



**COUNTY OF INYO
WATER DEPARTMENT**

October 6, 2005

Mr. Brian Tillemans
City of Los Angeles
Department of Water and Power
300 Mandich Street
Bishop, California 93514

Subject: Comments on Notice of Preparation of a Draft Environmental Impact Report on the Sprinkler Irrigation Water Conservation Initiative Program in Compliance with Title 14, (CEQA Guidelines) Sections 15082(a), 15103, and 15375 of the California Code of Regulations

Dear Mr. Tillemans:

On behalf of the County of Inyo, the Inyo County Water Department offers the following comments concerning the Notice of Preparation of a Draft Environmental Impact Report on the Sprinkler Irrigation Water Conservation Initiative Program in Compliance with Title 14, (CEQA Guidelines) Sections 15082(a), 15103, and 15375 of the California Code of Regulations (“NOP”).

Consistency with Court Order in Inyo County Superior Court Case Number S1CVCV01-29768

Section 2. C. Of the Court Order issued in the above-described case provides as follows:

No reduction of in-valley water supply. The City shall not reduce the amount of water that it provides for uses in the Owens Valley pursuant to Section IV. A of the Long Term Water Agreement including water for Los Angeles-owned lands in Inyo County, for Enhancement/Mitigation Projects and mitigation measures. Certain baselines for in-valley water supply have been established pursuant to Section IV. A of the Long Term Water Agreement and are based on the 1981-82 runoff year. The parties recognize that the in-valley water use figures presented in LADWP’s Annual Report are projections and the actual amount of water supplied for such uses has been greater than the projections in some years and less than the projections in others. A reduction of actual amount of water supplied from projected figures shall not be treated as or constitute a reduction of

in valley uses under this provision as long as the amount of water supplied is consistent with applicable baselines established pursuant to Section IV. A of the Long Term Water Agreement.

It appears that the proposed project is inconsistent with Section 2.C of the Court Order. The EIR should discuss whether the proposed project is consistent with the Court Order.

Consistency of Proposed Project with the Long Term Water Agreement and the 1991 EIR

It appears that the proposed project is inconsistent with Section IV. A of the Water Agreement and with commitments made by LADWP in the 1991 EIR. It appears that this project will alter irrigation practices prescribed by the Long Term Water Agreement (“Water Agreement”) and 1991 EIR and therefore, before the project could be implemented, the Water Agreement would have to be modified pursuant to the procedures described in Section XXV to modify the Water Agreement. CEQA Guidelines Section 14125 (d) requires an EIR to discuss potential inconsistencies between the proposed project and applicable plans. The EIR should discuss the consistency of the proposed project with provisions of the Water Agreement and the 1991 EIR.

Role of the County of Inyo

Section 1.4 of the Initial Environmental Study (“IES”) shows that the proposed project includes lands that are Enhancement/Mitigation Projects. The Water Agreement requires that any modification of an Enhancement/Mitigation measure be approved by the Inyo County/Los Angeles Standing Committee. Also, since the County of Inyo, as one of the two members of the Standing Committee, would have to approve the modification, the County would rely on the EIR for the proposed project to assist it in determining whether to approve the modification; therefore, the County of Inyo is a CEQA Responsible Agency on the project.

Mitigation Measures

The proposed project includes irrigated lands identified as mitigation in the 1991 EIR. Before a mitigation measure is modified, an appropriate finding(s) under CEQA will have to be made by LADWP. The EIR should address this situation.

Monitoring

Under the Water Agreement, the Technical Group is responsible for establishing vegetation monitoring sites on Los Angeles-owned lands, including those provided with water are designated as “Type E” for management purposes. These Type E lands are to be managed to avoid causing significant decreases and changes in vegetation conditions which existed on such lands during the 1981-82 runoff year. The Water Agreement provides that LADWP will continue to provide these Type E lands with sufficient water so that the water related uses of the lands that were made during the 1981-82 runoff year would continue. Also, the 1991 EIR provides that all lands irrigated in 1981-82 or thereafter will continue to be irrigated. The 1991 EIR also states that most irrigated lands will receive a firm allocation of five acre-feet per acre.

Because the Water Agreement and the 1991 EIR provided that lands irrigated in 1981-82, or thereafter, would continue to be irrigated with five acre-feet per acre, it was believed that there was little risk of a decrease or change in vegetation conditions and, consequently, little quantitative monitoring has been

conducted on Type E lands. Therefore, there are currently few data available that can be used to determine whether a reduction in irrigation supply under the proposed project causes a significant decrease or change in vegetation conditions or whether the proposed project causes a decrease in the amount of irrigated lands. In order to ensure that the proposed project does not cause a decrease or change in vegetation conditions or a decrease in the amount of irrigated lands, the project description in the EIR should include a monitoring program robust enough to determine whether conditions constitute a significant change. The project description should describe fully the monitoring that will be used to measure and report on the amount of any future reduction in irrigation supply on a lease and on the vegetation impacts caused by such a reduction. It appears that the Technical Group would be responsible for developing and implementing the monitoring program as required by the Water Agreement.

Baseline Conditions

The EIR should provide a description of the baseline conditions to be used to assess whether changes on the lands that will be subject to the project in the future would constitute a significant impact and whether conditions are consistent with the goals and principles of the Water Agreement. The description should identify which irrigated lands are subject to the project, include quantitative measurements of vegetation and wildlife habitat on these lands, quantify past and current irrigation practices and water deliveries on these lands, include quantitative measurements of vegetation dependent on tailwater and/ or groundwater resulting from irrigation practices including the amount of water that has been supplied to such lands, and describe other relevant baseline conditions. This information is required to assess whether the project will result in a decrease or change in vegetation or wildlife habitat conditions on the irrigated lands or other impacts onsite or offsite from the irrigated lands.

Changes in the Source of Irrigation Water

The EIR should describe whether the project results in a change of the source of irrigation water to the lands that will be affected by the project. For example, will the project result in lands that are currently supplied by surface water being supplied by groundwater, or will lands currently supplied by a well be supplied by a different well. If so, the potential environmental effects of such a change should be described.

Conservation Methods

The EIR should provide a clear and complete description of the conservation methods that will be implemented on each lease that is subject to the proposed project. Without a description of the extent of the potential actions that could occur on each lease, it is not possible to evaluate whether a proposed conservation method will have an effect on the environment or to assess compliance of the proposed project with the Water Agreement. For example, if a wheel row irrigation system is converted to a center pivot system, will all lands that are currently irrigated be irrigated under the proposed project?

Duration of Proposed Project

The EIR should clearly describe if a lessee opts to join the program, can the lessee later opt out of the program, and if so, will the water supply to the lease revert to five-acre feet per acre? Further, can a lessee join the program and decide in any given year to not reduce irrigation duty, or once a lessee signs up for the program, is the lessee required to reduce his irrigation duty in each year?

Potential Impacts of Reductions in Tailwater

The EIR should address the potential impacts resulting from a reduction in runoff or “tailwater” from irrigated lands that would occur under the proposed project.

The EIR should identify any communities that benefit from tailwater from adjacent irrigated areas that will be subject to a reduced irrigation duty under the proposed project. Such information is necessary to evaluate whether any potential effects to this vegetation that may be caused by a potential reduction in tailwater (or reductions in groundwater levels or reductions in seepage resulting from a decrease in groundwater recharge) as a result of the proposed project.

Also, the Water Agreement states that a primary goal is to avoid significant decreases in recreational uses and wildlife habitats that are dependent on water supplied by LADWP. The EIR should identify these areas in relation to the lands that are subject to the proposed project, and should address the extent of any potential effects to these areas that may be caused by a potential reduction in tailwater (or reductions in groundwater levels or reductions in seepage resulting from a decrease in groundwater recharge) as a result of the proposed project.

Type D Vegetation and “Other” Vegetation.

Under the Water Agreement, riparian/marshland vegetation communities that exist because high groundwater conditions, natural surface water drainage, and/or surface water management practices (conveyance facilities, wet year spreading, etc.) are classified as “Type D” for management purposes. Under the Water Agreement, the goal is to manage groundwater pumping and surface water management practices so as to avoid causing significant decreases in live vegetation cover and to avoid defined changes in the vegetation cover.

In addition to Type D vegetation, under the Water Agreement, for management purposes, vegetation in the Owens Valley was divided into five management classifications based on the dominant vegetation species. However, certain vegetation of significant environmental value was not shown on the management maps in the Water Agreement because they were not the dominant species. The Water Agreement requires the Technical Group to identify this “other” vegetation for monitoring purposes on overlays to the management maps. Areas of this vegetation include riparian vegetation dependent upon springs and flowing wells, stands of tree willows and cottonwoods, and areas with rare or endangered species. The Water Agreement provides that the monitoring sites will be located in areas where there is a potential for impact to such vegetation by groundwater pumping or changes in surface water management practices. These monitoring sites have not been established.

On March 18, 2003, the Water Department sent LADWP a digital map of candidate areas to be surveyed, as part of a Riparian/Type D study that the Standing Committee agreed would be conducted by a consultant agreeable to LADWP and the County. Along with the map, the Water Department provided a justification of the need to survey the delineated areas. The map provided by the Water Department identified potential Type D vegetation within polygons that had been designated as Type E during the 1984-87 LADWP vegetation mapping and inventory. Type D vegetation identified on the map also included: riparian areas in association with Owens River, creeks, and ditches; marsh areas; tree-dominated areas; areas of mixed marsh and trees; and some miscellaneous ponds. Some of the identified Type D vegetation occurs in pastures, and may harbor nests, sensitive species, functioning wetlands, and/or other valuable resources. The EIR should incorporate this information, and should address the

extent of any potential effects to these areas that may be caused by a potential reduction in the water supply to these areas as a result of the proposed project.

The digital map submitted by the Water Department also reveals that there are many stands of wetland, riparian, or “other” vegetation within Type A, B, or C polygons. It is possible that many of these stands are present and persist due to “tailwater” or seepage from surface water deliveries to nearby irrigated areas. These Non-Type E tailwater-supplied areas were estimated to cover approximately 625 acres in the valley. The EIR should identify these areas in relation to the lands that are subject to the proposed project, and should address the extent of any potential effects to these areas that may be caused by a potential reduction in tailwater (or reductions in groundwater levels or reductions in seepage resulting from a decrease in groundwater recharge) as a result of the proposed project.

Impacts on Wildlife

As noted above, the proposed project includes native habitats, and therefore, the proposed project will potentially affect sensitive mammals. The EIR should address such potential impacts. Various bird species, including some listed sensitive bird species, forage in agricultural fields. The EIR should address the impacts of the proposed project on such birds. The EIR should address the impacts of the proposed project on “tailwater” areas to migrating and nesting shorebirds and waterfowl, many of which have been listed as sensitive species. The EIR should address the baseline conditions and the potential impacts to this important habitat resulting from the project.

In addition, existing irrigation practices support vegetated habitats (e.g., hedgerows, native trees and shrubs, and marshes) that provide forage and nesting habitat for migrating and resident song birds, including species listed as sensitive or threatened and endangered. The EIR should describe either the baseline conditions or the potential impacts to this important habitat resulting from the project.

Impacts of a Reduction in Groundwater Recharge

The stated intent of the proposed project is to reduce irrigation duty on irrigated leases without reducing irrigated acreage or vegetation cover or type on irrigated areas. Although not expressly stated, it appears that the objective of the proposed project is to achieve the reduction in duty by reducing infiltration, reducing evaporation, and/or reducing irrigation tailwater flows below irrigated lands. The EIR should analyze the effects of reducing infiltration on groundwater recharge.

The EIR should contain an analysis of how the water table might be affected by the proposed project, and should describe the procedures or practices that would monitor, and if necessary, mitigate impacts due to reduced recharge. Further, given the fact that the level of participation in the program by lessees is unknown, for purposes of analyzing potential impacts, the impact assessment should include an analysis of the potential impacts on groundwater recharge that would result from full participation by all eligible lessees.

Moreover, the EIR should contain an analysis of the impact of reduced groundwater recharge on non-LADWP wells in the vicinity of lands subject to the proposed project. The impact analysis should contain an inventory of such wells and a description of the potential impacts resulting from the project on the water levels in these wells.

The EIR should discuss whether there will be a reduction in groundwater recharge as a result of the proposed project, and if so, whether LADWP and the County will have to agree to an appropriate amendment to a portion of the Green Book that provides for the calculation of annual groundwater recharge.

Economic Impacts

The 1991 EIR lists agriculture as one of the important contributors to the economy of Inyo County. As part of the 1991 EIR analysis, a firm allocation of water was to be supplied and no impacts to livestock production were anticipated. The EIR for this program should analyze the potential economic impacts resulting from changes to agricultural productivity on lands subject to the proposed project. The EIR should determine whether the monetary compensation to lessees in the program offset potential reductions in productivity resulting from application of less irrigation water.

Cumulative Impacts

It is the understanding of the Water Department that LADWP is currently engaged in a project or activity which has resulted in an ongoing reduction in the amount of stockwater supplied to its lessees (in comparison to the amount of stockwater that was provided prior to the project or activity). Additionally, we understand that LADWP instituted a program within the past three years to supply all lands designated as 'recreational uses' a firm allotment of 5 ac-ft/ac. We assume this could mean that some areas supplied with more water in the past may have experienced a reduction in supply. The EIR should acknowledge these projects or activities, and describe the resulting reduction in the supply of stockwater and water for recreational uses. Moreover, for all lands subject to the proposed project, the impact analysis should assess the cumulative effect of the reduction in irrigation supplies under the proposed project in combination with the past or future reductions in stockwater or recreational supplies.

Conclusion

We strongly urge the LADWP to bring the details of this proposed project to the Technical Group and/or the Standing Committee, as may be appropriate under the terms of the Water Agreement, for consideration at the earliest possible time. Thank you for the opportunity to comment on the NOP. The Inyo County Water Director will be the contact person on this project, and can be reached at the address and telephone number above.

Very truly yours,

Phil Mc Dowell
Interim Director, Water Department