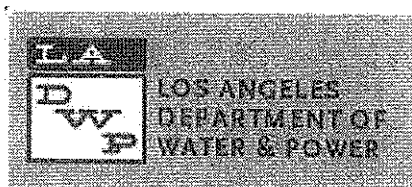
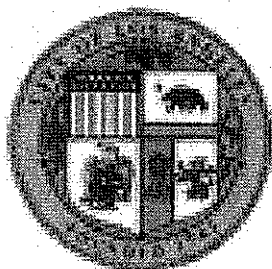


**Lower Owens River Project Second Revised Addendum  
for Augmentation of Seasonal Habitat Flows**

**Addendum to the Environmental Impact Report  
(SCH #2000011075, Certified July 20, 2004)**

**Los Angeles Department of Water and Power  
Water Resources**

**Revised May 2010**



**TABLE OF CONTENTS**

**PROPOSED PROJECT.....1**

**PROJECT LOCATION.....1**

**HISTORY OF LORP AND AUGMENTATION OF SEASONAL HABIATAT FLOWS.....1**

**CURRENTLY PROPOSED PROJECT MODIFICATIONS.....4**

**IMPACT ANALYSIS.....5**

**CONCLUSION.....5**

**BASIS FOR PREPARATION OF ADDENDUM.....6**

**REFERENCES.....7**

## SECOND REVISED ADDENDUM TO THE 2004 FINAL LORP EIR

### PROPOSED PROJECT

The proposed project is for the Los Angeles Department of Water and Power (“LADWP”) and the County of Inyo (“County”) to amend the description of the Lower Owens River Project (“LORP”) to add augmentation of seasonal habitat flows, up to a flow of 200 cfs in the river below the River Intake and an increase in the magnitude and/or duration of the flows as adaptive management measures which may be selected for implementation. Neither the implementation of a measure by itself, nor implementation of the measures in combination will increase the amount of water bypassed to the Delta by more than 928 acre-feet per year.

### PROJECT LOCATION

The Lower Owens River Project (“LORP”) is located in Inyo County, at the southern end of Owens Valley and eastern toe of the Sierra Nevada. The project site is located approximately 5 miles south of Tinemaha Reservoir and extends to the Owens River confluence with Owens Dry Lake, east of Highway 395 (Figure 1).

### HISTORY OF LORP AND AUGMENTATION OF SEASONAL HABITAT FLOWS

The Lower Owens River Rewatering Enhancement/Mitigation Project was initiated in 1986 by LADWP and Inyo County. The project was one of twenty-five Enhancement/Mitigation Projects jointly implemented by the two agencies between 1984 and 1990. Under the project, up to 18,000 acre-feet per year was to be released from the Blackrock spillgate to maintain a continuous flow in the Lower Owens River from the Blackrock area to the Owens River Delta. The objective of the project was to improve habitat for waterfowl, shorebirds, and fish in the river corridor and at the Delta. In addition, water was to be supplied to the project through various spillgates along the Aqueduct to support the following lakes: Upper and Lower Twin Lakes, Goose Lake, Thibaut Ponds, and Billy Lake. As stated in paragraph 3 on page 4-3 of the 2004 Final EIR for the LORP, the Lower Owens River Rewatering Enhancement/Mitigation Project was replaced by the LORP.

The original scope of the LORP was described in the 1991 Inyo County/Los Angeles Long Term Water Agreement and in the 1991 EIR that addressed the Water Agreement. The scope of the LORP was expanded and further modified by the following documents:

- 1997 MOU
- 2002 Ecosystem Management Plan for the Lower Owens River Project prepared by Ecosystem Sciences, Inc.
- 2004 FEIR for the LORP
- 2006 Final Supplemental EIR

- 2007 Addendum on Flow Measuring Stations
- 2008 Lower Owens River Project Monitoring, Adaptive Management and Reporting Plan prepared by Ecosystem Sciences, Inc.

**Augmentation of Seasonal Habitat Flows.** The 1997 MOU makes no reference to the augmentation of seasonal habitat flows.

The first document to make reference to seasonal habitat flow augmentation for the LORP is the August 2002 Ecosystem Science Lower Owens River Project Ecosystem Management Plan which specifies under Table 2 Riverine-Riparian System Adaptive Management Measures, page 83 the following as it relates to seasonal habitat flow augmentation.

**Table 2 Riverine-Riparian System Adaptive Management Measures**

MEASURE	DESCRIPTION	PURPOSE	MONITORING TRIGGER
Modification of magnitude of seasonal habitat flows	Adjust amount of seasonal habitat flow released at River Intake and/or release water from spillgates	Achieve habitat Management Objectives if the Management Objectives are not being met because the seasonal flow release is insufficient. Conserve water if habitat Management Objectives won't be compromised.	Monitoring data indicate that the vegetation Management Objectives are not being achieved because the flow release is of insufficient magnitude. A determination that the vegetation Management Objectives are not being achieved will be based upon monitoring data that show riparian plants are not being recruited (within the first five years) or sustained through time (within the fifteen year monitoring period) in areas subject to out-of-channel flooding from seasonal habitat flows. A determination that the habitat Management Objectives are not being achieved will be based upon monitoring data that show no trends in habitat characteristics that relate to understory structure and composition and recruitment that are important to the "habitat indicator species" and special status wildlife species, including plants of concern to Native Americans.

The second document to make reference to seasonal habitat flow augmentation is the 2004 FEIR for the LORP. In section 2.3.5.3 Seasonal Habitat Flows, page 2-21 states the following as it relates to seasonal habitat flow augmentation.

*The seasonal habitat flow will be released from the River Intake and will not be augmented by water released from spillgates downstream of the River Intake, except as noted in Section 2.3.5.4*

The 2004 FEIR for the LORP under Section 2.3.5.4 Water Quality Monitoring for Seasonal Habitat Flows, page 2-22 states the following.

*If it is determined that a water quality threshold identified in Table 2-9 has been exceeded at a monitoring station, water will be released to the river through the spillgate linked to that monitoring station to create a refuge for fish in the spillgate channel and at the confluence with the river below the spillgate channel.*

Table 2-19 on page 2-80 of the 2004 LORP FEIR also identifies modification of the ramping pattern of the seasonal habitat flows as an adaptive management measure.

The 2006 Final Supplemental EIR makes no reference to augmentation of seasonal habitat flows.

The 2007 Addendum on Flow Measuring Stations makes no reference to augmentation of seasonal habitat flows.

Reference to augmentation of seasonal habitat flows is found in the 2008 Lower Owens River Project Monitoring, Adaptive Management and Reporting Plan prepared by Ecosystem Sciences, Inc. In Section 3.0, page 3-8, Adaptive Management Measure 3. Modify the magnitude and/or duration of seasonal habitat flows:

*Prediction of vegetation, community and habitat types throughout the riverine-riparian corridor could not account for channel loss uncertainty (e.g., whether lower channel releases will receive 200 cfs). Monitoring will determine if geomorphic surfaces expected to support riparian vegetation will be inundated and whether vegetation response meets project goals. In the event project goals are not being met in lower reaches of the river, augmentation of flows or increased duration of flows will be modified accordingly.*

Additionally, Section 3.9, page 3-23-24, provides in pertinent part:

*However, the adequacy of the seasonal habitat flows to achieve expected vegetation and habitat outcomes (effectiveness monitoring) will be determined by monitoring flow, flood extent, vegetation, habitat and land use. In the event expectations are not met, seasonal habitat flows may require augmentation from higher intake releases, augmentation from spill gates, or modification of the flow duration and ramping rates.*

The project analyzed in the 2004 LORP FEIR involves restoring a water flow of approximately 40 cfs throughout approximately 62 miles of the historic Owens River channel that was dried up when the Los Angeles Aqueduct was constructed. As described below, as part of the project, the environmental impacts of a seasonal habitat flow in the river of up to 200 cfs were analyzed as was the augmentation of seasonal habitat flows for water quality purposes in the first three years of the project.

### Currently Proposed Project Modifications

**Augmentation of Seasonal Habitat Flows.** Upon review of the pertinent sections in the reference documents LADWP has determined that there are inconsistencies between the 2004 LORP FEIR, August 2002 Ecosystem Science Lower Owens River Project Ecosystem Management Plan, and the 2008 Monitoring, Adaptive Management and Reporting Plan regarding augmentation of seasonal habitat flows. With regard to augmentation of the seasonal habitat flows, these inconsistencies are addressed as follows:

- The first sentence of the eighth paragraph of section 2.3.5.3 on page 2-21 of the 2004 LORP FEIR is amended to read (deletions are shown by strikeover and additions are shown in italics):

*Except as noted in Section 2.3.5.4, and in accordance with the provisions of this section, the seasonal habitat flows will be released from the River Intake. In the event monitoring results show that LORP Seasonal Habitat Flow objectives are not being achieved in a lower reach or reaches of the river below the River Intake and if the monitoring trigger for implementation of augmentation of seasonal habitat flows identified in Table 2-19 has been reached and augmentation has been recommended as an adaptive management measure, the annual seasonal habitat flow may be augmented as an adaptive management measure. If such an adaptive management measure is implemented, flows will be managed so that the amount of the augmented flow in the target reach or reaches of the river is in accordance with the recommended flow; however, the flows will be managed so that the maximum release from River Intake is 200 cfs, (although additional releases will be made from spill gates as necessary below the River Intake), and a maximum of no more than 928 acre-feet of water will bypass the pump station and be released to the Delta as a result of the augmentation of the flows.*

- Table 2-19 on pages 2-79 and 2-80 of the 2004 LORP FEIR is revised as shown below.
- The sentence in section 11.4.3 which is the last line of the first paragraph on page 11-21 of the 2004 LORP EIR is amended to read (deletions shown by strikeover): “[A]s required by the MOU, LADWP has committed to provide and maintain a baseflow of approximately 40 cfs throughout the river.

## **IMPACT ANALYSIS**

### **Analysis of Impacts of the Proposed Project Modification**

The release of a seasonal habitat flow of up to 200 cfs and the augmentation of the seasonal habitat flow of up to 200 cfs throughout the river for water quality purposes during the first three years of the project were addressed in the FEIR and it was found that such flows and such augmentation would cause no significant impacts on the environment. In addition, the FEIR analyzed the potential impacts of a 200 cfs flow throughout the river as part of its analysis of the 150 cfs pump station alternative and concluded that there would be no significant impacts of such flows.

Section 11.4.3 of the FEIR addressed the impacts of releasing a 200 cfs seasonal habitat flow in conjunction with a pump station with a pumping capacity of 50 cfs. The section notes that under such a scenario, the amount of water that would be discharged to the Delta would be less than the amount of water discharged to the Delta in the pre-project period. It was also concluded that the maximum amount of water that would be released in a year to the Delta under such a scenario would be an additional 928 acre-feet.

The FEIR also reported the results of flow modeling of up to 200 cfs throughout the river undertaken by the Consultants as part of the development of the LORP Plan. The modeling results did not indicate any significant environmental impacts of such flows. Finally, during the winter of 2007-2008, a habitat flow of up to 210 cfs was released from the River Intake and the flow was augmented by releases from the Alabama Gates to provide a 200 cfs flow in lower reaches of the river. In a report titled Seasonal Habitat Flow Report (June 15, 2008), the Consultants reported no significant environmental impacts of the release of the flows on the river and surrounding areas.

Based upon the foregoing, the augmentation of seasonal habitat flows of up to 200 cfs throughout the river and/or an increase in the duration of the flow which do not increase the amount of water by-passed to the Delta by more than 928 acre-feet will not cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects or cause significant impacts on the water supply to the City of Los Angeles beyond those identified in the EIR.

## **CONCLUSION**

Based on the environmental analysis prepared for the currently proposed project modification, the LADWP has demonstrated that the proposed project modification qualifies for an addendum to the previously certified 2004 EIR.

## BASIS FOR DECISION TO PREPARE ADDENDUM

The LADWP was the lead agency responsible for preparing the July 2004 FEIR and is the public agency that has the primary responsibility for approving the currently proposed project modifications. Therefore, the LADWP is the appropriate lead agency to evaluate the potential environmental effects of the currently proposed project modifications that are the subject of this Addendum.

CEQA Guidelines §15164(a) allows a lead agency to prepare an Addendum to a EIR as follows:

*The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but not one of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*

CEQA Guidelines §15162 states:

*(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*

*(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

*(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

*(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*

*(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

*(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*



*(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

*(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

Based on the environmental analysis of the currently proposed project modifications, the LADWP has concluded none of the conditions described in CEQA Guidelines §15162 calling for the preparation of a subsequent EIR or negative declaration has occurred.

Therefore, it can be concluded that pursuant to CEQA Guidelines §15164(a), the proposed project modifications are only minor technical changes or additions, and as such, an addendum to the 2004 EIR for the Lower Owens River Project may be prepared.

#### REFERENCES

Ecosystem Sciences Inc. 2002, Lower Owens River Project Ecosystem Management Plan

Los Angeles Department of Water and Power 2004, Final Environmental Impact Report for the Lower Owens River Project

1997 Memorandum of Understanding between the City of Los Angeles Department of Water and Power the County of Inyo, the California Department of Fish and Game, the California State Lands Commission, the Sierra Club, and the Owens Valley Committee

2006 Final Supplemental LORP EIR

2007 Addendum to the LORP FEIR on Flow Measuring Stations

Ecosystem Sciences, Inc. 2008, Lower Owens River Project Monitoring, Adaptive Management and Reporting Plan

LORP FEIR ADDENDUM FOR SEASONAL HABITAT FLOW AUGMENTATION – MAY 2010

**Table**

**Riverine-Riparian System Adaptive Management Measures**

(Modifications Shown in Italics)

Measure	Description	Purpose	Monitoring Trigger
Modify releases during establishment of baseflows	Release higher quality water from spillgates. Any such releases from spillgates will continue until (1) water quality at the monitoring station linked to the spillgate and in the river below the spillgate channel rises above the water quality thresholds, or (2) fish at the monitoring stations are not exhibiting signs of stress. If releases from one or more of these spillgates are required, flows to the river will be adjusted so that approximately 40-cfs are maintained.	Improve water quality and create freshwater refuges for fish, as needed, at three spillgate returns along the wet reach of the river.	See Table 2-9
Modify releases to maintain baseflows	Increase release rates from the River Intake and/or from spillgates to increase flow in the river to approximately 40 cfs.	Maintain a flow of approximately 40 cfs throughout the river.	Monitoring data indicate that a flow of approximately 40 cfs is not being maintained along the length of the river, based on data collected at one or more of the temporary and/or permanent monitoring stations.
Release higher quality water from spillgates during the first three releases of seasonal habitat flows	During the first three releases of a seasonal habitat flow, if necessary, release higher quality water from spillgates. Any such releases from spillgates will continue until (1) the water quality has improved above the water quality thresholds, or (2) the fish are not exhibiting signs of stress.	Improve water quality and create freshwater refuges for fish, as needed, at three spillgate returns along the wet reach of the river.	See Table 2-9
Modify the timing of seasonal habitat flows	Adjust timing of seasonal habitat flows to maximize seed dispersal and germination and avoid seeding period of exotic species.	Better achieve habitat goals.	Monitoring data indicate that seasonal habitat flows are being released outside of the peak time of seed development and/or flows need to be adjusted to account for variable seed development between upper and lower river reaches. A determination that the habitat goals are not being achieved will be based upon monitoring data that show that habitats are not achieving desired trend in habitat characteristics that relate to understory structure and composition and recruitment that are important to the "habitat indicator species," special status wildlife species, and plants of concern to Native Americans.

LORP FEIR ADDENDUM FOR SEASONAL HABITAT FLOW AUGMENTATION – MAY 2010

Measure	Description	Purpose	Monitoring Trigger
Modify the ramping pattern of seasonal habitat flows	Adjust the peak flow and/or length of time during which seasonal habitat flows are released.	Better achieve habitat goals. Conserve water if habitat goals won't be compromised.	Habitat goals are not being achieved because the flow pattern and duration are not optimal. A determination that the habitat goals are not being achieved will be based upon monitoring data that show riparian plants are not being recruited (within the first 5 years) or sustained through time (within the 15-year monitoring period) in areas subject to out-of-channel flooding from seasonal habitat flows.
Modify the magnitude and/or duration of seasonal habitat flows	Augment the amount of seasonal habitat flow below the River Intake and/or the duration of the seasonal habitat flow provided that increase in the duration and/or the amount of the flow does not result in an annual increase in excess of 928 acre-feet of water being by-passed to the Delta.	Better achieve habitat goals.	Habitat goals are not being achieved because the amount of the seasonal habitat flow below the River Intake and/or the duration of the flow are not optimal. A determination that the habitat goals are not being achieved will be based upon monitoring data that show riparian plants are not being recruited (within the first 5 years) or sustained through time (within the 15-year monitoring period) in areas subject to out-of-channel flooding from seasonal habitat flows.
Modify schedules for maintenance and mechanical intervention activities	Adjust timing of maintenance activities or mechanical intervention activities.	Minimize interference with bird nesting or migration, plant seeding, etc.	Maintenance and/or mechanical intervention activities are interfering with bird nesting, or migration, plant seeding, etc. Interference will be avoided by scheduling maintenance during non-critical periods.
Plant native vegetation species	Encourage the establishment of vegetation at specific sites.	Augment natural revegetation processes where necessary.	Natural revegetation is not occurring to the extent expected even after adjustments of seasonal habitat flows and/or adjustments to grazing management.
Disperse native plant seeds during seasonal habitat flows	Disperse seeds of native vegetation into the river during seasonal habitat flows and/or into areas that will be inundated by seasonal habitat flows.	Augment natural revegetation processes where necessary.	Natural revegetation is not occurring to the extent expected.
Remove tules	Maintain stream flow by controlling tules.	Mechanically remove tules from the stream channel.	Tule growth is hindering stream flow or achievement of habitat goals.
Modify beaver and beaver dam control activities	Increase ongoing efforts to control beavers and/or to remove beaver dams	Mechanically remove beaver dams and/or trap beavers	Beaver activity is hindering achievement of habitat goals. A determination that beaver activity is hindering the achievement of habitat goals will be based upon monitoring data that show flooding due to beaver dams is causing the death of tree species and/or preventing the growth or development of new trees in suitable

LORP FEIR ADDENDUM FOR SEASONAL HABITAT FLOW AUGMENTATION – MAY 2010

Measure	Description	Purpose	Monitoring Trigger
			riparian areas.
Modify fencing, or addition of new fencing, for riparian and upland pastures	Install new fencing, move an existing fence alignment, or remove fencing to obtain desired cattle distribution and control.	Better manage livestock grazing	Existing livestock grazing strategies are hindering achievement of habitat goals, based upon monitoring data that show recruitment or growth of desired vegetation is prevented or inhibited due to current grazing strategies, requiring a grazing management change.
Modify utilization rates and timing within riparian and upland pastures	Alter utilization rates employed to manage livestock grazing and/or alter timing of livestock grazing	Better achieve habitat goals by improving riparian vegetation recruitment and growth	Existing livestock grazing strategies are hindering achievement of habitat goals, based upon monitoring data that show recruitment or growth of desired vegetation is prevented or inhibited due to current grazing strategies, requiring a grazing management change.
Install grazing exclosures	Add new grazing exclosures or remove exclosures.	Better protect areas of sensitive, threatened or endangered species, and/or promote site specific recovery	Livestock grazing may potentially affect sensitive, threatened or endangered plants. A determination that livestock grazing could affect sensitive, threatened or endangered plants will be based upon monitoring data that shows grazing is either facilitating or preventing the health and protection of T&E plant populations, which determines the necessity for exclosures.
Modify livestock management following wildfire	Temporarily eliminate livestock grazing, reduce utilization rates and/or change timing of grazing following a wildfire.	Promote recovery of habitat following a wildfire.	Wildfire affects a portion of the project area and the site is not recovering adequately.