57) Off-River Lakes and Ponds (O-RL&P)
The Independence Chamber's response to the Notice of Preparation for the LORP, dated February 18, 2000 (see attached) enumerated issues and areas near the town of Independence which will have a significant effect to the natural and socio-economic environment of the community. The Independence Chamber's issues pertaining to the O-RL&P were not adequately addressed, or were totally ignored. The 1970-1990 pumping practices of the Los Angeles Department of Water and Power have significantly impacted the entire native grassland area from the Poverty Hills Area to the Alabama Hills and are not only centered in the Blackrock Springs Area. The Independence Chamber fails to see how established water uses and activities prior to 1970 in only the Blackrock area adequately address the negative impacts to the native grasslands that surround the Community of Independence. All of the areas mentioned in the Blackrock Waterfowl Area and the O-RL&P existed before 1970. Items #1 through 6 of the Independence Chamber's February 18, 2000 letter lay out a viable alternative for most of the impacted native grasslands near Independence.

33-3

Item #2 - Off-River Lakes and Ponds (O-RL&P)
Executive Summary, Page S-3
Section 2.6 (page 2-57), Subsection 2.6.2
The Draft states at Page S-3, the "...off-river lakes and ponds ..." will "be maintained for fisheries, waterfowl, shorebirds, and other animals through flow and land management."
In Subsection 2.6.2 (Page 2-57) "the goals of" the Off-River Lakes and Ponds will be to "...maintain and/or establish these off-river lakes and ponds to sustain diverse habitat for fisheries, waterfowl, shorebirds and other animals... through flow and land management..." In Subsection 2.6.3 Management Approach (page 2-58) the Draft states the management of these off-river lakes and ponds will not change from existing practices. The Draft does not address the issue that these O-RL&P have almost disappeared since 1991 under existing management practices due to excessive sediment accumulation and tule encroachment.

Example: Billy Lake has approximately 70% loss of open water today. The Final EIR/EIS should have an Adaptive Management Plan for all the O-RL&P that will meet the goals and objectives as stated within the body of the document. The Draft EIR/EIS does not meet these goals and

objectives and should be addressed in the Final EIR/EIS. The Independence Chamber believes that aggressive sediment and tule removal in the O-RL&P, including related water conveyance systems, should be done yearly to maximize the beneficial uses of these limited recreational resources.

Item #3 - Appendix A -Figure 2-1b, LORP Riverine-Riparian System Features
The Independence Chamber believes that Figure 2-1b, which shows features such as the open water are misleading to the public. Upper and Lower Twin Lakes, Billy Lake and the historic open water ponds at Thibaut are not as they appear in Figure 2-1b, but are today in rapid decline due to sedimentation and tule intrusion.

33-4 Upper and Lower Twin Lakes are estimated at 50% loss of open water; Billy Lake is estimated at 70% loss of open water ; and the historic Thibaut open water ponds are gone.

Again, a major portion of the loss of open water in these lakes and ponds has occurred since 1991. The open water indicated on Figure 2-1b, immediately to the east of the Winterton and Thibaut Waterfowl Habitat Areas does not exist today (as they did in the past), however, there is no mechanism within the Draft EIR/EIS to create or maintain them (as stated above). These above mentioned irregularities are misleading.

Item #4 - Subsection 2.3.5.3 Seasonal Habitat Flows (page 2-23)
The Draft states that timing of the seasonal habitat flows (up to 200 cfs) is designed to coincide with the seed production of willows and cottonwoods in May or early June. The Draft also indicates the habitat indicator fish and warm water fish spawn immediately prior to or at the same time as seasonal habitat flows. The time for spawning is shown in the Draft as: Largemouth Bass - April through June (page 4-37); Bluegill - spring and summer (page 4-37); Channel Catfish - spring or early summer (page 4-38); Brown Bullhead - spring (page 2-38).

33-5 Subsection 2.3.4, on page 2-18 states the purpose of the annual seasonal flow under the MOU is to "To achieve and maintain riparian habitats in a healthy ecological condition, and establish a healthy warm water recreational fishery ..." and "...(5) enhance the fishery; ...". However, the schedule of the seasonal habitat for the purpose of coinciding with seed production will annually disturb the spawning and eggs of the warm water fish and habitat indicator fish and will each year negatively impact that year class of fish. This disturbance of spawned or hatching egg is not conducive of the goal to "establish a healthy warm water recreational fishery." There is a strong possibility that no or only a few spawned or hatching eggs in the river for the warm water recreational fishery will survive the seasonal habitat flows.

The Independence Chamber requests the seasonal flows be set at a time appropriate for both seed production of trees and for survival and enhancement of the warm water fisheries.

33-6 Subsection 2.3.5.3 also states that LADWP may supplement releases from the River Intake with water from the Aqueduct spill gates to provide refuges for the fish. The Independence Chamber

33-6 strongly requests the "may" be changed to "shall" to protect the warm water fishery in the LORP. The adaptive management measures shown in Table 2-19, Riverine-Raparian System Adaptive Management Measures (page 2-81 & 82) should be used to provide for survival of spawned and hatching eggs and fingerling fish.

33-7 **Item #5 - Recreation Plan (Project Description)**
Section 2.9 Recreation Plan (page 2-72)
Section 10.1 Recreation, Subsection 10.1.2 Potential Impacts (page 10-1)
The Draft indicate no change in the current recreational uses of the LORP and access will be maintained. Beneficial effects includes an improved fishing experience, will expand and improve bird watching experiences and make hiking more enjoyable. The Draft recognizes the improvements to the natural resources will attract additional visitors.

33-8 The Independence Chamber feels it would be helpful to have access locations identified to minimize impacts (i.e. access points to and from the river bed).

33-9 **Item #6 - Impacts to Game and Native Fish**
Table S-1 (page 13) Mitigation Measures
The Independence Chamber believes the five year trigger, after water quality improves, to implement a fish-stocking program is an excessive amount of time and suggests a two or three year trigger be substituted. Also the ten year time frame, after water quality improves, to initiate re-colonization and stimulate game fish populations is excessive and suggests four years. In addition (Mitigation F-2) to not limit the availability of fish stock only to state fish hatcheries, but to include non-state hatchery sources if state hatchery stock is not available. Changes in objectives and/or goals within the California Department of Fish and Game, may eliminate warm water state fish hatcheries in the future making the hatchery stock unavailable.

33-10 **Item #7 Land Stewardship**
The Independence Chamber will be working collaboratively with the Department, government resource agencies and natural resource groups to provide a learning experience in land stewardship and natural resources to Valley residents and tourists. Eco-tourism programs in low impact programs, including bird watching, plant identification and wildlife observation will be developed and coordinated.

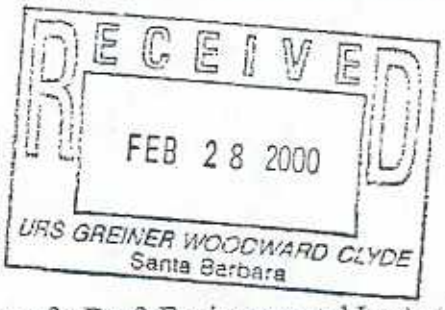
Thank you for the opportunity to comment to the Draft EIR/EIS and state our concerns.

P.O. Box 397
Independence, CA 93526
Phone: 760-878-0084
e-mail: [redacted]

Independence Chamber of Commerce

Incorporated November 1998

February 18, 2000



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

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

COMMENTS FROM: Independence Chamber of Commerce
Agency contact person: Attn: Arlene Grider, President

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

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

ITEM #1- Off-river channels, ponds and lakes: All the existing and previous irrigation ditches from the west side of the Lower Owens River and the east side of the Los Angeles Aqueduct should be revitalized to re-create a productive grassland area. The area more specifically includes the entire historic Stevens Ditch from its Owens River diversion point, above the Five Culverts Area, all the way to the Alabama Gate, including but not limited to the Army Ditch, Dean Ditch, Russell Ditch and Locust Ditch. These ditches should be integrated along with Independence and Georges spill gates to sustain a productive grasslands and small pond system to enhance wildlife habitat, recreational and agricultural uses. 33-11

ITEM #2 - Off-river channels, ponds and lakes: The ditches mentioned in Item #1 above should be dug out to allow permanent water depth in excess of five feet to enhance fishing. These ditches should be maintained on a yearly schedule to remove silt accumulation and tule removal. The flows should never be less than 2 cfs in any of the above ditches. 33-12

ITEM #3 - The local ranch lessees should regulate water flow and water placement on these grassland areas using a rotational basis to promote livestock grazing and recreational uses. The local ranchers are good stewards of the land and have first hand knowledge of these areas. 33-13

Item #1 - Attachment

Page 1

33-14 ITEM #4. Hidden and Pintail Lakes (or ponds) should have tules and existing vegetation removed on an annual basis to allow access to Upper and Lower Twin Lakes, Upper and Lower Goose Lake, Billy Lake, Hidden Lake, Pintail Lake and Polly Connable Pond. Scheduled tule control should also take place to maintain the fishery recreation in the above-mentioned off-river ponds and lakes.

33-15 ITEM #5. Exotic plants over the entire area should be monitored and removed when needed.

33-16 ITEM #6. All the above ponds and lakes should be interconnected permanently, including the Lower Owens River and the Los Angeles Aqueduct, to allow game fish species movement resulting in sustaining and enhancing sport fishing.

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

Sincerely,

Arlene Grider

Arlene Grider, President

Comment Letter No. 34

INYO COUNTY CATTLEMENS ASSOCIATION
AND
INYO MONO COUNTY FARM BUREAU

CLARENCE MARTIN
LADWP

JAN. 8, 2003

DEAR CLARENCE,

34-1 THE FOLLOWING COMMENTS ON THE LORP EIR/EIS HAVE BEEN APPROVED BY THE BOARDS OF DIRECTORS OF THE INYO CATTLEMENS ASSOCIATION AND THE INYO MONO COUNTY FARM BUREAU. MEMBERSHIP IN THESE ASSOCIATIONS REPRESENT ALL AGRICULTURE IN INYO AND MONO COUNTIES.
WE BELIEVE THAT SUSTAINABLE AGRICULTURE IS THE SINGLE MOST IMPORTANT ASPECT OF THE LORP. ALL RANCHES AFFECTED BY THE LORP ARE IN BALANCE. THIS MEANS THAT CERTAIN NUMBERS OF CATTLE ARE DISTRIBUTED THROUGHOUT THE VALLEY AND INTO THE MOUNTAINS AT DIFFERENT TIMES OF THE YEAR. PASTURES ARE IRRIGATED AND CATTLE ARE ROTATED. RANCHERS ARE ABLE TO MAKE A LIVING BY MAINTAINING NUMBERS. THE LOWER OWENS RIVER PROVIDES FORAGE FOR FOUR RANCHES FROM OCTOBER THROUGH APRIL. THE LOWER OWENS RIVER IS THE LIFEBLOOD FOR THOSE RANCHES.

34-2 COMMENTS: WILL THE LORP BE AS COMMITTED TO SUSTAINING AGRICULTURE AS IT WILL BE TO PROVIDING HABITAT TO SO-CALLED INDICATOR SPECIES?

34-3 PAGE S-3 OTHER LORP MANAGEMENT ACTIONS " THE LORP ALSO INCLUDES A LAND MANAGEMENT PLAN FOR LADWP LEASES WITHIN THE LORP PROJECT AREA. IT FOCUSES ON ENHANCING NATIVE HABITAT DIVERSITY WHILE ALLOWING FOR SUSTAINABLE GRAZING." FURTHER COMMENTS WILL BE FOCUSED ON WHICH ALTERNATIVES AND MANAGEMENT CRITERIA WILL HAVE A GREATER OR LESSER IMPACT ON SUSTAINABLE GRAZING.

34-4 WE FAVOR THE PREFERRED ALTERNATIVE - 150 CFS - PUMP BACK STATION. THIS WOULD GIVE LADWP MORE FLEXIBILITY IN CONTROLLING SEASONAL HABITAT FLOWS TO THE DELTA. THIS WOULD ALSO REDUCE THE POSSIBILITY OF CHANGING THE DYNAMICS OF THE DELTA.

34-5 THE 50 CFS PUMP BACK STATION ALTERNATIVE WOULD ALLOW UP TO 150 CFS TO BE SPREAD OUT ONTO THE DELTA. THIS AMOUNT OF WATER, ALL AT ONCE, WOULD LAY THE GRASSES OVER AND DEPOSIT ORGANIC MATERIAL ON EDIBLE FORAGE. THUS, LESS FORAGE WOULD BE AVAILABLE FOR GRAZING. BY SAVING WATER FROM BEING WASTED ON THE DELTA, LADWP HAS THE OPPORTUNITY TO KEEP STOCK WATER AVAILABLE IN DITCHES. OTHERWISE, WINDMILLS COULD BE CONSTRUCTED FOR STOCK WATER.

34-6 PAGE 11-5 WE FAVOR THE ALTERNATIVE INITIAL RELEASE REGIME 1 - GRADUAL BASEFLOWS AND DEFERRED SEASONAL HABITAT FLOWS. UNDER THIS ALTERNATIVE, THE 40 CFS BASEFLOW WOULD BE ESTABLISHED OVER A TWO OR THREE YEAR PERIOD. LADWP AND THE LESSEES WOULD BE ALLOWED THE PROPER AMOUNT OF TIME NEEDED TO MAKE APPROPRIATE GRAZING MANAGEMENT DECISIONS. THERE WOULD ALSO BE AN OPPORTUNITY TO OBSERVE POTENTIAL FLOODING AND MAKE NECESSARY REMOVAL OF MUCK AND TULES AND BEAVER DAMS.

PAGE 2-29 "ACTIVE TULE REMOVAL WILL ONLY BE CONDUCTED IN RARE INSTANCES."

34-7 TULES WOULD NOT BE REMOVED OR MANAGED BY CONTROLLED BURNS." PAGE 7-13 "IN GENERAL, THE LORP WILL BE MANAGED TO AVOID THE USE OF CONTROLLED BURNS." IF SUSTAINABLE GRAZING IS TO CONTINUE ALONG THE OWENS RIVER, USE OF CONTROL BURNING ALONG WITH TULE AND MUCK REMOVAL IS ESSENTIAL MANAGEMENT. BASE FLOWS OF 40 CFS ALONG WITH SEASONAL HABITAT FLOWS UP TO 200 CFS WILL COVER A GREATER AREA WITH WATER. THERE WILL BE SIGNIFICANTLY MORE UNDESIRABLE VEGETATION. TULES, RUSHES, WILD ROSE, AND OTHER INEDIBLE VEGETATION WILL TAKE OVER AREAS WHERE CATTLE ONCE GRAZED. WE SUGGEST A YEARLY BURNING PROGRAM OF 200 TO 500 ACRES TO IMPROVE VEGETATIVE CONDITIONS AND CONTROL POSSIBLE WILDFIRES. WE ALSO SUGGEST THAT MONEY BE MADE AVAILABLE FOR NEEDED TULE AND MUCK REMOVAL. WE APPROVE OF THE CONTINUING BEAVER REMOVAL PROGRAM.

34-8 PAGE 6-19 PULSE FLOWS PERIOD 4 NOV. - DEC. "PULSE OF 30 CFS FOR 5 DAYS 248 AF WILL BE RELEASED TO BENEFIT WILDLIFE AND TO RECHARGE THE FRESHWATER LENS." IF GRAZING IS TO BE SUSTAINED ON THE DELTA, THE PERIOD 4 RELEASE IS NOT THE WAY TO DO IT. CATTLE OCCUPY THE DELTA FROM NOV.15 TO MAY 1 . DESIRABLE FORAGE WOULD BE COVERED WITH WATER AND ICE. THE BASE FLOW OF 6 TO 9 CFS ALREADY SUPPLIES AMPLE WATER TO THE DELTA WITH VERY LITTLE EVAPORATION AND EVAPO - TRANSPORTATION. WE SUGGEST THAT NO PERIOD 4 PULSE FLOW BE APPLIED TO THE DELTA.

34-9 UTILIZATION RATES, MENTIONED THROUGHOUT THE DRAFT EIR - EIS, ARE UNNECESSARY IN GRAZING MANAGEMENT OF THE LORP. FIELD EVALUATIONS WILL BE COMPLETED EVERY YEAR AND TREND, EITHER UPWARD OR DOWNWARD, WILL BE ESTABLISHED. WE BELIEVE THAT A DOWNWARD TREND SHOULD DETERMINE IF UTILIZATION RATES ARE TO BE ESTABLISHED.

34-10 PAGE 2-2 ITEM 21 GRAZING MANAGEMENT PLANS SHOULD BE CHANGED TO LAND MANAGEMENT PLANS AS PER ECOSYSTEM MANAGEMENT PLAN, CHAPTER 4. PREPARED BY ECOSYSTEM SCIENCES AUG. 2002

THANK-YOU, CLARENCE, FOR YOUR WILLINGNESS IN CONSIDERING OUR COMMENTS. AS ALWAYS, WE APPRECIATE THE SUPPORT THE LADWP HAS EXTENDED TO THOSE OF US IN AGRICULTURE.

ZACK SMITH PRESIDENT, INYO MONO FARM BUREAU

SCOTT KEMP PRESIDENT, INYO COUNTY CATTLEMENS ASSOCIATION

PHONE 760 878-2321 FAX 760 878-2253

Comment Letter No. 35

January 10, 2003

JBL Professional, P.O. Box 2200, 8500 Balboa Boulevard, Northridge, CA 91329

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

JBL

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.

35-1 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.

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.

Sincerely,

James Langdon
Facilities Manager

Tel. (818) 894-8850 Fax (818) 830-1220

THE J. PAUL GETTY TRUST

Comment Letter No. 36

Bradley W. Wells
Vice President, Finance

THE GETTY
The J. Paul Getty Museum
Research Institute
Conservation Institute
Grant Program

January 14, 2003

Mr. David Wiggs
General Manager
Los Angeles Department of Water and Power
111 N. Hope Street, No. 1550
Los Angeles, CA 90012

Dear Mr. Wiggs,

The J. Paul Getty Trust has had a strong and mutually productive working relationship with the Los Angeles Department of Water and Power for many years. In view of the changes taking place at the federal and state level, we are concerned about the Department's ability to continue to provide reliable, safe and cost effective sources of water to the City.

36-1 The purpose of this letter is to provide our support to your efforts move forward with your proposed alternative to build a 150 cfs pumping station as part of the Lower Owens River Project. It is our understanding this project will allow the Department to provide water from the Lower Owens River while still allowing for the restoration and enhancement of the Lower Owens River ecosystem.

We are hopeful that your efforts to move forward with this project are successful and look forward to our continued working relationship.

Sincerely,

Bradley W. Wells

Bradley Wells
Vice President, Finance

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

Ms Heidi Bass
Account Manager
Los Angeles Department of Water and Power
111 N. Hope Street, Room 1009
Los Angeles, CA 90051

1200 Getty Center Drive, Suite 400, Los Angeles, California 90049-1681 Phone 310 440.7343 Fax 310 440.7731
E-mail: bwells@getty.edu www.getty.edu

Comment Letter No. 37

KYCC
KOREAN YOUTH & COMMUNITY CENTER
청소년선도 · 지역문사

January 9, 2003
Mr. Clarence Martin
Los Angeles Department of Water and Power
300 Mandich Street
Bishop, CA 93514

Dear Mr. Martin:

The Korean Youth & Community Center has worked with the Department of Water and Power on many Community-based projects over the decade. KYCC has been distributing Ultra-low flush toilets for LADWP as part of its ULFT distribution program since the early 1990's. From offering free toilets to free trees, LADWP has always supported responsible community outreach and has been a model agency in terms of providing opportunities to its customers to enhance the environment.

Additionally, over the last two decades, the Department has taken great strides in understanding the effects that it has had on desert ecosystems and has taken a leadership role in mitigating these impacts. LADWP's commitment to the environment has never been stronger and it constantly looks to implement progressive programs that benefit its customers and the environment.

37-1 KYCC strongly supports LADWP's restoration throughout the Lower Owens River by returning steady flows from the Los Angeles Aqueduct to the Owens River. The spreading areas, which create wetland habitat, are of absolute necessity to the pacific flyway since California has lost over 90% of its wetland areas. KYCC feels that the Lower Owens River Project (LORP) restoration methods are scientifically sound and will significantly enhance the river's ecosystem.

Additionally, I would like to strongly recommend selecting Option 1, a larger pump station (150 cfs) to help mitigate the severe PM10 dust situation that plagues the Owens Lake. I have personally walked on the Owens Lake many times and I know first hand that helping to solve the alkali dust problem is of extreme importance.

Sometimes it is very difficult to understand exactly what is the environmentally responsible thing to do. It is clear, however, that concerning the Owens River and Owens Lake, there is nothing more important and responsible than helping to solve the regions PM10 problems by selecting the larger pump station (Option 1).

Please feel free to call me if any clarification is needed.

Sincerely,

Los Angeles, California 90005 **Phone (213) 365-7400** *Fax (213) 383-1260*

Lacey Livestock
Commercial Cattle • Quarter Horses
P.O. Box 488
Independence, CA 93526

Mark J. Lacey • Post Office Box 488, Independence, CA 93526 • 619/ 878-2550

11

January 13, 2003

Comment Letter No. 38

Dear Mr. Martin:

Subject: Comments on Draft EIR/EIS

38-1 It is unfortunate that because Inyo County sought federal funds an EIR / EIS is now required. I find that this process opens the door for too many agendas of the lowest common denominator. In addition, this process tends to complicate management of the resource that it is designed to protect, because it becomes more about individual agendas than practical management of the resource. Furthermore, due to the existence of the Inyo / LADWP agreement, the MOU, and several other management plans regarding waterfowl and T & E species it is increasingly difficult to reconcile all the layers of management with current uses. In the end all that these narrow agendas succeed in doing is precluding the parties that are qualified to fix the problems that exist from doing so. They can't see the forest for the trees as it were. This concludes my general comment on the process my specific comments are as follows.

38-2 The LORP needs to be as committed to sustaining agriculture, as it seems to be for providing habitat indicator species.

2. 38-3 Page 2-2 # 21 Grazing management plans are mistakenly referred to instead of Land management plans as per the Ecosystem Management Plan, chapter 4 prepared by ecosystem sciences Aug. 2002.

3. 38-4 Page 2-62 heading 2.8 Land Management Plan as per this heading it should be about land management it seems to be more concerned with grazing management. I think there should be more attention to recreation impacts and control. Also it should be policy that if grazing is removed from an area that all uses be removed or restricted. In addition, the document should identify the parties responsible financially for maintenance, and improvement of the infrastructure i.e. roads, gates, cattle guards, litter control, and reimbursement for vandalism, all these are bi-products of increased recreation. Finally, I think a statement should be made regarding the increased concentration of vehicles and recreation on LADWP lands due to the selfish and successful campaign by special interest groups to close public lands thereby forcing more impacts on LADWP private property.

4. 38-5 Page 2-63 the tone of this document seems to be more concerned with the control of grazing than anything else. I think the outtake from the MOU needs to be emphasized, and all parties need to have a better understanding of what sustain means versus promote. In terms of land management there are three primary activities on LADWP property; water operations, grazing and farming, and recreation, so, until the city of Los Angeles changes policy on grazing the ranchers will continue to bring stability and protect the land just as we have in many cases for over 100 years. Even though we were mistakenly excluded as MOU parties our goals, experience, and contributions should not be marginalized.

5. 38-6 Page 2-67 / 2.8.2.2 Blackrock Lease: The AUM's listed are incorrect based on my contract/ lease with the LADWP. Also, if the future management changes are an improvement over the current management then that implies that the AUM's should increase somewhat.

6. 38-7 Page 7-13 Controlled Burning: Prescribed burning should be emphatically supported in this document. The importance of burning cannot be stressed enough. It is proven to create more

38-7 palatable and desirable forage, promotes T&E species, plant diversity, and better wildlife habitat. Federal agencies once discounted the importance of burning now regularly perform range burns to improve decadent wildlife forage and habitat. I am including supporting documents. There is also no need to defer grazing. The point of burning is to reduce decadent forage by eliminating grazing the forage will overgrow and become unpalatable. Also, burning is fertilizing and by grazing the hoof action of the animals breaks up the crust of the soil and allows the fertilizer to infiltrate. The hoof action also makes pockets for seed to lodge and establish. I would say it is wise to rotate grazing off before seed set.

7. 38-8 Page 9-1/ 9.1.1 Existing conditions: the conditions in the report associated with this section are misleading, because the Whitehorse Associates study does not recognize changes in water operations as reasons for declining conditions in some instances.

8. 38-9 Page 10-2/ 10.2 Socioeconomic: I don't think any thought has been given to the fact that if the LORP is a huge disaster and negatively impacts the lessees to the point of going out of business what the impact will be on the individuals, but also the community.

9. 38-10 Page 12-8 Owens Valley Land Management Plans: I don't think the MOU parties have any right to address matter outside the LORP in this document. Also, if it is a land management plan why is grazing singled out?

10. 38-11 Page 2-64/ 2.8.1.1 Managing Grazing Intensity: Utilization standards are unnecessary because most of the grazing occurs during the dormant season, trend is going to tracked, and because the two most prevalent forage species, salt grass and sacaton become unpalatable as they age. Therefore, it is imperative to harvest them efficiently to keep them fresh and desirable to cattle. If there is to be utilization standards I recommend prescribed grazing treatments at high intensity to harvest the forage and keep it palatable. As far as utilizations in the riparian areas I don't agree that 40% is needed, but I would be willing to wait and see as vegetation begins to establish after the water releases begin.

11. 38-12 S-3 I would support the alternative for the larger pump back station of 150 cfs. Hopefully it would give the LADWP more flexibility in water management, and allow them to protect established forage in the delta area from the seasonal habitat flows.

12. 38-13 Page 11.5 I would also favor Alternate Initial Regime 1. This would not only protect the fish and wildlife already established in the river, but also the trees along the river. Unless beaver dam removal is completed prior to release many trees will be submerged and killed. I see no reason to damage existing wildlife and habitat for simply selfish reasons. As a matter of fact I recall that DFG insisted that the initial release be gradual in order to preserve flora and fauna.

13. 38-14 Page 9.6-9.7 BLM Drift: I think that BLM's concerns are unfounded due to the fact that on most of the leases the time cattle have access to public land will be reduced under the new guidelines.

That concludes my comments at this time. I appreciate the opportunity to have input in this matter, and I thank you for your consideration of my issues.

Respectfully,

Mark J. Lacey

Owner

Lacey Livestock

MJL

Comment Letter No. 39

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January 3, 2003

Mr. Clarence Martin
Los Angeles Department of Water and Power
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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:

39-1 **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 habaitats for waterfowl and to comply with the Water Agreement.

39-2 **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.

39-3 **Lack of funding for noxious weed control:** All of the LORP areas and habitat goals are at risk if saltcedar and other noxious weeds are not controlled. The spread of saltcedar presents a serious problem in the Owens Valley and the LORP Draft EIR/EIS must realistically address this problem. The document states that new saltcedar growth resulting from the LORP would be a significant Class I impact, but defers control of this problem to the separate pre-existing Inyo County saltcedar control program that has unsecured funding (mitigation measure V-2). If the LORP is truly to be "one of the most environmentally significant river habitat restorations ever undertaken in the United States," as Mark Hill, LADWP

consultant, states it is, then it must include provisions for guaranteed funding for control of saltcedar and other noxious weeds in order to avoid significant impacts and meet the project goals.

39-4 **Recreation plan:** There is no recreation plan in the DEIR/EIS, nor is there a description of current and anticipitated 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.

39-5 **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 inapproriate 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.

39-6 **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.

39-7 **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 comittment 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.

39-8 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,

Charles E. Steidtmann

Comment Letter No. 40

league of women voters of the eastern sierra, inc. - box 1496 - bishop, california 93515

January 8, 2003

Mr. Clarence Martin
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Bishop, CA 93514

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

Dear Mr. Martin:

The League of Women Voters of the Eastern Sierra supports measures which provide water for the preservation and maintenance of native vegetation and animal habitats, local domestic use and tourist related industry. The purpose of the Lower Owens River Project (LORP) is to serve as mitigation for impacts from historic groundwater pumping in the Owens Valley. (This mitigation was required by the 1991 EIR on the Long Term Water Agreement.) This purpose will not be served if the LORP were to lead to additional groundwater pumping or further damage to vegetation or animal habitat.

40-1 The EIR/EIS describes two preferred alternatives that differ by the size of the pump station that returns part of the flow of the Owens River to the aqueduct. Option 1, the 150 cfs pump station, could facilitate more groundwater pumping and decrease wetland vegetation in the Owens River Delta. The Lead Agencies must choose the 50 cfs pump station alternative if the LORP is to accomplish its purpose as mitigation.

Additional Groundwater Pumping

40-2 The extra capacity to pump water from the lower Owens River to the aqueduct under Option 1 will be used only a few days a year. It will take many years for the City of Los Angeles (City) to recapture enough water to pay off the increased cost of the larger pump station, estimated at three million dollars. An analysis by the Environmental Protection Agency concludes the larger pump station is not cost effective. The 150 cfs pump station with extra capacity would make it possible for the City to install additional wells below the present aqueduct intake and increase groundwater pumping. The EIR/EIS should make it clear that the LORP pump station shall not be used to facilitate more groundwater pumping.

Effects on Vegetation and Animal Habitat

It is anticipated that the LORP will decrease the amount of water that now reaches the Owens River Delta. Historic flows to the Delta have averaged about 10 cubic feet per second (cfs). The LORP will deliver 6 to 9 cfs, not counting seasonal flows. If a 150 pump station is installed, most of the seasonal flows will be returned to the aqueduct. The 50 cfs pump station will allow enough seasonal flow to bring the total water to the Delta nearer the current amount. A decrease in available water could result in a decrease in Delta wetlands.

The EIR/EIS contains two conflicting conclusions on the impacts of the decrease in flow to the Delta if the 150 pump station is selected (Sections 6.3 and 6.4) DWP's analysis (Impact Assessment #1) predicts no impact to the wetlands; Inyo County's analysis (Impact Assessment #2) predicts
40-3 impacts from the reduced flows. Impact assessment #1 does not discuss the impacts of salinity of the soils and water upon wetland health and expansion. In general, Owens Lake soils and groundwater are too saline to support vegetation. The soils must be leached and a lens of fresh water floated on top of the salty groundwater before vegetation can establish.

Impact Assessment #1 models the Delta Habitat Area as a pool that fills to capacity, and then overflows in response to higher flows. (Page 6-24). Pools with no outlet eventually become saline. The Brine Pool Transition area may be a necessary part of the Delta, acting as a drain to carry the leached salts out of the Delta to the Brine Pool. Managing the Delta to decrease the transition area could cause salts to stay in the Delta or build up, stopping expansion or reducing the wetland area. The final EIR/EIS should discuss the role of salts in Delta maintenance and expansion, and the impacts on salinity and wetland vegetation, of reducing the overflow to the Brine Pool.

The reduction of the Brine Pool Transition area is listed as a significant impact to shorebird habitat that cannot be mitigated, because of a September 2000 State Court injunction. This injunction actually dates from February
40-4 1950 and was modified in September 2000 to allow releases for the purpose of implementing the LORP and the Owens Lake dust control projects. It does not appear to add any new restrictions. Since it has been legal under this injunction since 1950, and from 2000 to present, to allow water to flow in the transition area, the EIR/EIS must explain why it is no longer legal to do so once the LORP has been implemented.

40-5 The 50 cfs pump station alternative minimizes the possibility of significant adverse impacts to vegetation and animal habitat that cannot be mitigated, and so should be chosen in order to fulfill the purpose of the LORP to mitigate for past adverse impacts.

Sincerely,

Pat Williams

Pat Williams
President