



Volunteers of America
North Hollywood Apartments

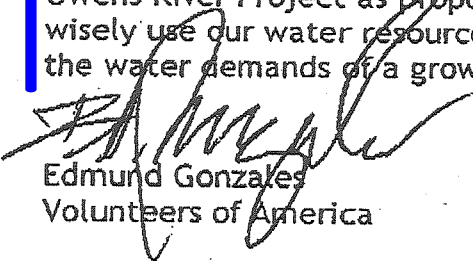
January 13, 2003

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

Dear Mr. Martin,

This letter is written to support the position of the Los Angeles Department of Water & Power (LADWP) on the Lower Owens River Project. Our organization, Volunteers of America of Los Angeles (VOALA) commends the LADWP for undertaking such an expansive project to restore the river and create wetlands habitat.

51-1 We support LADWP's proposed Option #1 in the EIR, Section 6.5.3, which will allow installation of a 150 cfs, pump station. 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. We feel that the Lower Owens River Project as proposed with the 150 cfs pump station option will wisely use our water resources to balance the needs of the environment with the water demands of a growing population.


Edmund Gonzales
Volunteers of America

cc:file



WESTERN SAN
BERNARDINO COUNTY
LANDOWNER'S
ASSOCIATION

PO Box 903241
Adelanto, CA 92301
(760) 382-8625

January 13, 2003

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

Dear Mr. Martin,

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

I was born in Bishop in 1947 and was raised and lived in Independence for many years. My father was a hydrographer for LADWP. I am concerned about the management of our precious natural areas in the Owens Valley

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

- 52-1 1) Size of the pump station and delta flows: A 150 cfs pump station violates the Inyo-LA 1991 Water Agreement. LADWP has not justified using a pump station that is three times larger than the water agreement allows. A larger pump station won't allow enough water to reach the delta and may help LADWP to pump more groundwater from the valley. LADWP should select the 50 cfs pump station and 9 cfs annual average delta baseflows. This option allows the maximum amount of water flow to the delta under the agreements and approaches current flows. This is needed to meet the delta habitat goal of maintaining existing and new delta habitats for waterfowl and to comply with the water agreement.
- 52-2 2) Funding: Monitoring and adaptive management are absolutely essential to the success of the LORP, but the DEIR/EIS repeatedly states that funding limitations may prevent their full implementation. To meet its obligations, LADWP should select funding option 2, which is the only option that adequately funds the LORP.
- 52-3 3) Recreation plan: There is no recreation plan in the DEIR/EIS, nor is there a description of current and anticipated recreational uses of the LORP area. The document should contain a thorough assessment of current and potential recreational use in the LORP area and a plan to manage that recreation in order to protect natural habitats and cultural resources.

Mr. Martin, the LORP is a valuable project, and I want it to work. I urge LADWP to abide by the terms of the water agreement and the goals of the project, thoroughly describe all management plans to the public.

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JAN 13 2003

AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

Mr Clarence Martin Page 2

choose the least environmentally damaging alternatives, and guarantee adequate funding.

Thank you for your consideration of my comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Douglas Parham". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Douglas Parham, President
Western San Bernardino County
Landowner's Assoc.

January 9, 2002

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

Dear Mr. Martin,

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

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

- 53-1 1) Size of the pump station and delta flows: A 150 cfs pump station violates the Inyo-LA 1991 Water Agreement. LADWP has not justified using a larger pump station that is three times larger than the water agreement allows. A larger pump station won't allow enough water to reach the Delta and may help LADWP to pump more groundwater from the valley. LADWP should select the 50 cfs pump station and 9 cfs annual average delta baseflows. This option allows the maximum amount of water flow to the delta under the agreements and approaches current flows. This is needed to meet the delta habitat goal of maintaining existing and new delta habitats for waterfowl and to comply with the Water Agreement.
- 53-2 2) Funding: Monitoring and adaptive management are absolutely essential to the success of the LORP, but the DEIR/EIS repeatedly states that funding limitations may prevent their full implementation. To meet its obligations, LADWP should select funding option 2, which is the only option that adequately funds the LORP.
- 53-3 3) Recreation plan: There is no recreation plan in the DEIR/EIS, nor is there a description of current and anticipated recreational uses of the LORP area. The document should contain a thorough assessment of current and potential recreational use in the LORP area and a plan to manage that recreation in order to protect natural habitats and cultural resources.

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

Thank you for your consideration of my comments.

Sincerely,

Michael A. Valle
2832 N Sierra Hwy
Bishop, CA 93514

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JAN 13 2003
PROJECT MANAGER
SHELBY ADMINISTRATIVE OFFICE

Jan Almquist

Comment Letter No. 54

January 14, 2003

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

Re: Comments on the Lower Owens River Project Draft EIR/EIS dated November 1, 2002

Dear Mr. Martin:

This letter provides my comments as a concerned citizen with regard to key aspects of the Draft Environmental Impact Report and Environmental Impact Statement for the Lower Owens River Project, dated November 1, 2002 (the "DEIR/EIS"). I am a long-time resident of Inyo County.

The Lower Owens River Project ("LORP") is part of the implementation of the Agreement Between the County of Inyo ("Inyo") and the City of Los Angeles and Its Department of Water and Power ("LADWP") on a Long Term Groundwater Management Plan for Owens Valley and Inyo County, effective in 1991 (the "Water Agreement"). Under the LORP provisions, the Water Agreement provides for re-watering 60 miles of the lower Owens River with Los Angeles Aqueduct water, and using a pump system near the north end of the Owens Lake to pump the re-water either back into the Aqueduct or to the Owens Lake for dust control.

Subsequently, the Memorandum of Understanding between the City of Los Angeles and Its Department of Water and Power, the County of Inyo, the California Department of Fish and Game, the State Lands Commission, the Sierra Club, the Owens Valley Committee, and Carla Scheidlinger ("MOU") addressed issues concerning mitigation measures in the Final EIR issued in 1991 with the Water Agreement. When the Water Agreement, the 1991 EIR, and the MOU were finalized, the litigation between Inyo and LADWP ended by court action in 1997.

54-1

As a concerned citizen, I was opposed to the settlement of the long-running litigation between Inyo and LADWP by stipulation to the Water Agreement and also specifically opposed to the inclusion of the LORP. From my understanding of environmental dynamics as a Biology-Chemistry graduate from Baylor University, and subsequent years teaching, I believe that the Water Agreement and LORP are based on too few scientific parameters to even begin to adequately address the complexities of the affected ecosystems and processes of nature. Such parameters may lend themselves to objective description for the purposes of crafting legal documents. The net result, however, could well be to increase the environmental degradation, adding only more layers of human-engineered artificiality, in the Eastern Sierra watershed and the Owens River habitats.

54-2

The Water Agreement and LORP are now in place, however, and I am providing additional specific comments in the interest of encouraging the return of any part of the Owens River and the Eastern Sierra watershed, even if it is only the Lower Owens River, to a more natural state. The following comments are not, and should not be construed, as a complete statement of issues the DEIR/EIS fails to adequately address or addresses, but with proposed action which would be in violation of applicable law or the provisions of the Water Agreement or the MOU.

POST OFFICE BOX 864 BISHOP, CALIFORNIA 93515
Telephone 760-873-7376; 387-2272 Voice Mail/Fax 888-705-6596
E-mail janalmquist@go.com

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JAN 14 2003

AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

1. Inconsistency with Asserted Goals of Environmentally Sound LORP Implementation and Management Incorporated in the MOU. Laudable goals for LORP implementation are set forth in *The Ecosystem Management Plan: Action Plan and Concept Document, prepared for Los Angeles Department of Water and Power and Inyo County* (the "Action Plan"), prepared by Mark Hill and William Platts of Ecosystem Sciences, Inc., under contract with LADWP, which was appended to the MOU:

"One outcome of the studies is the recognition that the goal of simply achieving a healthy fishery and improving wetland habitat is too narrow. The studies show that a unique opportunity exists to reestablish a functioning riverine ecosystem throughout the Lower Owens River. This length of river and associated wetland areas throughout the Lower Owens Valley can provide substantial ecological benefits and sustainable development to all users (recreation, livestock, agriculture, diversion) if a holistic approach is taken."

"It is apparent that the benefit of establishing a holistic ecosystem management program on the Lower Owens River represents a wise investment of time, money, and energy. In the Lower Owens River watershed, streamflow can be matched to groundwater and riparian habitat development, which can be connected to wetland habitats, threatened and endangered habitat conservation areas can be consolidated, biodiversity can be enhanced and recreational fish and wildlife values can be created that are unavailable anywhere else in the Owens Valley."

"The scope and goals of the LORP have therefore been expanded to include sustainable development through a large-scale ecosystem management program that incorporates a variety of resource values and reestablishes the riverine-riparian ecosystem for the benefit of biodiversity, threatened and endangered species, recreational opportunities, and user groups. The Memorandum of Understanding (MOU), to which this plan is attached, sets forth the goals and commitments for the implementation of the LORP."

However, there are many statements in the DEIR/EIS which call into question the successful implementation of LORP and which could result in significant project impacts that would *not* be mitigated either at all or inadequately, such as the specific factors set forth below in this comment letter.

2. Pump Station Capacity. A 150 cfs pump station, as proposed by LADWP, violates the Water Agreement provision for a 50 cubic feet per second (cfs) capacity pump station.

Also the DEIR/EIS recognizes the potential negative effects of significant water flow changes for the establishment of the 40 cfs baseflows and pulse flows. However, it fails to address negative effects which could be associated with variations in pumping from 50 cfs to three times that volume, 150 cfs, that could occur if a 150 cfs pump station were implemented.

The LORP is a mitigation project for the damage caused in the past and continuing at present by LADWP's practices in removing water from the Owens River and the rest of the Owens Valley

54-5 and Eastern Sierra watershed. LORP should not be implemented in any fashion that could actually increase the amount of water removed, whether by groundwater pumping or in any other manner. Use of LORP for such purposes would be inconsistent with legal principles applicable to mitigation and with the Water Agreement.

54-6 It is my understanding that the Environmental Protection Agency has already determined that unless LADWP intends to increase groundwater pumping, a pump station larger than the 50 cfs station is not economically or environmentally justified.

54-7 3. Delta Flows and Watering. Implementation of LORP, itself a mitigation measure, should not cause environmental damage to the Owens River Delta beyond the damage already caused by LADWP's water-removal and Aqueduct practices over the years. A pump station larger than 50 cfs will not allow adequate water to reach the Delta even to maintain its existing ecosystems and be in compliance with the Water Agreement. LADWP should implement no more than the 50 cfs pump station and at least the 9 cfs annual average delta baseflows. The issues raised in regard to pump station capacity above apply also to the Delta flows and watering implementation.

54-8 4. Additional Water to Supply LORP. As the DEIR/EIS indicates, an additional 16,000 acre-feet/year of water beyond the current releases will be required for LORP. However, the DEIR/EIS fails to disclose the source from which LADWP will provide the additional water, and the associated groundwater pumping and/or other environmental impacts. This is a major deficiency in the Draft. The absence of this information precludes meaningful evaluation of the environmental impact of many, if not all, of the proposals for implementing LORP.

54-9 5. Inadequacy of Current Pumping Management. The DEIR/EIS fails to address the inadequacy of *current* pumping management to attain the vegetation protection goals of the Water Agreement. Without remedying the current pumping management system for the Water Agreement as a whole, the potential for negative environmental impacts only increases with the implementation of LORP and the associated potential for pumping management problems in such scenarios, for example, as discussed in items 2, 3, and 4 above. Thus the DEIR/EIS is likely to significantly underestimate the likelihood of potential future impacts due to any groundwater pumping associated with the LORP.

54-10 6. Funding of Monitoring, Adaptive Management and Mitigation Measures. Implementing LORP without fully funded, effective monitoring, adaptive management, and mitigation measures would essentially render the related provisions of the Water Agreement and MOU unenforceable, effectively giving LADWP complete control of LORP. Thus, to the extent the proposed options that would be less than complete commitments by LADWP to fully funding the gathering and analysis of monitoring data, management for adaptive changes in response to such data, or for mitigation measures generally, the DEIR/EIS and its proposal for implementation are untenable. The disparity between the financial resources of LADWP and Inyo is great, with LADWP having significant resources and being the only party to the Water Agreement and MOU which is in the business of, and thus derives direct economic benefit by, selling water from the Owens Valley and the Eastern Sierra watershed.

Jan Almquist
Mr. Clarence Martin
Comments on LORP DEIR/EIS
January 14, 2003
Page 4

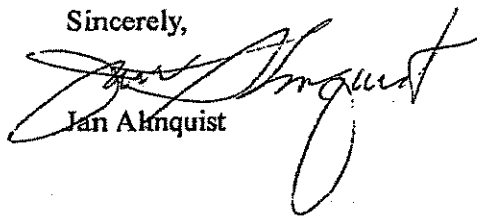
54-11 7. Recreation Plan. There is no recreation plan in the DEIR/EIS, nor is there a description of current and anticipated recreational uses of the LORP area. The document should contain a thorough assessment of current and potential recreational use in the LORP area and a plan to manage that recreation in order to protect natural habitats and cultural resources.

8. Impact To Brine Pool Transition Area and Associated Shorebirds. The DEIR/EIS states that the impact to shorebird habitat in the brine pool transition area may be mitigated by at least maintaining the pump station at its agreed upon capacity of 50 cfs and baseflows to the area of 9 cfs. LADWP's position is that such a mitigation measure is not required. However, failure to implement such mitigation is in contradiction to the DEIR/EIS mitigation measure and inconsistent with the terms of the Water Agreement and MOU.

54-12 It is my understanding that the particular area in question is used by thousands of ducks and geese and hundreds of thousands of shorebirds and 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.

It is my understanding that the currently existing flows to this transition area have been released by LADWP for many years. This raises the issue that, if the current flows are allowable, then there should be no question that maintaining those flows under LORP is also feasible. As discussed above, LORP is itself a mitigation measure, and not a lawful mechanism for changing LADWP processes to cause other negative environmental effects. Accordingly, LADWP's assertion that this mitigation is not needed misses the core principle of doing no harm to existing areas of the environment. Further, the focus should be on exploring other mitigation alternatives if LADWP believes the proposed mitigation is not feasible.

Sincerely,



Jan Almquist

3082 West Line Street
Bishop, CA 93514

January 13, 2003

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

Dear Mr. Martin:

I write this letter to comment on the Lower Owens River Project Draft Environmental Impact Report and Environmental Impact Statement. As a 15-year resident of the Owens Valley, I have been interested in the Lower Owens River Project and the promise it holds for improving the quality of life for both animals and human beings along the Owens River. I encourage the Los Angeles Department of Water and Power to adhere to the principles outlined in the 1991 Long Term Water Agreement.

55-1 Specifically, I urge you to select the 50 cfs pump station and 9 cfs annual average delta baseflows. The proposal in the DEIR/EIS to triple the size of the pump station would produce at least two negative effects: to limit water flowing to the Owens Lake delta to inadequate levels and to allow more groundwater to leave the valley.

55-2 In addition, I encourage you to support the funding option #2 in the DEIR/EIS, which is the only option to make possible the full implementation of monitoring and adaptive management, both of which are essential to the success of the LORP.

Thank you for your consideration of my comments.

Sincerely,



Kathy Anderson

cc: Inyo County Board of Supervisors

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JAN 13 2003

WATER DIVISION
ADMINISTRATIVE OFFICE

7 Jan, 2003

Comment Letter No. 56

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

Dear Mr. Martin,

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

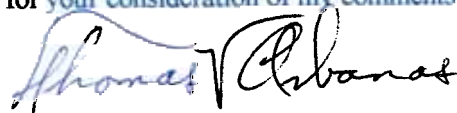
I appreciate the great potential of the LORP. However, the DEIR/EIS fails to describe essential components of the project and presents project alternatives that directly violate the 1991 Long Term Water Agreement and the established project goals. Some of my concerns include:

- 56-1 1) Size of the pump station and delta flows: A 150 cfs pump station violates the Inyo-LA 1991 Water Agreement. LADWP has not justified using a pump station that is three times larger than the water agreement allows. A larger pump station won't allow enough water to reach the delta and may help LADWP to pump more groundwater from the valley. LADWP should select the 50 cfs pump station and 9 cfs annual average delta baseflows. This option allows the maximum amount of water flow to the delta under the agreements and approaches current flows. This is needed to meet the delta habitat goal of maintaining existing and new delta habitats for waterfowl and to comply with the water agreement.
- 56-2 2) Funding: Monitoring and adaptive management are absolutely essential to the success of the LORP, but the DEIR/EIS repeatedly states that funding limitations may prevent their full implementation. To meet its obligations, LADWP should select funding option 2, which is the only option that adequately funds the LORP.
- 56-3 3) Recreation plan: There is no recreation plan in the DEIR/EIS, nor is there a description of current and anticipated recreational uses of the LORP area. The document should contain a thorough assessment of current and potential recreational use in the LORP area and a plan to manage that recreation in order to protect natural habitats and cultural resources.
- 56-4 4) The Los Angeles basin residents largely ignore water conservation. Irrigation waste is everywhere and way too much rain-forest type shrubs are used. DWP sacrifices other parts of the country to get LA's lushness!

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

Thank you for your consideration of my comments

Sincerely,



Thomas V. Arbanas

tarbanas@uia.net
760) 257-4646

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JAN 13 2003

DUECT MANAGER
OF ADMINISTRATIVE OFFICE

1-09-03
175 Foothill RD.
Bishop, CA 93514

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

Dear Mr. Martin:

This letter is my comment on the Lower Owens River Project Draft EIR. As a 36 year resident of the Owens Valley, I have long loved and supported the natural environment that makes this area so unique. In coming years these natural attributes will become even more precious to all people in Southern California as other open spaces are developed.

- 57-1 | It is with these values in mind that I urge the Department of Water and Power to accept the original 50cfs capacity of the pump station, with 9cfs for the delta base flow.
- 57-2 | The statement needs to include a well developed recreational plan with plans for managing the uses.
- 57-3 | Additionally, adequate funding must be supplied to monitor and manage the project. Funding option 2 is required for satisfying this obligation.

Much serious work and thought has gone into this project. I sincerely want it to succeed, and I hope that DWP will honor its press releases stated desire to continue to work toward full intent of the original guidelines of the water agreement and the healthy preservation of this unique valley.

Sincerely,

Richard Arnold

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JAN 14 2003
AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

Janice Aten- McRoberts
P.O. Box 648
651 Teya Road
Lone Pine, CA 93545

January 9, 2003

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

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

Dear Mr. Martin,

I would like to take this 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:

58-1 Pump station and Delta flows: A 150 cfs pump station violates the Inyo-LA 1991 Water Agreement. A larger pump station would not 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 base flows. This option allows the maximum amount of water flow to the delta under the agreements and approaches current flows. This is needed to meet the delta habitat goal of maintaining existing and new delta habitats for waterfowl and to comply with the Water Agreement.

58-2 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.

58-3 Lack of funding for noxious weed control: All of the LORP areas and habitat goals are at risk if salt cedar and other noxious weeds are not controlled. The spread of salt cedar presents a serious problem in the Owens Valley and the LORP Draft EIR/EIS must realistically address this problem. The document states that new salt cedar 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 salt cedar 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 salt cedar and other noxious weeds in order to avoid significant impacts and meet the project goals.

58-4 **Recreation plan:** There is no recreation plan in the DEIR/EIS, nor is there a description of current and anticipated recreational uses of the LORP area. The document should contain a thorough assessment of current and potential recreational use in the LORP area and a plan to manage that recreation in order to protect natural habitats and cultural resources.

58-5 **Impact To Brine Pool Transition Area:** The Class I impact to shorebird habitat in the brine pool transition area, identified in Draft EIR/EIS Table S-1, can and must be avoided. This is an area that is used by thousands of ducks and geese and hundreds of thousands of shorebirds. It is in an area that has been recognized by the National Audubon Society as a Nationally Significant Important Bird Area and is part of the U.S. Shorebird Conservation Plan. This is a very important wildlife habitat. The existing flows to this transition area have been released by LADWP for many years. Have they been in violation of the existing court injunction that they say would prohibit mitigation of this impact? If the current flows are allowable, it is inappropriate to argue that maintaining those flows under the project is not feasible. LADWP can and must avoid this impact by maintaining existing flows and by not allowing this area to dry up in late spring and summer as currently happens. Additionally, if LADWP insists that this impact is unavoidable, they have an obligation under CEQA to explore mitigation alternatives that are feasible.

58-6 **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.

58-7 **Grazing:** Understory impacts as a result of current grazing are severe in riparian habitats in much of the LORP area. In many places there is no understory and there are no young willows or cottonwoods. Several habitat indicator species such as the yellow-breasted chat are dependent on habitats with trees and a dense understory in the riparian zone. Unless the diversity of habitat provided by understory growth significantly improves, the habitat goals for the river system will not be met. Monitoring for understory development as described on p. 2-78 will not be conducted unless the need for it is determined in some unspecified future time by unspecified means. Whether or not this important monitoring function is needed should not be left to some future decision. There should be a clear commitment to conduct this monitoring, as the need for it is obvious. Protocols for this monitoring data collection and analysis should also be included in the EIR/EIS.

58-8 Additionally, individual grazing lease management plans are not provided in the document and LADWP has denied requests by reviewers to see them. Without these critical documents and with no evaluation of the present lease condition and trend presented in the Draft EIR/EIS there is no way to compare change over time when evaluating whether the goals of the project are being met. There is no way for commenters to evaluate proposed management, monitoring and the need for mitigation. This is inadequate.

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

Sincerely,

A handwritten signature in blue ink that reads "Janice Aten-McRoberts". The signature is written in a cursive style with a blue ink color.

Janice Aten-McRoberts

Comment Letter No. 59

Rod Ayers
P.O. Box 699
Lone Pine, CA 93545
760-876-5708

January 14, 2003

Clarence Martin

- 59-1 1) All parties should share the cost equally on the L.O.R.P. (No exceptions).
- 59-2 2) D.W.P. should have a 150 cfs pump back station. If the parties do not agree on the 150 cfs pump back station, then they should be equally liable for the damage that occurs during a big water year, because the D.W.P. has no tools to control the water going to the delta or the other farming projects
- 59-3 3) Any special projects that a party wants should be shared equally.
- 59-4 4) The L.O.R.P. should stay open for multiple use.
- 59-5 5) There must be land management before you have water management.
- 59-6 6) I also support the comments made by the ICCA and the ICFB.

Sincerely,



Rod Ayers

*Rosanne Beach
1763 Zuni Circle
Bishop, CA 93514*

January 12, 2003

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

Re: LORP Draft EIR/EIS Comments

Dear Mr. Martin,

Thank you for 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 that call into question the successful implementation of the project and which could result in significant project impacts that would not be mitigated.

I have lived in the Owens Valley for 29 years. The 1991 Water Agreement is, in my opinion, a historical achievement and one in which I have great faith. The nature of an agreement, needless to say, is that it is something to which all parties involved have agreed. The LADWP is one of those parties in agreement. The long-standing residents of this valley have faith, perhaps for the first time in decades, that an endeavor of this scope will be adhered to. We are now testing that very agreement, testing it to the core. And we are testing the ability of all parties involved to honor that agreement, to which they signed their names.

Ethics demand that in order for people to exist harmoniously on this planet, agreements must be kept. I can not emphasize to LADWP enough, how great an opportunity lies before you at this time. It is an opportunity to restore not just to this valley, but to the earth a river. It is an opportunity to maintain the ecological health of a delta that is a cradle for wildlife. It is an opportunity for the LADWP to keep its word and restore to the people of this valley confidence in its word at the negotiating table.

Please consider my comments on the following issues:

Pump station and Delta flows: A 150 cfs pump station violates the Inyo-LA 1991 Water Agreement. LADWP has not justified using a pump station that is three times larger than the Water Agreement allows. A larger pump station will not allow enough water to reach the Delta and may help LADWP to pump more groundwater from the valley. The LORP is a mitigation project, not a water mining project. LADWP should select the 50 cfs pump station and 9 cfs annual average delta baseflows. This option allows the maximum amount of water flow to the delta under the agreements and approaches current flows. This is needed to meet the delta habitat goal of maintaining existing and new delta habitats for waterfowl and to comply with the Water Agreement.

60-1

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JAN 13 2003

AQUEDUCT MANAGER
BISHOP ADMINISTRATIVE OFFICE

60-2 **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. That is like saying that teachers are absolutely essential to the educational success of children, but funding limitations may prevent paying their salaries. 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.

60-3 **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.

60-4 **Recreation plan:** There is no recreation plan in the DEIR/EIS, nor is there a description of current and anticipated recreational uses of the LORP area. The document should contain a thorough assessment of current and potential recreational use in the LORP area and a plan to manage that recreation in order to protect natural habitats and cultural resources.

60-5 **Impact To Brine Pool Transition Area:** The Class I impact to shorebird habitat in the brine pool transition area, identified in Draft EIR/EIS Table S-1, can and must be avoided. This is an area that is used by thousands of ducks and geese and tens of thousands of shorebirds. It is in an area that has been recognized by the National Audubon Society as a Nationally Significant Important Bird Area and is part of the U.S. Shorebird Conservation Plan. This is a very important wildlife habitat. The existing flows to this transition area have been released by LADWP for many years. Have they been in violation of the existing court injunction that they say would prohibit mitigation of this impact? If the current flows are allowable, it is inappropriate to argue that maintaining those flows under the project is not feasible. LADWP can and must avoid this impact by maintaining existing flows and by not allowing this area to dry up in late spring and summer as currently happens. Additionally, if LADWP insists that this impact is unavoidable, they have an obligation under CEQA to explore mitigation alternatives that are feasible.

60-6 **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

60-6

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.

60-7

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

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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,



Rosanne Beach