

**RESPONSE TO COMMENTS  
ON SEPTEMBER 1990 DRAFT  
ENVIRONMENTAL IMPACT REPORT**

**VOLUME II**

**WATER FROM THE OWENS VALLEY  
TO SUPPLY THE SECOND  
LOS ANGELES AQUEDUCT**

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**1970 to 1990  
1990 Onward, Pursuant to a Long-Term  
Groundwater Management Plan**

**SCH # 89080705**

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**CITY OF LOS ANGELES**

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**DEPARTMENT OF WATER AND POWER**

---

**AND COUNTY OF INYO**

---

**AUGUST 1991**

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**AUGUST 1991**

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**Letter D1**

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**Mr. & Mrs. Frank L. Pedneau**

1. The first part of the document is a list of the names of the people who were present at the meeting.

2. The second part of the document is a list of the topics that were discussed during the meeting.

3. The third part of the document is a list of the actions that were taken during the meeting.

4. The fourth part of the document is a list of the decisions that were made during the meeting.

5. The fifth part of the document is a list of the conclusions that were reached during the meeting.

6. The sixth part of the document is a list of the recommendations that were made during the meeting.

7. The seventh part of the document is a list of the next steps that need to be taken.

8. The eighth part of the document is a list of the people who are responsible for implementing the next steps.

9. The ninth part of the document is a list of the dates when the next steps are to be completed.

10. The tenth part of the document is a list of the people who are responsible for monitoring the progress of the next steps.

11. The eleventh part of the document is a list of the people who are responsible for reporting on the progress of the next steps.

12. The twelfth part of the document is a list of the people who are responsible for evaluating the results of the next steps.

13. The thirteenth part of the document is a list of the people who are responsible for implementing the recommendations.

14. The fourteenth part of the document is a list of the dates when the recommendations are to be implemented.

15. The fifteenth part of the document is a list of the people who are responsible for monitoring the progress of the recommendations.

16. The sixteenth part of the document is a list of the people who are responsible for reporting on the progress of the recommendations.

17. The seventeenth part of the document is a list of the people who are responsible for evaluating the results of the recommendations.

18. The eighteenth part of the document is a list of the people who are responsible for implementing the conclusions.

19. The nineteenth part of the document is a list of the dates when the conclusions are to be implemented.

20. The twentieth part of the document is a list of the people who are responsible for monitoring the progress of the conclusions.



MR. AND MRS. FRANK L. PEDNEAU  
P.O. BOX 455  
LONE PINE, CA 93545  
(619) 876-5813

October 10, 1990

OCT 15 1990

John Davis, Senior Vice President  
E I Associates  
150 Spear St., Suite 1500  
San Francisco, CA 94105

Re: Public Notice By Inyo County in "Inyo Register"  
Bishop, California October 10, 1990

Dear Sir:

We strongly urge that the EIR and all agreements between Inyo County and the Los Angeles Department of Water and Power be condensed into language that the average layman can understand, and be distributed to everyone who desires a copy.

We know that public hearings will be held to discuss these matters, but from long experience we know that these meetings are frequently adversarial and rancorous. The result is that comparatively few subjects are satisfactorily resolved or understood.

We further urge that all public affairs be discussed in public before action is taken. Secrecy in government is the root of a great deal of evil.

Sincerely,

  
FRANK L. PEDNEAU BESSIE K. PEDNEAU

cc: Paul Payne  
Fifth District Supervisor  
P.O. Box H  
Lone Pine, CA 93545

Greg James  
Inyo County Water Director/  
County Counsel  
163 May Street  
Bishop, CA 93514

Editor: Inyo Register  
P.O. Box 787  
Bishop, CA 93514



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**RESPONSES TO COMMENTS**  
**LETTER D1**

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**RESPONSE D1-1**

The suggestion contained in this comment is noteworthy and will be considered by Inyo County and LADWP.



**Letter D2**

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**Mrs. Jane A. Dieterich**

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LETTER D-2

October 27, 1990

Revised

10/31/90

10/31/90

John Davis, Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, Calif. 94105

Dear Mr. Davis:

I believe the EIR report is not conclusive enough as to what the second aquaduct has already done to our valley.

My husband was born and raised in this valley in the 1920's to the 1940's. As a family we moved to the valley in 1959, to live permanently.

I have seen the valley disintegrate so very quickly in the last 20 years. Even in the 1970's when we suffered from severe drought, our valley was not a dust bowl. The blowing dirt was not here. We had winds, but we were still able to see our mountains. In the spring there were swamps near the river. We had a favorite cat fishing pond, by five bridges; we would carefully leave the road and make a path to our pond, being careful not to step in the swampy areas. Now there is only dried brush and our cat fish pond (which was so beautiful, with the cat tails and the otters playing) is completely dried up, thanks to excessive pumping in the chalk bluff areas.

Our homes private well has already been drying up. When we moved here in 1964, the water table was so high, the top of our well was one (1) foot below the surface. And in the spring the run-off in our ditch was so high, the water ran underground and caused areas to swamp in our immediate back yard. We had to have wooden pallets to put hay on for our horses, so the hay would not be ruined from the wet earth.

In the spring of 1982 we had to have the inner pipe of our well renewed and at that time the water level of our well was four (4) feet below the surface. In February of this year, we again required well service - the inner pipe was not long enough, because the water level had dropped to seventeen feet, nine inches (17'9"). The man who did the work was as shocked as we were at the dramatic drop in the last eight (8) years.)!!

This dramatic drop cannot be blamed entirely on drought, we suffered severe drought in the 1970's, and the well dropped only three (3) feet. As a result of the deeper pipe in the well we are having to pay approximately \$25.00 to \$30.00 a month more in electricity. I feel Los Angeles Dept. of Water & Power should be made to account for this.

I also have a lung problem, and when I leave this Valley, I am able to breathe much easier. I was a smoker and I quit four years ago. But each year my coughing and dry throat are gradually getting worse.

We need some of our greenery back, something to hold down the dirt. We DO NOT NEED 15 NEW WELLS - if Los Angeles dries up their wells, well then thats just too bad. Have you ever heard of an oil company that dries up his wells and then goes to his neighbors and drills new wells?

I don't mind sharing our water, but Los Angeles is GREEDY, they keep building and building without concern as to where their water supply will be coming from. Let them de-salt the ocean, as Santa Barbara is doing. All Los Angeles is trying to do I think, is to be sure & beat out San Francisco as the largest California City. That way they will be very powerful and run the entire state.

I am enclosing two copies. - One a letter written to me from Duane Buchholz in 1987, he has attached a paper with the water levels at two locations in our valley, these levels go back to February 1981. The water is gradually not recharging. It would be interesting to know what the water levels are now in 1990. My second enclosure are copies of a National Geographic story which was written in 1976 about the continuing rape of the Owens Valley.

I am realistic, I do not expect the Valley to look like it did in 1959 when we returned. But I do feel the pumps should be made to shut down, until the valley floor is returned to green in the areas that are only slightly ruined now. We are not selfish people, we do not mind sharing any excess. But we also have a right to live. We are thankful to Los Angeles in that their property ownership has automatically forced a moratorium on the growth in the valley. But we would like them to know, we have a right to live not just exist in a moonscape crater, which I'm sure they would love.

Someday Los Angeles will have to face the fact that they are the desert, and in order to exist and expand they must de-salt the ocean. So why not start now before they wipe out a lovely valley with wonderful people. Thank You

*Mrs. Jane A. Dieterich*  
Mrs. Jane A. Dieterich  
2690 Highland Dr  
Bishop, Ca. (3514

Several Enclosures  
CC to Inyo County Water Dept.



# Department of Water and Power



# the City of Los Angeles

TOM BRADLEY  
Mayor

Commission  
RICK J. CARUSO, *President*  
JACK W. LEENEY, *Vice President*  
ANGEL M. ECHEVARRIA  
CAROL WHEELER  
WALTER A. ZELMAN  
JUDITH K. DAVISON, *Secretary*

PAUL H. LANE, *General Manager and Chief Engineer*  
NORMAN E. NICHOLS, *Assistant General Manager - Power*  
DUANE L. GEORGESON, *Assistant General Manager - Water*  
DANIEL W. WATERS, *Assistant General Manager - External Affairs*  
NORMAN J. POWERS, *Chief Financial Officer*

August 31, 1987

Mrs. Jane A. Dieterich  
2690 Highland Drive  
Bishop, California 93514

Dear Mrs. Dieterich:

## UNDERGROUND FLOW - BISHOP AREA

In response to your letter of request dated August 17, 1987 for a map showing the natural underground flow of water in Highland Drive area of Bishop, I regret to inform you that the Department of Water & Power has no maps for underground water movement in the Bishop area. We do however monitor several test-holes that measure ground water elevation in the Bishop area. I have included the monthly data for two of these that have proximity to Highland Drive for years 1981 to present.

Sincerely,

DUANE D. BUCHHOLZ  
Northern District Engineer  
Los Angeles Aqueduct Division

Enclosure

# WATER LEVELS - WEST BISHOP

## 387T (East End Sunrise)

<u>DATE</u>	<u>R.P.W.S</u>
4-11-87	10.96
10-15-86	6.62
4-04-86	10.17
2-10-86	11.60
12-04-85	11.30
10-10-85	12.95
8-08-85	16.02
6-05-85	14.30
4-03-85	12.31
2- -85	11.52
12- -84	9.02
10- -84	3.63
8- -84	12.81
6- -84	14.79
4- -84	13.82
2- -84	11.15
12- -83	9.47
10- -83	6.86
8- -83	7.43
6- -83	10.48
4- -83	12.28
2- -83	12.71
12- -82	11.87
10- -82	10.18
8- -82	13.77
6- -82	20.28
4- -82	13.85
2- -82	13.61
12- -81	12.80
10- -81	13.28
8- -81	17.72
6- -81	18.34
4- -81	13.02
2- -81	12.98

## 389T (By L. Philips house Barlow)

<u>DATE</u>	<u>R.P.W.S</u>
4-11-87	12.34
1-26-87	11.03
12-26-86	9.40
11-26-86	7.57
10-27-86	6.15
9-29-86	5.34
8-29-86	5.45
7-28-86	5.87
6-27-86	6.68
5-30-86	8.02
4-28-86	10.20
3-28-86	11.28
2-28-86	10.56
1-27-86	11.18
12-27-85	9.92
11-25-85	7.90
10-28-85	6.92
9-27-85	6.71
8-30-85	6.30
8-02-85	4.99
7-01-85	7.50
6-03-85	7.11
5-02-85	8.19
4-03-85	10.54
2- -85	10.46
12- -85	7.51
10- -84	5.55
8- -84	5.71
6- -84	7.22
4- -84	11.54
2- -84	10.78
12- -83	8.63
10- -83	5.05
8- -83	5.26
6- -83	7.18
4- -83	12.24
2- -83	12.57
12- -82	10.60
10- -82	4.54
8- -82	4.75
6- -82	8.68
4- -82	13.03
2- -82	12.41
12- -81	8.12
10- -81	6.43
8- -81	6.51
6- -81	7.03
4- -81	11.93
2- -81	10.85

Went back to 1981 - what was the water (check file)

VOL. 149, NO. 1

JANUARY 1976

# NATIONAL GEOGRAPHIC

IN THE STEPS OF  
MOSES 2

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HAITI: BEYOND MOUNTAINS,  
MORE MOUNTAINS 70

CALIFORNIA'S PARCHED OASIS,  
THE OWENS VALLEY 98

LIFE OR DEATH FOR  
THE HARP SEAL 129

SEE "SEARCH FOR THE GREAT APES" TUESDAY, JAN. 13, ON PBS TV

# California's Parched Oasis

*The quiet, peaceful Owens Valley—  
did it win or lose in its  
water war with Los Angeles?*



JODI COBB (ABOVE) AND GALEN ROWELL

In everlasting prayer, a three-inch clay figure of a worshipful chief (above) by Paiute sculptor Raymond Stone seems to symbolize the reverence for water in the Owens Valley. Residents protested vehemently when the Los Angeles Aqueduct (right), completed in 1913, began bearing most of the Owens River to that distant city. A decade later, amid a drought, sections of the 222-mile conduit were sabotaged. Controversy continues, but many in the valley now prize a way of life preserved by the city's thirst.

IN THAT DEEP and disputed valley where greed for water has broken men and molded California, we were returning to the primeval. Squatting on wintry earth in the blackness of a Paiute Indian sweat lodge, we sipped mountain water and ladled it upon hot lava rocks. Steam hissed up, pungent with herbs, and seized at our lungs.

As the medicine man began to chant, the dark circle of Paiute worshipers erupted with soaring cries and guttural responses in a language almost lost. Wrapped in towels, we soon sat in the mud of our own sweat. Through us water was reentering the parched earth of the Owens Valley.

This was the sacred sweat ceremony, a tribute of oneness with earth and water and the Great Spirit, to whom the Indians were praying for respite from pain and disease. We heard reverent praise of those Paiute subdeities, the eagle and buffalo, and a smoking pipe was passed.

Just as it seemed we could endure the heat no longer, the Paiutes raised the flaps of our sweat lodge, a framework of saplings supporting a thick dome of tarpaulins. Blinking in the light, we sat and cooled.

"Give your minds to the Great Spirit," the medicine man said quietly, "and you will breathe."

Indian rituals are less bizarre than the intrigues of the white man in Owens Valley, a majestic mountain corridor on the sparsely settled, almost forgotten eastern side of California. For more than eighty miles parallel ranges wall the valley. On the west is the stern and jagged escarpment of the Sierra Nevada. To the east are the arid White and Inyo Mountains, crowned with bristlecone pines, most ancient

By JUDITH and NEIL MORGAN

Photographs by

JODI COBB and GALEN ROWELL

of all living things. At the valley's narrowest it is less than twenty miles across from one crest to another, with 14,000-foot peaks on both sides.

On a fall day we looked down from near Mount Whitney to the valley floor two miles below. Beneath a sky of stained-glass blue, Owens Valley seemed a desert (pages 104-105). Yet it is a bountiful water source—and one of the most disputed on earth. The melted snow that cascades from the Sierra Nevada ends up 130 miles away in Los Angeles, which controls 99 percent of the valley's water, above and below ground.

"We are a colony of Los Angeles," a rancher told us. "Less than 2 percent of our valley belongs to us. We pay rent to the Department of Water and Power, even for our stores and churches. There is more Los Angeles land here than down there in the city."

### Metropolis Quenches Its Thirst

Early in this century rapidly expanding Los Angeles was faced with drought. In a daring solution, moving deviously but within the law, city agents bought Owens Valley land and water rights. By 1913 the city had built a 222-mile aqueduct northward across

the Mojave Desert near Independence Valley ranchers upstream water

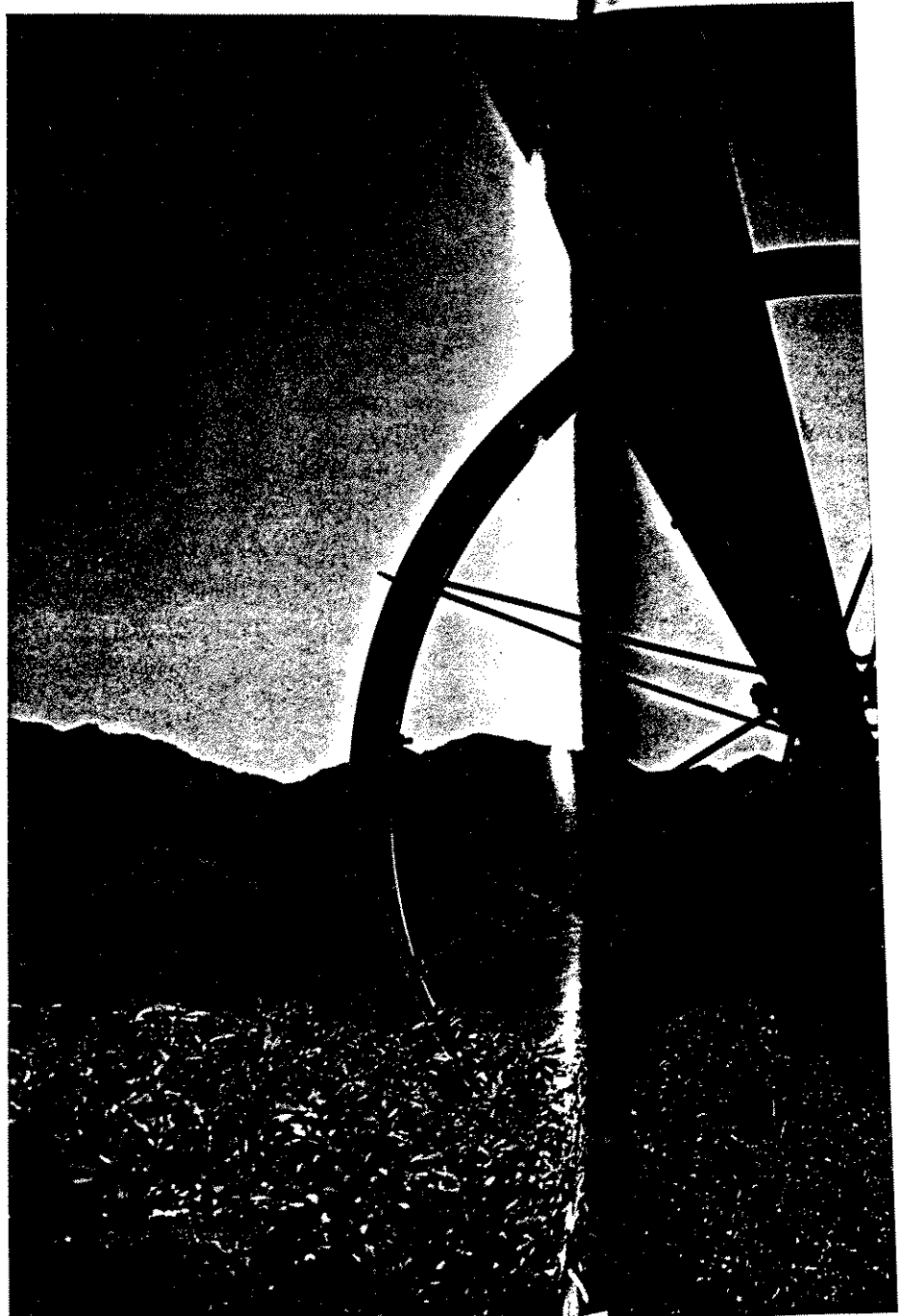
During another the city began bend its rights waters of the river flared. The aqueduct months later, the aqueduct's contr

Bank credit bankers outside defiant ranchers



BOTH BY JODI COBB

**Water on wheels:** Fred Zack shifts irrigation pipe (right) to soak alfalfa on the family ranch. Quiet, uncluttered vistas drew his father, Milton (above), and uncle, Morris, from city medical practices in 1965 to one of the few valley spreads with its own water. Much of the land once used for produce fields and orchards has reverted to desert. Stock raising has declined as well, but remains an important part of the valley economy.



a rancher  
our valley  
partment  
stores and  
geles land

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ie city had  
ard across

the Mojave Desert to tap the Owens River near Independence (map, following page). Valley ranchers retained the right to divert upstream water for irrigation.

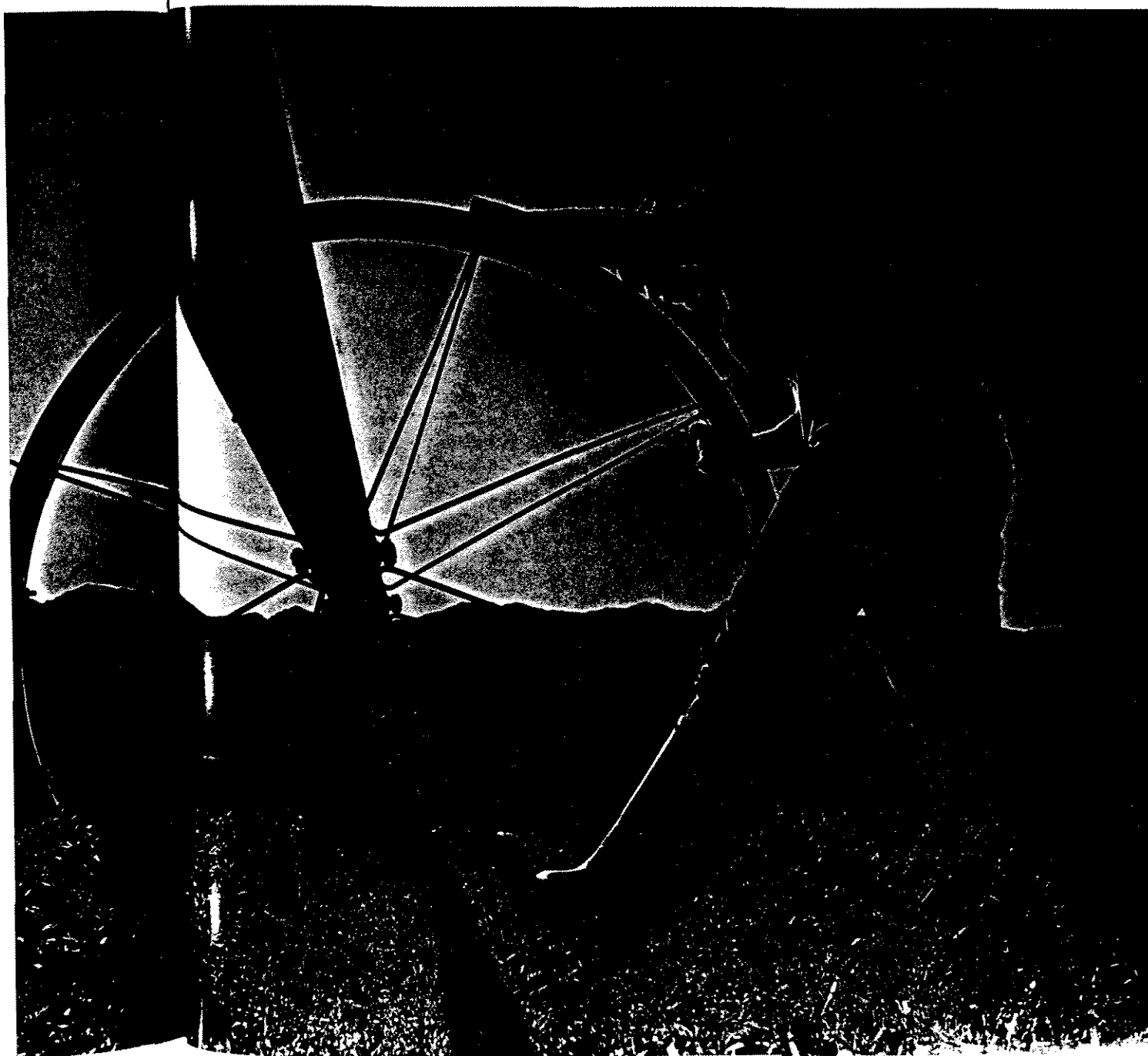
During another drought cycle in the 1920's, the city began buying out valley settlers to extend its rights far northward to the headwaters of the river. Bitterness and suspicion flared. The aqueduct was dynamited. Six months later, ranchers seized and held the aqueduct's control gates for five days.

Bank credit became a critical factor, as bankers outside the valley refused loans to defiant ranchers seeking to maintain their

land. Mark and Wilfred Watterson, brothers who owned the local banks, became virtually the valley's sole creditors and led the fight against the city. But with an unexpected visit of a bank examiner one day in 1927, the Watterson banks collapsed. The brothers were convicted of embezzlement and sent to San Quentin prison.

Ranchers who had sold out to the city and deposited the money with the Wattersons lost their windfalls; the others lost the will to fight on. Soon the city controlled virtually all water rights. Most ranchers sold their land, and many left. Dairies, fields, and orchards withered.

103



Magnet of open space attracts more people to Owens Valley each year. Drove of motorcyclists gather at Mammoth Lakes on the rugged western rim for annual races and stunting. Padded for protection, members of the "Old Timers" club rest between spills (below, right).

A backpacking dog named Domino leads a family of mountaineering novices and their Sierra Club instructor through Echo Lake high country. Sensitive to accusations of "water imperialism," Angelenos helped push for a paved highway beside the Sierra that opened the valley to pleasure-seekers.

The scars of the 50-year-old water war are slow to heal. A new battle has broken out, this time in the courts. In litigation between Inyo County and Los Angeles, the valley seeks to limit the city's pumping of underground water to fill a second aqueduct.

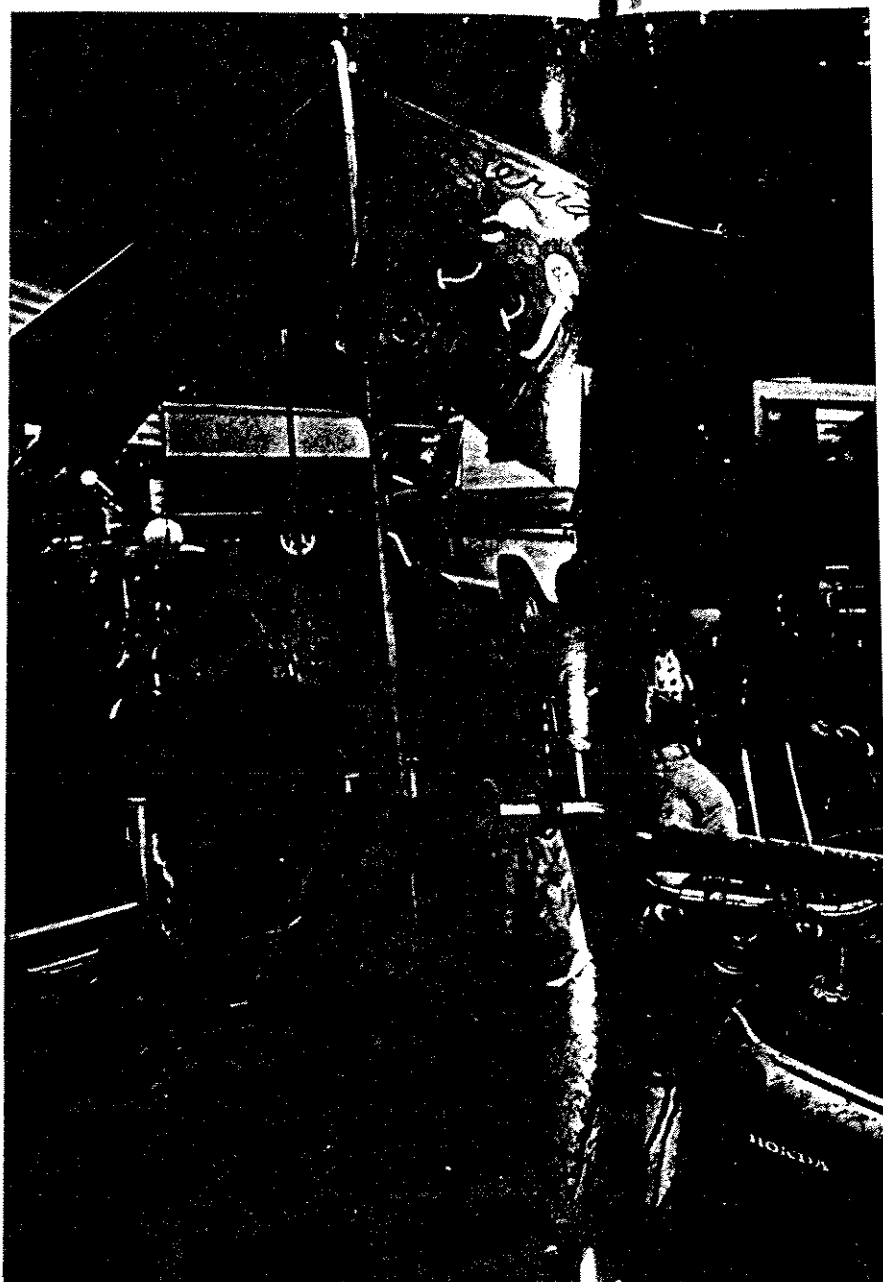
"Our people must have *some* control over their destiny," reasons Wilma Muth, an urbane woman who serves as Inyo County supervisor. Yet Los Angeles is the big landlord in the valley, and valley talk turns inevitably to the "City," the "Department," or even, as one bemused official put it, the "Kingdom of Water and Power."

The colonial relationship is schizophrenic. The city's tight but usually benevolent grip has retarded valley growth, leaving its scenic

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glories relatively undisturbed. Sagebrush land owned by Los Angeles pushes up to the outer streets of every community. Tourism has become the staple of the valley economy; service stations bring in twice as many dollars as cattle. But this only heightens colonial tensions. The valley provides Los Angeles with 80 percent of its water, and has become its playground as well.

#### Valley Lives an Outdoor Life

Inyo County, slightly larger than Vermont, encompasses Mount Whitney and Death Valley, the highest and lowest points of the contiguous 48 states. Most of its 17,000 people live in villages strung along Owens Valley from Lone Pine north to Bishop. Life is

shaped by remoteness and by the outdoors.

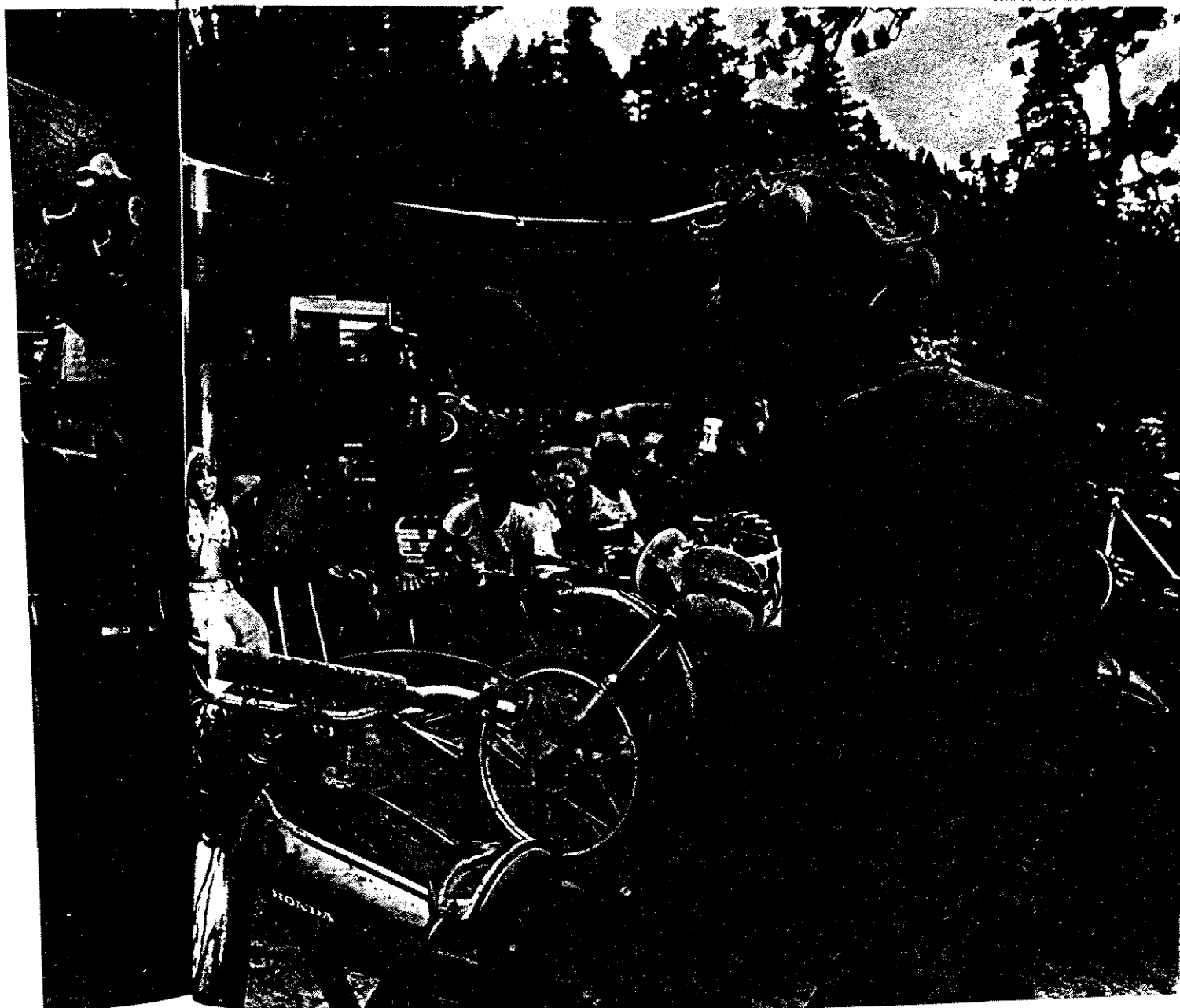
Leisure flows with the seasons, from trout fishing to river rafting, quail and chukar hunting, mountaineering, and skiing. It includes pine nutting, which we learned with Genevieve and J. Emil Morhardt.

A photographer who once traveled with Zane Grey, "Aim" Morhardt paints the valley in water colors, prospects its mountains, and writes much of its music and verse.

The Morhardt nutting method is to spread a sheet beneath a piñon pine and shake the tree with a pole. We settled for a sticky handful of nuts, then went on with a picnic basket and a bottle of wine to a hideaway beside a creek that races off Mount Tom. Aim built a fire of willow branches, while Gen

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BOTH BY JODI COBB



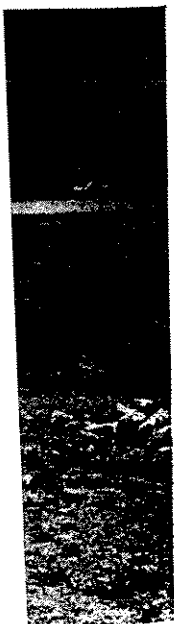




JODI COBB AND GALEN ROWELL (LEFT)

Island of shade spares a hitchhiker from heat waves at Bishop, Owens Valley's largest town. With the loss of water in the 1920's, population waned and a third of the businesses folded. Townspeople received reparations from Los Angeles, and when the flow of tourist dollars began in the late 1930's, many expatriates returned, swelling Bishop's population to 11,000 today.

Almost as many lived in the valley "town" of Manzanar, one of ten relocation centers established during World War II. A monument and barbed wire (left) mark the internment of some 10,000 Japanese-Americans by their mistrustful government.



created a centerpiece of dried wild iris pods.

We made steak sandwiches with a local specialty: Shepherd Bread, baked from a Basque recipe that requires long fermentation and prolongs freshness. It is a distant runner-up to water and power as the valley's most renowned export.

Aim sprawled beside the creek, radiating the joys of a man born to this setting. "My painting supports my prospecting," he said. "And we're lucky. Beyond that ridge we own half of an old Indian ranch with water. We could grow everything we need."

Gen had driven that week to Reno, 204 miles north, to shop. "It's the nearest place for a lot of things," she said. "Of course, the Sears catalog is the really big store in Bishop."

Valley neighbors team up for weekend trips to the Music Center in Los Angeles, or drive 110 miles to play slot machines and have dinner in Hawthorne, Nevada.

#### Big Ears Listen to Space

Such distances seem trivial to George A. Seielstad, the radio astronomer who supervises three giant antennas that the California Institute of Technology placed in the valley near Big Pine. As Seielstad showed us around, he discussed the observatory's success in the "chase" for quasars. The antennas search space as distant as 10 billion light-years—almost, says Seielstad, "to the beginning of time." As they scan, these big ears loom above the valley like porcelain plates. They are here because mountain walls shield them from man-made radio signals.

Seielstad settled in the valley in 1964. Ten years later he felt enough of a native to enter politics, and failed by only a small margin to become the first U.S. Congressman from Owens Valley. He shares his neighbors' skepticism of "the Department."

"They have no reservation or hesitation concerning the complete destruction of a scenic resource," he said.

Owens Valley farming has almost disappeared, and ranching has waned. The city allots water for only 11,500 acres of alfalfa land and pasture in the entire valley. Among the few with their own land and water are the Zack brothers, Milton and Morris. They abandoned city medical practices ten years ago in early middle age to ranch 1,300 acres beside Willow Creek, nestling below 14,246-foot White Mountain Peak.

One Sunday at the Zack ranch we watched

sprinklers spray well water across alfalfa fields almost surrounded by sagebrush.

"This land was mostly brush," Milton said. "We put 1,100 acres in alfalfa, and the price went up to \$60 a ton. If baling wire hadn't tripled in price, we could have made good money. We won't ever get rich, but we'll stay."

"Why you?" we wondered.

"This valley chooses its own people. I grew up in Los Angeles, and my wife came from Maryland. We have five children. We all saw this valley and forgot everywhere else."

#### **Residents Fear for Environment**

Back in Bishop, where more than half the valley people live, we met another outsider who became an insider. Frank Herbert Fowles III, a Philadelphia-born attorney, came here nine years ago as district attorney.

"That's over now," he said. We sat amid a jumble of files in his new law office. "I'm staying in Owens Valley because this is where I want to live. These are proud people, the best people I've ever known."

Fowles filed the case against the city after Los Angeles had increased its pumping of underground water from six to 150 million gallons on an average day. Inyo County holds that this violates California's Environmental Quality Act, threatening frail plants and wildlife. The Department of Water and Power contends that its obligation, and the greater need, lies with Los Angeles.

"We know all the department guys by their first names," Fowles told us. "They're good guys. Their job is to take our water so Los Angeles can keep growing, and they do it supremely well. Our job is to keep our valley from drying up completely."

On a bright November morning we asked Col. Ray Waski, an Air Force pilot who retired in Bishop, to take us into the air to survey the battleground of this water war. For our guide we invited Russ Rawson, a six-foot-fiver who acts for the department as landlord to hundreds of valley agricultural tenants.

We flew north over dry canyons, and about 50 miles northwest of Bishop we circled the headwaters of the Owens River, 250 miles

from Los Angeles. Then we flew south along the water that finds its way into the highballs of Hollywood stars and the sculptured fountains of Forest Lawn cemetery. In the Owens River Gorge it is a captive current, squeezing through tunnels and tumbling over turbines generating 105,000 kilowatts.

Like an indigo snake on a beige carpet, the river emerges near the head of Owens Valley to move placidly in its own channel for 40 miles. Escorted by willows and cottonwoods, it drifts past Bishop and Big Pine.

Near Independence it is nudged into a straighter, man-made canal and flows past the ghost camp of Manzanar (page 108). Here, 10,000 Japanese-Americans were interned during World War II beneath mountains that made the elders homesick for Fujiyama. It was once the largest, and much the saddest, town in the valley.

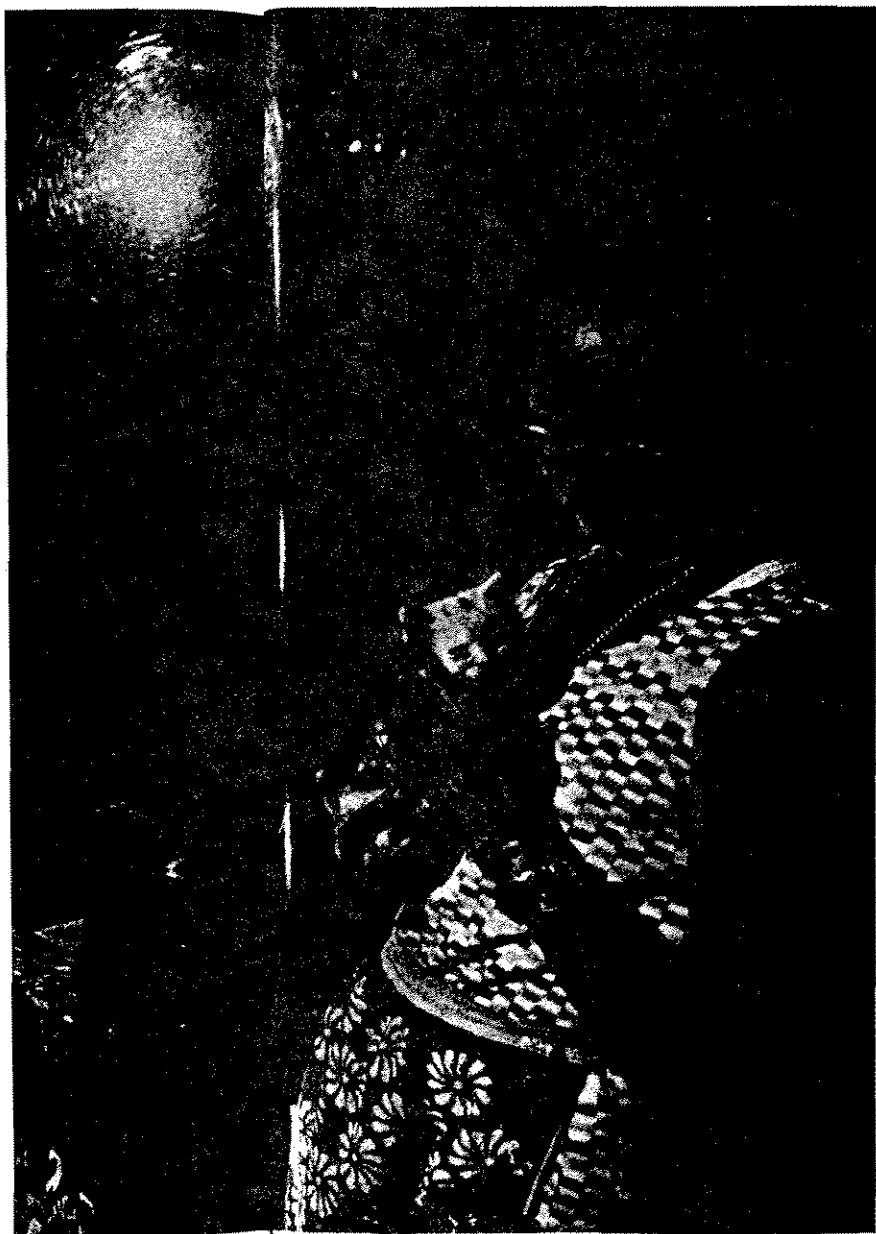
The canal leads south by the eroded Alabama Hills, a favorite setting of filmmakers. Close by is a 23-foot-high scarp, a vivid remnant of an 1872 earthquake more intense than the San Francisco quake of 1906. Here beneath Mount Whitney, where hikers and packers sojourn, the river once disappeared into Owens Lake, a natural sump that is almost dry today. Bypassing the lake, the water submits to a series of engineering contortions. Two aqueducts, the second finished in 1970, siphon its flow through the grim Mojave Desert in miles of airtight concrete-and-steel tubes (page 99).

#### **Elevator for Glider Pilots**

Turning north again, Ray flew tight circles around the stone shelter atop Mount Whitney and skimmed the Pacific Crest Trail, where almost a dozen peaks tower above 14,000 feet. We studied the sky to no avail for lens-shaped clouds that portend the Sierra Wave, the utopia of glider pilots. A type of lee wave, it begins when wind speeding up the Sierra slope surges at the crest. Such waves have reached as high as 65,000 feet above Owens Valley; the world's soaring record of 46,267 feet was set near here in 1961.

"All of a sudden your altimeter needle is

**Eyes bright as hope** light the face of Little Hummingbird, descendant of Owens Valley's first residents. Paiute Indians skirmished fiercely with white settlers in the early 1860's, but were exiled to a reservation in 1863. Working to reestablish a sense of pride, the Bishop Indian Education Center has raised tribal employment and cut the school dropout rate from 40 to 3 percent. JODI COBB



BOTH BY JOEL COBB



An informality nearly obsolete in large cities endures in small towns like Lone Pine, where hotel manager Mary Elizabeth Ward (above) interrupts midmorning chores to commune with a feline guest. Businesses now court customers from Los Angeles; in the bitter twenties, Angelenos visited here at their own risk.

Informality also reigns at a Deep Springs College class (left). The 24 enrollees, who rank academically among the top one-half percent in the nation, raise their own food on the remote campus that doubles as a ranch.

voice. "He brought the land up from sagebrush to support six of us. It was grub hoe and shovel that cleared the ranch, and Father dug every ditch by hand. We grew fruit and alfalfa and cattle and shipped out butter. I was in college at Berkeley in 1925 when Father sold. I stayed away and taught school and didn't come back for 33 years."

"Why did you come back?"

"For me the world begins and ends at the crest of the Sierra and there's only one side, this side. Here is home. Now, go sit over there."

We moved to a couch facing a glass wall. Enid Larson opened the drapes, and an alpine panorama filled the room.

"Over there," she began, like a teacher at her blackboard, "the one with a V in it, that's Split Mountain, more than 14,000 feet high. In front is my beloved Mount Tinemaha. Then Middle Palisade, one of the southernmost glaciers in North America."

She swept the drapes shut and said with intensity, "For two years after I came back, I couldn't pass our old ranch without crying. Now we fight the same old problem. The city built its damnable second aqueduct, and it's pumping underground water to fill it. They've dried every spring in the valley floor. They're destroying vegetation. There are rare species in this valley. Instead of fighting for a ranch, we're now fighting for the survival of plant and animal communities."

#### Cattle Mixed With College Classes

One of those rare species is a small black toad found in the marshes around Deep Springs Lake, an alkali smudge in a mountain-rimmed desert basin. Its one oasis is Deep Springs College, where 24 bright and hardy young men divide their time between liberal arts studies and running a cattle ranch (left).

The lonely road to Deep Springs over Westgard Pass writhes in a hundred dips, an asphalt whip flailing at desert peaks. It is a route where the mail carrier remains a frontier hero as he rides his 300-mile circuit through two states. At the pass we saw no trace of life between us and the cottonwoods that marked the campus ten miles away.

Dr. Randall Reid, then head of the college, greeted us in Levis. We sat in rocking chairs in their stone bungalow as his wife, Earline, poured coffee and he told how Lucien Nunn, a Colorado power baron, had endowed the school in 1917. The site was chosen for its isolation. Then Dr. Reid told us why he had

rotating wildly," Waski said. "It's like somebody has grabbed you and is hoisting you straight up. The primary sensation is extreme smoothness. The danger is being lifted so high you run short of oxygen."

Leaving the elusive Sierra Wave to heartier souls, we landed at Bishop and drove to the water department's valley office at Independence, Inyo County seat and a charming village of 1,000 where many of the 260 department employees make their homes. They take a lot of good-natured kidding from neighbors, we heard, who claim that Los Angeles pipes out water in one barrel and ships back smog in the other.

At headquarters we talked to James F. Wickser, Northern District Engineer for the aqueduct. "In the past 40 years we've sold off only about a hundred acres," Wickser said. "Most valley people would rather look out over pasturelands than condominiums. Newcomers who charge us with 'rape, pillage, and burn' try my patience. It's more difficult to challenge the memory and the biases of those who lived through the trouble."

#### Bitter Memories Still Haunt

There still are a few who were in the valley in those turbulent days when Los Angeles first arrived. On an autumn Sunday when the creeks meandering out of the Sierra were serpentine of golden aspen and water birch, we drove to the village of Big Pine to see Enid Larson in her cottage on Flower Alley.

"I have to go chipmunking soon," she warned us at the door. For 20 years she has studied the Merriam's chipmunk in nearby wilds. Her white hair cropped, she stood small but formidable. We got to the point.

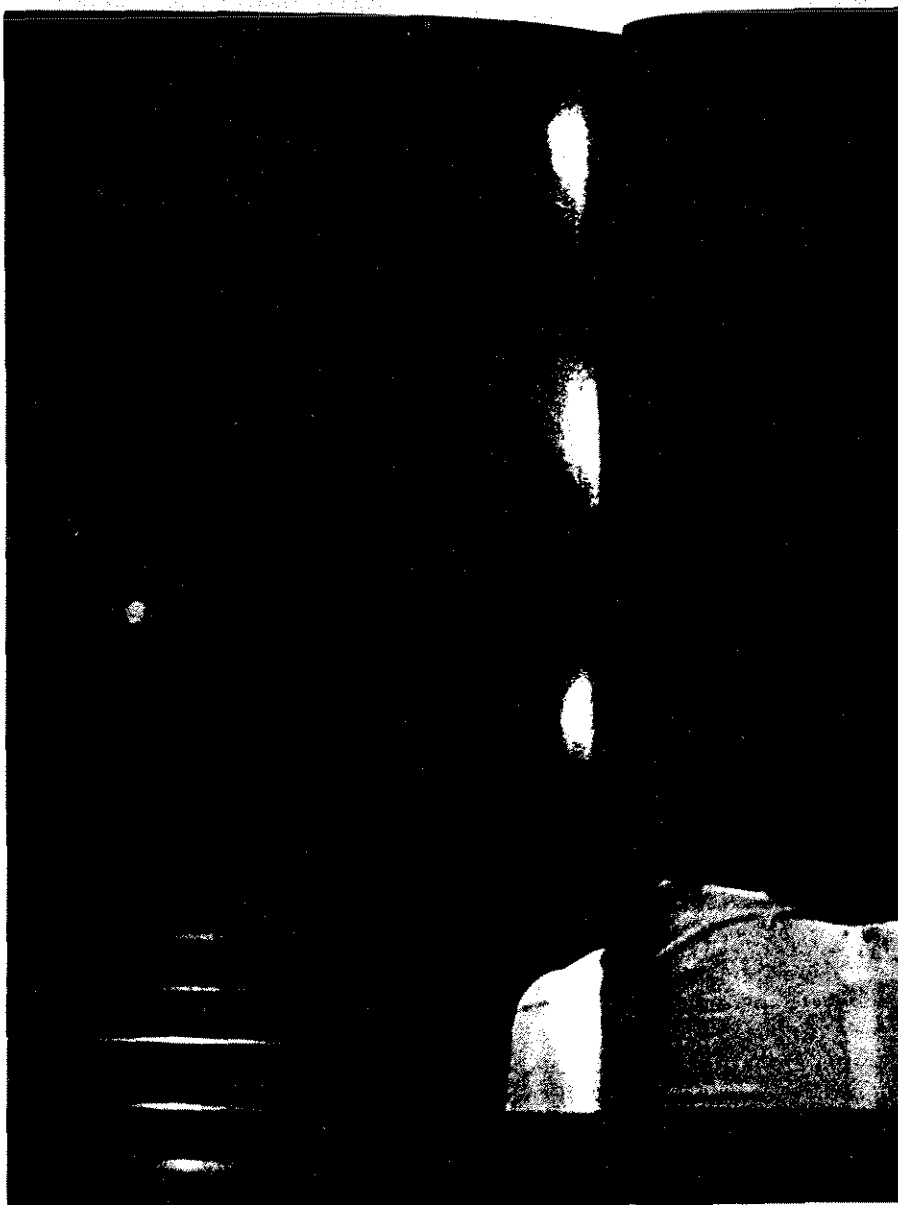
"By 1905 the die was cast," she said. "The city was buying water rights. The ranchers who irrigated joined in a group called Associated Ditches. My father was secretary. They sought a compromise so there could be a dam to provide water both for the ranchers and for the people in Los Angeles. But the valley couldn't agree. So the city said, 'Very well, we won't build a dam. We'll buy out the ranches and take the water, take it all.'"

Tears welled in her eyes. She pressed her forearm against her lips.

"What did your father do?"

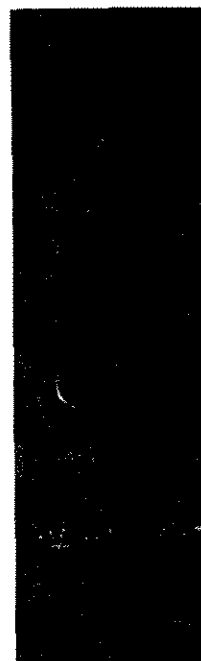
"He knew what was coming. I was only 18. I pleaded with him to stay and fight. But he sold out and left. It broke his heart. It killed him."

She turned away and fought to calm her



**Intent on salvation**, a sparse congregation attends the Foursquare Indian Mission, as a youngster's interest drifts to paper aerodynamics. One Bible reveals a concern for the spiritual welfare of Elvis Presley (right). Paiute traditionalists seek to preserve their own religion, based upon reverence for nature and sanctity of the land.

One faction of the tribe hotly disputes an Indian Claims Commission award of 20 million dollars for loss of their land, saying they never relinquished rights to it. But some had already sold their land to Los Angeles, and others, even among the traditionalists, have filed for the per capita payments.



left a tenured faculty post at the University of Chicago to head a remote two-year college.

"The contrast is like that between critic and actor," he said. "You can't deal with life by expressing an opinion. Students here must accept responsibility for our community."

We soon saw what he meant. At the dairy barn Juan Ramon Resina, from Barcelona, Spain, was milking one of seven Holsteins. Six other students, raw from the cold desert wind, clattered up in an open truck after half a day of fence building. In the chicken barn the mood was funereal; a phone call had brought a poultry inspector's diagnosis that meant destruction of 200 diseased chickens.

"We have 200 cattle and three cuttings of alfalfa each year," Dr. Reid told us. "With prices the way they are, I'm trying to find a way to feed the cattle to the alfalfa."

He laughed when we asked about the black toad. "It's about an inch long. The students made it their mascot. We don't know which species is more endangered. Toads outnumber students four to one; lately the toads seem to get more funding."

#### Paiute Customs Make a Comeback

In the college library is a pipestone carving by Raymond Stone, a Paiute Indian from the Big Pine reservation who has lectured at Deep Springs. We visited him at his home. Regarded by many Paiutes as their spokesman, Stone works as a school janitor. At our urging he brought out his carvings of Indian figures, animals, and birds.

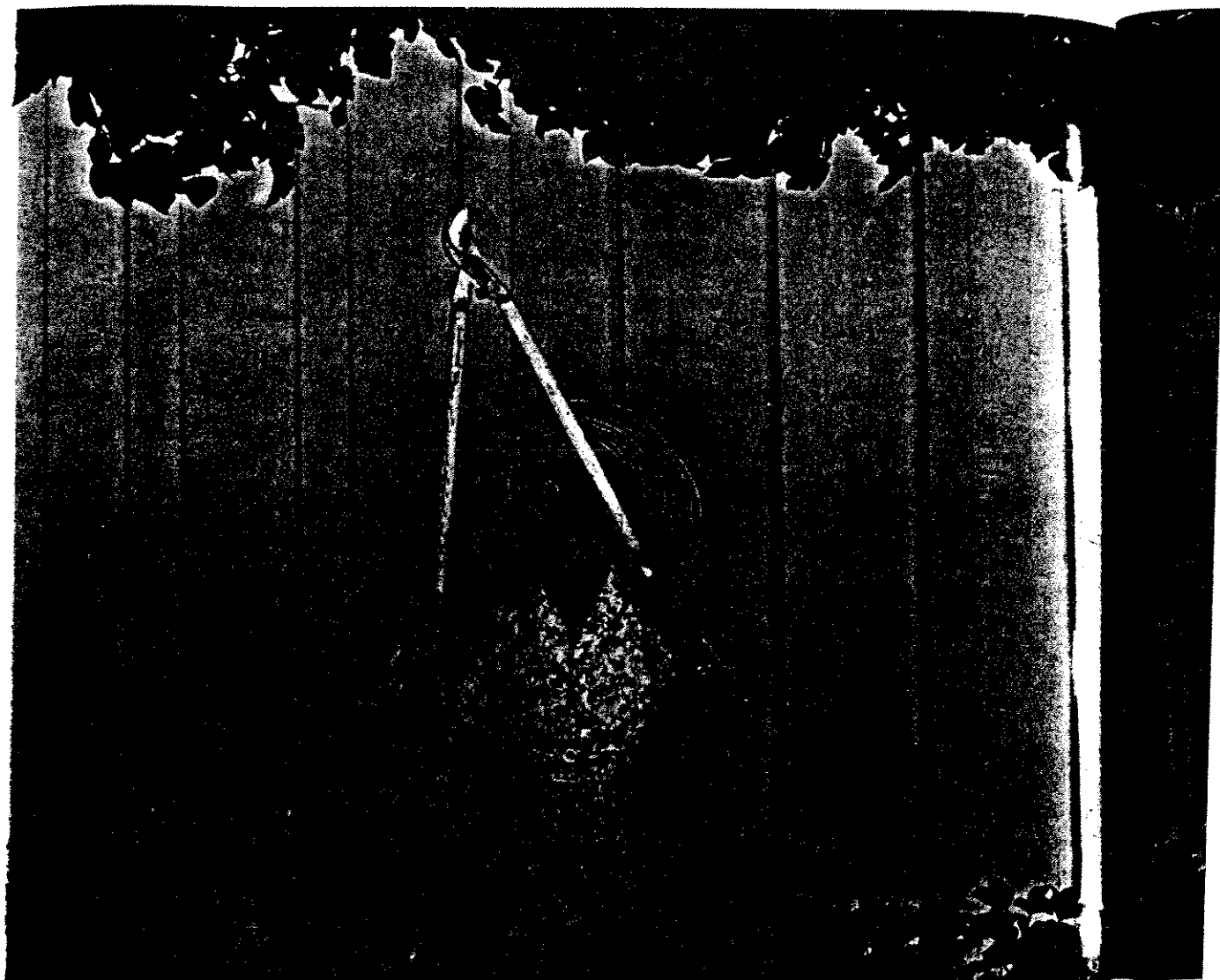
"My father's grandfather was the last real Paiute chief," he said as we admired an eagle. "We lost our Indian ways for a while, but some are coming back." He told us that the songs of the tribe's cry dance, the dance of burial, survive only with two or three older men. But young Indians want to learn.

Earl Lent, a typographer at a Bishop publishing house, has been a tribal official for more than 15 years. He took us to meet other Paiutes, and there was much talk of a powerful medicine man due soon in the valley on his circuit. He had *(Continued on page 120)*

**Sheep wrestler** Oral Bryant throws one of his flock to check its teeth. Dental wear would mark it for slaughter, before weight loss begins. Ranchers argue that increased pumping of ground water by Los Angeles threatens the valley's already dry pastures.

JODI COBB





been invited by the local healer, who would help prepare for the religious ceremonies.

"The medicine man comes to your house at night," Lent explained. "Everything must be dark. You sit very still as he talks and sings. He is the interpreter for the spirits, and you can sense their presence all around you. The ceremonies have worked. Our people have been healed."

#### Old-timer Holds No Grudges

Back in 1866, when the last Paiute incident flared in the valley, a cattleman named Thomas Edwards laid out Independence as a town six blocks square. He named streets for Washington, Grant, Webster, Jackson, Clay, and Crockett. Then he named the main street for himself. There on Edwards Street, in his elm-shaded cottage, we found Arlie A. Brierly, 91, who was born in the valley on his parents' ranch and served Inyo County as surveyor,

undersheriff, assessor, and superintendent of schools. Now he runs 800 cattle on 15,000 acres of scrubland leased from Los Angeles without water rights. We interrupted him as he read his new *Scientific American*.

"No matter," he said. "Come sit."

Wide suspenders supported snappy plaid trousers. He leaned on a gnarled sapling, and he looked like Dwight Eisenhower. He was not mad at anybody.

"My mother was the first woman to homestead in Inyo County," he said. "The city paid a fair price for our ranch, as it did for all the others. Course it didn't help when our banks went broke. That put an end to the scrap with the city. My mother was a character witness for the Wattersons, but the jury sent them to San Quentin anyhow.

"Their sister, Mary Gorman, is the only Watterson left. She comes into town sometimes, but we don't bring up the past. It's a wonder

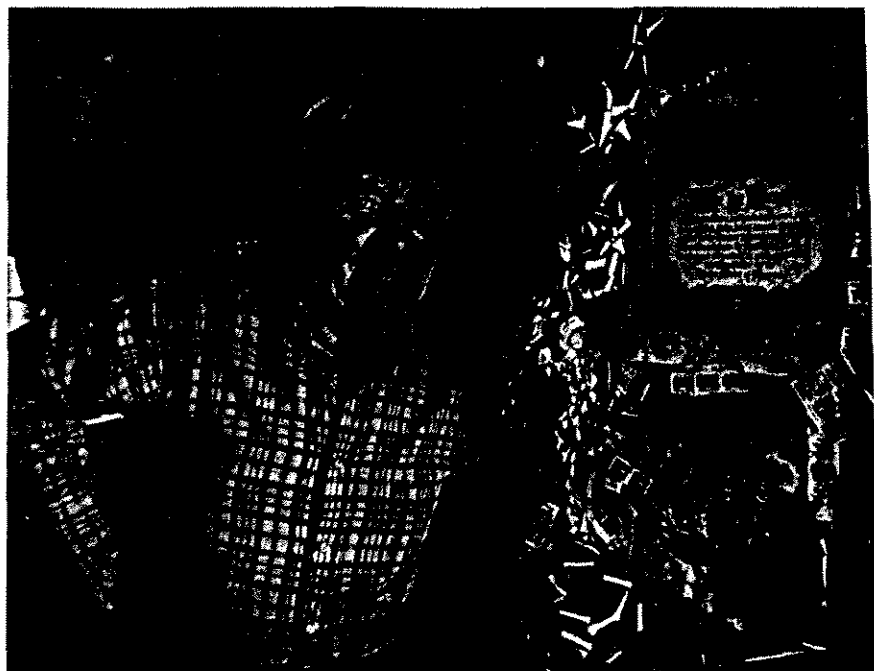


**Water-war veteran** Mrs. Mary Gorman, whose banker brothers, Mark and Wilfred Watterson, led the unsuccessful struggle against loss of the Owens River water in the 1920's, prunes ivy fringing her home near Independence (left).

The city acquired its water legally, but resentments still seethe over its methods. In whirlwind

land purchases, Los Angeles agents sometimes spread false rumors of mass sales to convince valley ranchers to pull out.

A post-feud newcomer, 75-year-old George Totland (below) settled in the town of Lee Vining in 1933. The lifetime bachelor and gold-miner hopes to marry, he says, when he can save enough money.



BOTH BY JODI COBB

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somebody wasn't killed in all that racket."

Arlie Brierly squinted and looked toward the highway. It was Sunday afternoon, and the cavalcade of skiers had begun, from Mammoth Mountain back to Los Angeles.

"One thing I know," he said without rancor. "There's too many people in California. Too many people wanting too many things. Sure are a lot of them drive past my door."

#### Skiers Crowd Mammoth Slopes

After the first big snow last winter, we followed that ski traffic to Mammoth. At the foot of the slopes we found Dave McCoy, a square-jawed man with curly silver hair. He has built his life around this pumice mountain since 1936, when he surveyed snowfall for the department. Lifts and runs he has laid out on U. S. Forest Service land serve as many as 18,000 skiers in a weekend (page 126), and have made him wealthy.

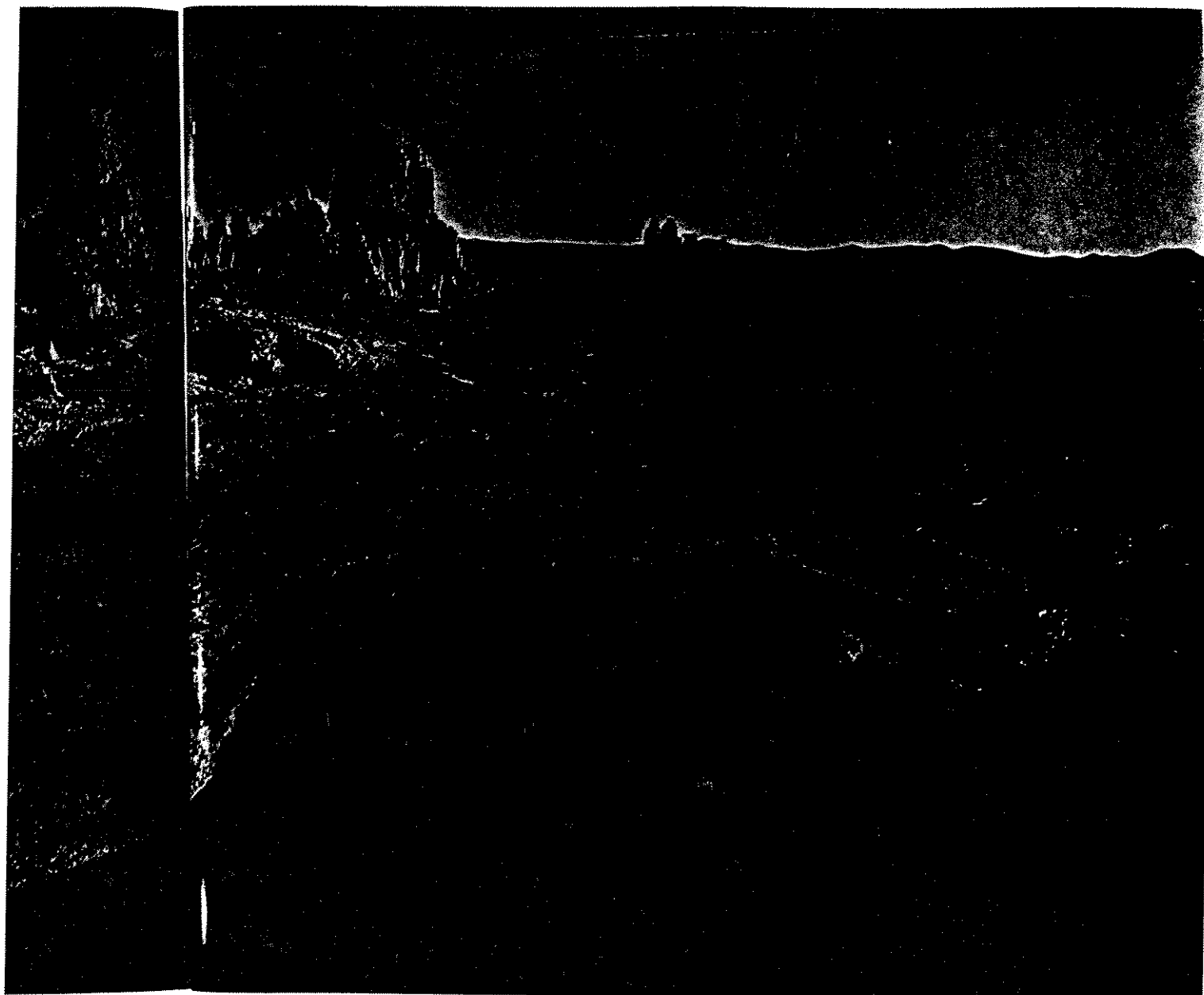
We asked him to show us his mountain, and he whisked us in a gondola over a sea of skiers to the summit at 11,053 feet. Nearby, we watched as his avalanche patrol skied off and began setting dynamite charges.

We looked along the jagged teeth of the Sierra. The Pacific Crest Trail led down through conifers to the south. To the northwest were the stiletto spires of the Minarets. The sleek array of basaltic columns called Devils Postpile lay below us to the west.

"Mammoth stands by itself between these two low passes," McCoy said. "When a funnel of air tries to force its way past, it dumps blizzards of snow right here."

The shadow of Mammoth is both real and symbolic. In 1972 the California Supreme Court issued its landmark Friends of Mammoth ruling. It stopped a rising wall of condominiums and established for the first time in the United States that citizens may halt





GALEN ROWELL (FAR LEFT AND BOTTOM); JAY JENSEN (LEFT); AND JODI COBB

private construction that has not received a proper environmental impact study.

The case was supported by a group of distant urban residents who feel ties with Owens Valley. We met some of them one afternoon at a mountain cabin below Wheeler Crest. They call themselves the Eastern Sierra Nevada Task Force of the Sierra Club. A number of local residents have joined as well.

Sprawled on a knoll at 7,000 feet, we looked down at volcanic tableland and the great rift of Owens Valley. Bishop was a stamp-size grid. At midafternoon, when 20-mile-long Sierra shadows tinted the valley floor pink, we moved inside to the warmth of a fire. Mike Weege, an airline employee from

San Diego, presided from a tree-stump stool.

"We recognize that Los Angeles is probably the savior of the valley," Weege told us. "Our goal is to preserve the valley as it is now."

The Sierra Club is concerned about wilderness status for remote bristlecone pine areas of the Inyo National Forest because such designation might bring more visitors to those fragile sanctuaries.

A narrow Forest Service road leads to the 10,000-foot level and the Schulman Grove. On a November morning we went there in a four-wheel-drive vehicle to hike over untracked snow along the Methuselah Trail. Among these 4,000-year-old relics (opposite) we felt we were mingling with the writhing







BOTH BY JODI COBB

The thirst for profit and pleasure triggers a variety of uses for Owens Valley water. In the Alabama Hills near Lone Pine, a makeshift shower douses a model during filming of a shampoo commercial (above). An inner tube voyager cavorts on Bishop Creek, an Owens River tributary (right). At larger dams, cascading waters spin turbines for hydroelectric power.

chorus of a Greek tragedy, their sleek amber arms stabbing defiantly at the cobalt sky.

When we tried to drive higher to the Patriarch Grove, our route was blocked by three young men from Los Angeles and their van, which seemed hopelessly submerged in a snowdrift. Mustering our equipment and their brawn, they brought us all out to safety.

"You've saved our lives," George Harding of Hollywood told us earnestly.

Then he and a companion unfurled what seemed to be flimsy nylon kites and strapped themselves to them. We had watched the brave hang-glider cult jump from sea cliffs near our home in La Jolla, but what we were about to see was big league. They leaped casually off into Owens Valley, more than a mile lower, and wafted down like bright butterflies. The third member of the trio roared away in the van to retrieve them.

#### Tungsten Flows From a Mountain

On the opposite side of the valley is a tungsten-rich mountain that provides 400 valley residents with jobs and the United States with more than half of its supply of this strong, hard metal, used in products from ballpoints to rockets. Without this Union Carbide mine, valley people would be even more dependent on what wry villagers call foreign aid from flatlanders. One day we drove 20 miles northwest from Bishop to the 8,000-foot level of Pine Creek Canyon and on one flank saw an ore train emerging from the mountain.

"Maybe it's the first upside-down mine you've seen," said Jim Smith, a mine official. "The miners ride narrow-gauge cars through rock tunnels to the first shaft and then take elevators up to the two-mile level. It can take over an hour to get to work. Most of their big machines have never seen daylight; they were assembled in a diesel shop two and a half miles inside that mountain."

At 4 p.m. we met the train that brought miners blinking into the daylight. Switching off their headlamps, they tumbled out of little rail cars to hang up their brass number tags—the traditional miner's device to guard against being left behind (page 119). They pushed into the dry room and stripped out of damp rubber oversuits and boots.

"Sure, it's tough work," said Tom Charlie, a Shoshone Indian who has worked his way up since 1961 to become an underground foreman. "But that's the only kind I ever had."

In the mill, where raw ore from the mine

is processed, we descended toward a roar like an approaching subway train.

Suddenly we came on a bizarre scene as full of potential terror as any James Bond torture. A grizzled man, spun within a web of ore dust, stood over a jaw crusher, its steel mouth the size of a small car. Chunks of stone, some as large as a boy, moved along a conveyor and dropped into the jaws. They ground inexorably back and forth, reducing boulders to pebbles. Beneath his ghostly cloak of dust the miner wore hard hat, respirator, and ear muffs. Buckled around his belt was a rope ensuring that he could not become his own victim.

### Mixed Feelings Toward Los Angeles

Our stay in Owens Valley was at an end. But one strong link was missing. The Waterson brothers, long dead, had been at the vortex of the water war. Their fanatic zeal was legend. At 85, their sister Mary Gorman was aware of much of the conflict that brought ruin to many in the valley.

So we checked out of our motel in Bishop and drove south to Oak Creek, near Independence, and Mary Gorman's lonely white cottage. A tautly elegant woman, Mrs. Gorman led us into a snug library, bright with afternoon sunlight and fragrant with well-read books. "I've lived in this house for 44 years," she said amiably, "My husband is dead. I stay on alone with my cat. I hope my cat will outlive me." She was smiling, her eyes wrinkled into triangles.

"Do you remember the valley as green?"

"I should say it was. Now when I go to the market, it saddens me that everything we have has to be hauled into this rich valley."

"How do you feel now about the city?"

"It's too bad the way they acquired this valley," she said. "They were unscrupulous."

"Your brothers," we said gently. "Were they unjustly convicted?"

"No. They used very, very poor judgment. But the greater guilt was with the city of Los Angeles and those bankers and politicians who wanted the valley to fail." She was quiet

for a long time. "But in a way—one way only—I'm grateful to Los Angeles. The valley I knew is lost, but at least this one is not cluttered with people."

### City Prevails in Water War

We remembered Robert Denton, a wise doctor in Bishop, who had told us that for all the wrong reasons, Los Angeles has done many of the right things in Owens Valley. High in a city office, we tried that thought on Duane Georgeson, engineer for the Los Angeles Aqueduct, who sits near the throne of the "Kingdom of Water and Power." Suave and only mildly defensive, he shrugged.

"We've had some good luck in that valley," he said. "Many people recognize the wisdom of our policies, but energy is the real story now. That water flows from Owens Valley by gravity. It takes fuel oil to pump all other water to Southern California. But when we bring in Owens Valley water, we produce electricity equal to two million barrels of oil a year."

"Has Los Angeles treated the valley fairly?"

"Look. The kind of thing that Los Angeles did 50 years ago couldn't have been done without hurting some people. But the 'rape' of Owens Valley never happened. The ranchers were willing to sell."

We asked Georgeson if the city felt pressure in the current court challenge by Inyo County.

"With this emphasis on the environment," he conceded, "there is some short-term threat to our rights. But in the long term there is no alternative."

His point was clear: Los Angeles won the water war long ago. The issues that remain involve the integrity of nature and the dignity of people.

As we turned to leave his office, Georgeson spoke softly.

"It's a wonderful valley, isn't it?" he said.

We nodded, and drove home to La Jolla. In our trunk was a clump of wild iris from the slopes of Mount Tom. In our hearts there was more. □

**Dash of hurtling color**, a skier descends the steep face of Mammoth Mountain, a lone peak jutting in a huge opening in the Sierra wall. Weather systems funneling through the gap dump snowfalls so heavy that drifts once blocked the ski area's chair lifts. The resort represents a modern partnership between former antagonists: Runoff that once fed the valley now flows to Los Angeles, while weekend skiers from the city return a flow of cash to the source of their water.

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## RESPONSES TO COMMENTS

### LETTER D2

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#### RESPONSE D2-1

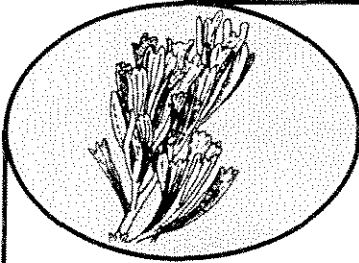
This comment expresses a personal opinion unrelated to the content of the Draft EIR. No response is required.



**Letter D3**

**Larry & Ruth Blakely**





**LARRY & RUTH BLAKELY**

415 Sierra Grande, Rt. 1  
Bishop, CA 93514  
(619) 872-1890

December 3, 1990

John Davis, Senior Vice President  
EIP Associates  
150 Spear St., Suite 1500  
San Francisco, CA 94105

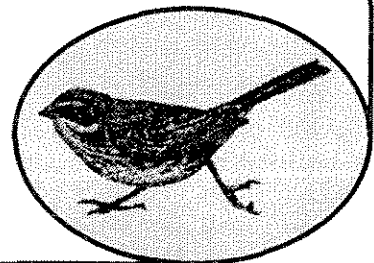
Dear Mr. Davis:

Following are some comments on the Draft EIR on water management in the Owens Valley, SCH #89080705.

- 1) Be consistent in usage of plant names (e.g., *Tamarix spp.* is referred to as either salt cedar or tamarisk in different places in the documents); use scientific names throughout with common names in parentheses; provide a table of equivalencies between common names, scientific names, and species abbreviations.
- 2) The Tamarisk Scrub community (code #: 63810) is listed as one of the communities in the Type D vegetation classification. On page B-19 of the EIR vol. II it is stated that a "decrease in live salt cedar cover ... will not be considered significant". Words should be added to the effect that a change from one of the other Type D communities *to* Tamarisk Scrub will be deemed significant and require mitigation, even though it would not represent a change in Type.
- 3) Incorporate a statement to the effect that the Technical Group should accept, consider, and, if worthy, act upon input from private citizens or non-profit groups, which can clearly document changes to vegetation resulting from groundwater pumping or surface water management practices.

Sincerely yours,

Larry Blakely







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## RESPONSES TO COMMENTS

### LETTER D3

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#### RESPONSE D3-1

In order to correct the inconsistency in the use of names, both scientific and common names are presented in Appendix B-4. Since the genus *Tamarix* is not a true cedar, the name saltcedar or salt-cedar is preferable. Because saltcedar is more commonly used, it replaces other spellings in the text. If a species has more than one commonly used and accepted common name, such as saltcedar and tamarisk, each is included in Appendix B-4 to this Response to Comments document.

#### RESPONSE D3-2

Please refer to responses to master comments VE-1, regarding vegetation changes allowed under the Agreement, and VE-7 regarding saltcedar control.

#### RESPONSE D3-3

Comment noted. No further response is required.



**Letter D4**

**Postal Patron**

[illegible]

December 3, 1990

To: John Davis of EIP Associates, San Francisco CA:

1

Regarding Water Management in Owens Valley, one sure way to increase water production & water conservation is aggressive Cloud Seeding of the heavy cloud cover that forms in the Los Angeles Basin in Spring time.

Much of April, May & June finds the LA Basin under heavy cloud cover for much or all of daytime; which normally little or no rainfall occurs. You might say that the weather conditions at that time of year are close to the "threshold of rain". However, an aggressive cloud seeding at such times of heavy cloud cover can produce measureable precipitation.

Such rainfall, even if limited to 1/16th of an inch per cloud seeding would allow lawn sprinklers to be shutdown. Most notably such water savings would occur at: Colleges, Schools, Parks, Caltrans. Through the use of Television Weather-Reporters the Public can be informed of the cloud seeding and to refrain from watering lawns. The water savings would be immense. Also the rainfall would help charge the ground water basin too.

The question arises, "Will it work?" ... Yes, it has worked. In the morning of 7/5/86 (1986) measureable rainfall fell on the LA Basin, during time of such heavy cloud cover. I believe that the heavy cloud cover as usual, was close to the "Threshold of Rain", and all the Nitrates from the Fourth of July Fireworks, provided the Catalyst to yield Rain.

Critics could argue, that we cannot have a Fireworks display every night the fog rolls in. My response, it is unusual to have such cloud cover in July, and that "magic threshold of rain" would be higher in early July, than it would be in May or even Mid-June. That is to say, that the effort of cloud seeding requires less in May or Mid-June than in July. This is based on increasing temperatures of air, ground & sea in July as compared to earlier months.

Certainly, it will take more than one helicopter to make the cloud seeding a success. Perhaps, two large fixed wing airplanes, one operating out of LAX and the other operating out of Van Nuys Airport could make several sorties per night, seeding the clouds with a inert catalyst, when weather conditions warrant. Such cloud seeding might also bring relief to Santa Barbara's woes.

Your Leadership is needed to make Spring Time Cloud Seeding over the LA Basin a success. At this time, I wish to remain anonymous. If you wish to contact me, write me at: Postal Patron, (H2O), Box 101, Pasadena CA 91102

To Spring Time Cloud Seeding,

H2O



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## RESPONSES TO COMMENTS

### LETTER D4

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#### RESPONSE D4-1

This comment expresses a personal opinion unrelated to the content of the Draft EIR. No response is required.





**Letter D5**

**James E. Wines**



2348 Longview Drive  
Bishop, CA 93514  
December 3, 1990

RECEIVED

DEC 5 1990

EIP ASSOCIATES  
SAN FRANCISCO, CA

Mr. John A. Davis  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, California 94105

Dear Mr. Davis:

The Draft Environmental Impact Report as submitted by EIP and Associates for the City of Los Angeles fails to properly address all the issues in the Owens Valley and is unacceptable without major revisions in some areas.

These areas include but are not limited to the following:

1. Surface Water Management - Bishop Cone

When discussing surface water management, the EIR fails to note an exception on the Bishop Cone, i.e.: The surface water on the Bishop Cone is controlled by the Bishop Creek Water Association.

2. Hillside Decree - Bishop Cone - Pages 5 - 15

When discussing proposed pumping on the Bishop Cone, it is emphasized that all pumping will be inaccordance with the Hillside Decree. The DEIR is erroneous in its interpretation of the Decree and also misstating one fact.

3. Chandler Decree - Bishop Cone

The provisions of the Hillside Decree are in direct relationship to those outlined in the Chandler Decree.

4. Rewatering the Lower Owens River - Pages 5 - 22

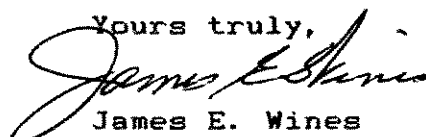
The Court requires an EIR for the whole of the Owens Valley - not one half now and the other half later.

5. Recreational use - Haiwee Reservoir - Pages 5 - 27

Studies have been made and Los Angeles knows this project is not feasible without the construction of a new dam. This section should be eliminated from the EIR.

Further notes on the above items are outlined on the attached pages.

Yours truly,

  
James E. Wines

cc: Inyo County Board of Supervisors  
Inyo County Water Commissioner  
Sam Dean, Supervisor Elect  
Warren Alsup, Supervisor Elect

1. Surface Water Management - Bishop Cone

The landowners of the area, now referred to as the Bishop Cone, formed the Bishop Creek Water Association in 1905 to control and distribute on an equitable basis the waters of Bishop, Birch and McGee Creeks among themselves for the purpose of irrigation, domestic use and the watering of livestock. In later years, due to diversions by the then Hillside Water Company for power generation, the flow of water became erratic and could not be depended upon for irrigation or other purposes. The landowners of the Cone then took the matter to Federal Court asserting their prior rights to the above stated waters.

The U.S. District Court, Southern Division, of California, on April 14, 1922 rendered a decision in favor of the landowners reaffirming their water rights and distribution of said water. The Court also specified a minimum flow of water that must be maintained during the irrigation season.

2. Hillside Decree - Pumping on the Bishop Cone - Pages 5 - 15

5

This section as stated is erroneous and does not conform to the Hillside Decree.

The Hillside Decree states, "Los Angeles is not prohibited from pumping, extracting, taking, or using any such water as reasonably necessary for beneficial use of their lands located within said area (Bishop Cone).

The Hillside Decree also states "Los Angeles may take the artesian water that may rise to the surface of said area outside the casings of any of Los Angeles capped wells." The DEIR erroneously states "uncapped wells".

The Court when rendering the Hillside Decree and stipulation of conditions recognized that periods of drought had occurred in the past and would again occur at some later point in time, and that the surface water allocated to them under the provisions of the Chandler Decree and administered by the Bishop Creek Water Association (Los Angeles is a member of the Association) would not be sufficient for the irrigation and watering of livestock on their lands and entered the exception that would permit Los Angeles to pump/extract water for the beneficial use of their lands on the Bishop Cone should the need arise.

6

The Court did not grant Los Angeles the right to replace surface water granted to the Bishop Creek Water Association under the Chandler Decree with ground water.

7

To date no need exists for pumping on the Bishop Cone. In accordance with the Hillside Decree, any pumps presently operating on the Cone should cease operation. Through four years of drought, the Bishop Creek Water Association has supplied water to Los Angeles for irrigation and stock watering on their lands on the Cone.

Another year of drought may result in the need for pumping by Los Angeles to augment the decline in surface water supplied to them.

3. Chandler Decree - Bishop Cone

This topic is covered under #1 - Surface Water Management.

4. Rewatering the Lower Owens River - Pages 5 - 22

The Court ordered an EIR covering the Owens Valley. How can an EIR be written that leaves out one very important segment. No time limit was set other than Los Angeles would commence construction within three years of the Court's approval of the agreement. Considering that the Court's approval is over a year away, the time it takes to write a DEIR, three years to commence construction, and construction time, it would seem that completion of this project is many years away.

The present EIR must include this project and how the water will be obtained - diverted from the Aqueduct or new wells near Blackrock gate?

To insure completion in a timely manner, the Court's approval of the EIR should include this project.

5. Recreational Use - Haiwee Reservoir - Pages 5 - 27

In the early 1980's, Los Angeles and the U.S. Forest Service agreed to a land exchange. The Forest Service was to receive land in the Santa Monica area of Los Angeles. Los Angeles would receive the land surrounding the Haiwee Reservoir. At the time of the proposed exchange, Los Angeles promoted this to Inyo County on the basis that they would establish a recreational park in the area. After the exchange was consummated, the park project was dropped. Again this plum is being dangled before the people of Inyo County. Los Angeles knows that this project is not feasible without the expenditure of large sums (millions) to construct a new dam.

This section should be deleted from the EIR and any agreement.



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## **RESPONSES TO COMMENTS LETTER D5**

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### **RESPONSE D5-1**

Please refer to response to master comment PD-13 for a discussion of groundwater pumping on the Bishop Cone.

### **RESPONSE D5-2**

Please refer to response to master comment PD-13 for a discussion of groundwater pumping on the Bishop Cone; the relationship of the project to the Chandler Decree is discussed in Appendix A-4.

### **RESPONSE D5-3**

The Lower Owens River Project is discussed in response to master comment MT-6. A separate environmental review of the Lower Owens River Project is allowable under CEQA.

### **RESPONSE D5-4**

The feasibility of recreational use of Haiwee Reservoirs is still being investigated. There is currently no evidence that a new dam is required to allow recreational use. See response to master comment PD-16.

### **RESPONSE D5-5**

Groundwater pumping on the Bishop Cone will be in accordance with the Hillside Decree. Please see response to master comment PD-13.

RESPONSE D5-6

This comment raises an assertion of legal requirements. It does not itself, raise an environmental issue related to the content of the Draft EIR. The comment is noted; however, the applicability of some legal issues to various activities is an ongoing legal question which may be tested in a number of arenas other than this EIR.

RESPONSE D5-7

Please refer to response to master comment PD-13 regarding groundwater pumping on the Bishop Cone.

RESPONSE D5-8

Please refer to response D5-3 above.

RESPONSE D5-9

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.



**Letter D6**

**Brent Patterson**



December 5, 1990

John Davis, Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA. 94105

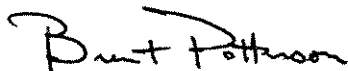
RECEIVED  
DEC 10 1990  
EIP ASSOCIATES  
SAN FRANCISCO, CA.

Dear Mr. Davis:

I assume water diverted out of Bishop Creek for irrigation, that later re-enters Bishop Creek or other water system, which in turn ends up in the aqueduct, is counted as "in valley use". L.A. then may pump this amount. Please write the EIR so that this "double dipping" is in no way allowed.

For example, a large amount of water is used for irrigation in the pasture land south of highway 395 and north of the fairgrounds. What is not used (alot is not used) for irrigation then drains into a canal that drains north into Williams Creek. Is this water that re-enters Williams Creek counted as "in valley use"? Another example is a diversion off of Bishop Creek just north of Isaac Walton park on West Line St. There are probably 10 to 20 different examples that could be listed. Please don't allow any juggling of the statistics so that "double dipping" is allowed. Also please don't refer my concern to some other department or person.

Thank-you,



Brent Patterson

Brent Patterson  
663 W. Pine St.  
Bishop, CA. 93514



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## **RESPONSES TO COMMENTS LETTER D6**

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### **RESPONSE D6-1**

Please refer to responses to master comments PD-2 and PD-13.



**Letter D7**

**Melvin Shapiro**





MELVIN SHAPIRO  
1542 BEAR CREEK DR.  
BISHOP, CA. 93514

DEC 12 1990

DECEMBER 7, 1990

JOHN DAVIS, SENIOR VICE PRESIDENT  
EIP ASSOCIATES  
150 SPEAR ST, SUITE 1500  
SAN FRANCISCO, CA. 94105

DEAR MR. DAVIS,

ENCLOSED IS A COPY OF PAGE THREE FROM THE 2 APRIL STANDING COMMITTEE MEETING MINUTES. IT WAS MY UNDERSTANDING THAT ALL PUBLIC COMMENTS AT THAT MEETING WOULD BE ADDRESSED BY EIP ASSOCIATES IN PREPARING THE EIR. HOWEVER, THE FULL TRANSCRIPT OF THE MINUTES MAKES NO REFERENCE TO MY UNDERSTANDING OR MISUNDERSTANDING. BE THAT AS IT MAY.

THE ISSUE IS THE GROUNDWATER PUMPING VS RECHARGE AS ILLUSTRATED IN THE AUGUST 1, 1989 TECHNICAL GROUP MEMO. THE SAME ISSUE IS ILLUSTRATED ON PAGE 170 OF THE GREEN BOOK. I COULD NOT FIND IT DISCUSSED IN THE EIR. BEING A NON TECHNICAL PERSON, PERHAPS I MISSED IT. IF SO, PLEASE DIRECT ME TO WHERE IT IS.

IN ANY CASE, PLEASE ADDRESS IN THE NEXT VERSION OF THE EIR A BROADER EXPLANATION OF THIS ISSUE AND ITS "SIGNIFICANCE" OR ABSENCE THEREOF. IN MY OPINION, THE SUBJECT DESERVES AT LEAST HALF THE SPACE DEVOTED TO THE BIRD CHAPTER. DON'T MISUNDERSTAND. I ENJOYED THE BIRD/WILDLIFE CHAPTER AND FOUND IT VERY INFORMATIVE ALTHOUGH I'M NOT SURE WHAT IT HAS TO DO WITH EXPORTING WATER TO LOS ANGELES.

SINCERELY,



MELVIN SHAPIRO

CC: GREG JAMES

1  
2

harder for desalination processes. Stated that in 1966, people could catch their limit of fish in Owens Valley in two hours. Now fish are scarce. Said she liked Rick's eyes.

Beverly Brons: Commented on Dale Plumb's use of the term "Brown Book." Said she prefers "Black Book."

Melvin Shapiro: Commented regarding the Technical Group August 1 memo regarding defining groundwater mining, that pumping has not exceeded recharge over a twenty year period, that if it had not, why was it worse now, wants us to restore the past ten years, and feels the problems involving Inyo County and Mono Lake need to be addressed.

Gerald Purdy: Likes the 1979 EIR, feels the pumps are causing the drought in Owens Valley, and wants water back to the state it was in 1970.

Vernon Miller: Stated there are 360 acres in the Reservation close to well number 391, which is drying up the Reservation well. He wants the Reservation included in mitigation.

Ken Birchim: Feels that DWP is doing damage to the Valley and that the EIR will not replace the groundwater ordinance.

Mary DeDecker: Concerned about drought on the alluvial fans, where even the sage is dying. She said she has confidence in the Agreement.

Vince Yoder: Support's Bob Jellison's flyer and the County's efforts to reach an acceptable agreement. He commended the efforts of the County.

James Davis: (His card was called, but he did not respond.)

Thaddeus Taylor: Stated that war is to achieve a more perfect peace, that the Agreement will not rectify all past ills, but will not allow further damage, that there is fear of over-pumping compounded by drought related problems, that we do live in a desert region, that going back to Court is not realistic, that conservation in Los Angeles is not the answer, that other resources need to be sought by Los Angeles.

Alfred Girard: Stated that he has four wells on his property -- three to supply rentals and one for his own -- which during 1974 through 1989, had dropped from five to 12 feet. He feels the water is being taken by DWP and wants to know if this problem will be straightened out.

Sydell Braverman: Resents the phrase "re-writing for the public," feels one writing is sufficient if reasonable language is used. She suggested that if technical language has to be used that we add a glossary.

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## **RESPONSES TO COMMENTS LETTER D7**

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### **RESPONSE D7-1**

Please refer to response to master comment PD-12.

### **RESPONSE D7-2**

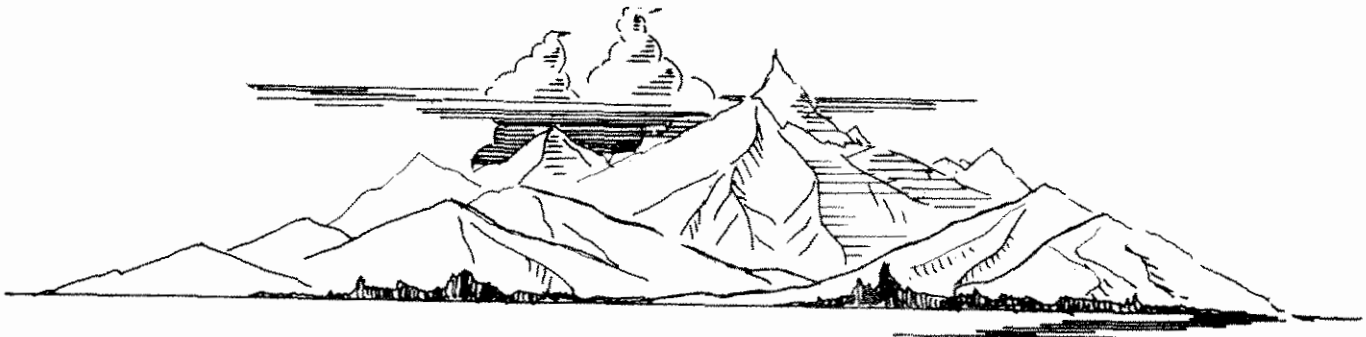
Please refer to response to master comment PD-12.



**Letter D8**

**Don M. Deck**





12/8/90

Re LA/OWENS VALLEY EIR

I agree with and submit as my own comments those expressed in the attached document.

Since they will also be submitted by others I do not require a separate response, but I do feel all of these comments are important and need to be addressed.

Thank you  
Don M Deck



# INYO COUNTY'S WATER FUTURE:

## Critical Comments on the EIR and Long-term Water Agreement

Prepared by the Owens Valley Committee, Toiyabe Chapter of Sierra Club, Eastern Sierra Audubon, Bristlecone Chapter of California Native Plant Society, and Friends of the Inyo.

### Introduction

The draft Environmental Impact Report (EIR) on Los Angeles' water gathering activities in the Owens Valley and the Long-term Groundwater Management Agreement between Inyo and LA have been released and we are now in the public comment period. The above groups have supported Inyo County's efforts to negotiate an agreement which protects the Owens Valley while providing water for Los Angeles.

Public meetings will be held the first two weeks of December and your written comments must be postmarked no later than January 4, 1991. An extension of the comment period is possible. It is imperative for the public to make informed and critical comments on the draft EIR as a means of affecting the final EIR. The final EIR, which will be released next year, must address all comments submitted during the comment period. A second draft may be prepared if major inadequacies are brought to light by the public.

This draft EIR proposes mitigation for identified significant adverse environmental effects. Mitigation, under the California Environmental Quality Act (CEQA), includes 1) avoiding an impact altogether, 2) minimizing an impact, 3) rectifying an impact through rehabilitation, 4) reducing or eliminating an impact, and 5) providing substitute resources (compensatory mitigation).

The EIR contains the Inyo/LA Long-term Management Agreement as a mitigation against further environmental damage. Mitigation is used here in the sense of avoiding or reducing an impact. The Agreement is favorable to Inyo County in that it limits pumping directly, as based on the needs of the vegetation. However, there are several major weaknesses in the Agreement which must be addressed before it can fulfill its role in mitigating the affects of the proposed project.

The EIR and Agreement consist of over 870 pages of often technical material. The organizations above include members with technical background, who have spent hundreds of hours reviewing the EIR and proposed Agreement. Here we list some positive points and what we think are the most serious shortcomings of the EIR, the Green Book, and Agreement. We have tried to provide enough background for you to understand these issues and have provided references to relevant pages in the EIR.

### Major Strengths of the Water Agreement

- Protects the valley's environment by preventing declines in vegetation from the 1984-87 baseline condition
- Restores more than 50 miles of fishery and riparian habitat on the lower Owens River
- Gives Inyo County a voice in decisions affecting groundwater and surface water management
- Reaffirms the Hillside Decree which prevents the export of groundwater from the Bishop Cone
- Commits Los Angeles to continue to supply water to Indian lands and extends the protection of the Agreement to these lands
- Gives town water systems over to local control and thus allows low water rates in the future
- Provides funds to Inyo County to monitor the environment and conduct further scientific studies
- Protects water quality and quantity in private wells
- Requires Los Angeles to maintain all ditches, canals, and presently irrigated lands
- Has a clearly defined and expedited dispute resolution procedure

### Send your comments to:

John Davis, Senior Vice President

EIP Associates

150 Spear Street, Suite 1500

San Francisco, California 94105

**Comments must be postmarked by Jan. 4, 1991**

### Request extension of comment period.

The EIR is over 870 pages long. Public hearings are being held December 4 - 12. Inyo County will hold public workshops the week before Christmas. Given the complexity and length of this document, the importance to the future of the valley, and the timing of the public review which coincided with the November elections and the holidays, people need more time to write comments. Please call or write your county supervisor to request a 45-day extension of the public comment period.



# Seven Major Weaknesses of the Proposed Water Agreement and Draft EIR

## I. Pre-project description of the environment

The EIR contains an inadequate pre-project description of the affected environment. An accurate description is required by CEQA to enable an assessment of the impacts of the project and decide on appropriate mitigation.

Data on wildlife, plants, springs, and the extent of wetlands are available for the pre-project period but were not used in the EIR. Without this information the full impacts of the project and an assessment of the proposed mitigations are not possible.

This is important to deciding if any adverse impacts have not been mitigated to less than significant. If significant impacts remain, LA must make a finding of overriding consideration which shows that the benefits of the project outweigh the environmental damage. This finding must consider project alternatives, including water conservation in LA.

Further info: EIR p. 1-7

## II. Drought Recovery Policy

The drought recovery policy must be changed to only allow pumping after the soil moisture recovers to that necessary to support the vegetation mapped during the 1984 - 1987 survey. Maintaining the 1984 - 1987 conditions is an overall goal of the Agreement

The current four-year drought and groundwater pumping has caused significant declines in live vegetation. In some areas leaf area has declined as much as 80%. While declines have also occurred in areas not affected by groundwater pumping, monitoring transects in pumped areas appear to have suffered more than areas not influenced by pumping. The current drought recovery policy calls for pumping to be conducted in an "environmentally conservative manner". This policy should specifically allow pumping in an area only if the soil moisture exceeds that needed to support the vegetation cover present in the 1984 - 1987 surveys. This strengthened policy should be implemented until vegetation throughout the valley recovers from the drought. Then a comparison between control and pumping sites would allow an evaluation of the current well turn-off provisions.

Further info: EIR p. 10-70.

## III. Unilateral Action

The agreement provision which grants Los Angeles the unilateral authority to turn on a well for the purposes of increasing the soil moisture is inconsistent with the goals of the agreement. All decisions to turn on wells which have been shut off due to soil moisture deficits must be reached jointly by Inyo County and LA.

Nearly all aspects of the agreement call for cooperative management of water resources with joint monitor-

ing and exchange of information between the two parties. An exception occurs when LA is given unilateral authority to turn on wells for the purpose of increasing the local soil moisture. This is completely unacceptable for several reasons. It has the potential to destroy the usefulness of monitoring sites, of which there are currently only 34. It circumvents the need for agreement on this critical decision. It destroys the principle of cooperative and joint management with the associated safeguards which are contained throughout the agreement.

Further info: EIR p. B-26, Green Book pp. 3-19

## IV. Safe Yield

An upper limit on pumping based on "safe yield" should be enforced until a valley-wide monitoring program with the ability to detect a specified level of change (such as 10 - 20%) is fully implemented. "Safe yield", as discussed in the Green Book, should be based on the USGS water budget which includes the evapotranspiration necessary to maintain vegetation in the condition mapped during 1984 - 1987.

The current well turn on/turn off provisions are based on calculating the water requirements of the vegetation for the following growing season and comparing this to the amount of available soil moisture. While this management concept is worthwhile, there are several untested assumptions and uncertainties involved in the measurements and methods employed. Until this method is well-tested over many years, it is imperative for Inyo County to maintain a valley-wide monitoring program which is capable of statistically detecting a reasonable level of change. Not only must the monitoring program be able to detect a specified change, it must also include enough control sites to be able to determine if the change was due to pumping.

The Agreement proposes further studies to develop a more sensitive valley-wide monitoring program based on remote sensing. Since remote sensing capabilities are not yet established and the current management program is still experimental, it is necessary to establish an interim upper limit to pumping based on "safe yield".

The water budgets determined by the USGS/LA/Inyo hydrologists are among the best for any area in the West. In addition, the cooperative studies have determined evapotranspiration (evaporation and water used by plants) for the major plant communities. An estimate of "safe yield" can be made by subtracting the amount of subsurface outflows from the basin and the water required by the vegetation from the total recharge. This is different than the "groundwater mining" clause since it takes into account the water needed by the plants.

If over the next several years the current management provisions are shown to adequately protect the plants, then they can be used as a more accurate measure of safe

yield. However, until a valley-wide monitoring program with a demonstrated ability to detect change is implemented, we cannot assess how well the current methods are working.

Further info: EIR p. B-33, Green Book pp. 48, 100-121

## 5 V. Compensatory mitigation and the Lower Owens River Project

**The few remaining natural springs must be fully protected in their natural state. If flows decline at any of the remaining springs due to pumping, the adjacent wells must be shut off.**

Springs and seeps which often harbor rare and endangered species form unique and rare habitats throughout the valley. An 80% decline in spring flow has occurred due to pumping. Some springs have stopped flowing completely. There is no appropriate compensatory mitigation for this loss. Further degradation of the few remaining springs would be tragic and must not be allowed under any conditions. The EIR should include a spring inventory and management plan.

The current agreement allows LA to mitigate further declines in spring flow by applying water at the spring site. On-site mitigation with supplied water cannot restore the unique communities often containing endangered species which occur at natural springs.

6 The draft EIR states that rewatering the Lower Owens River mitigates reduction in spring flow. The restoration of 50 miles of riparian habitat amounting to about 3000 acres would be a significant beneficial mitigation project. However, this is already offered as compensatory mitigation for the loss of wetlands, marshes, and meadows in other areas of the valley. Only for these losses does the Lower Owens project provide appropriate mitigation. It does not mitigate the loss of springs since these resources are of an entirely different nature.

Further info: EIR pp. 7-1 to 7-24 and 10-59 to 10-63

## 7 VI. Definition of Significance

**"Significant" and "significant effect on the environment" must be explicitly defined consistent with the goals of the agreement. Any adverse environmental impacts which are statistically measurable and due to pumping should be defined as "significant" unless both parties agree otherwise due to the limited extent, permanence, or magnitude of the impact.**

The overall goal of the agreement is to "avoid certain described decreases and changes in vegetation and to cause no significant effect on the environment which cannot be acceptably mitigated while providing a reliable supply of water for export." As currently written, a decrease or change must be 1) measurable, 2) shown to be caused by pumping, and 3) deemed significant based on a list of other considerations. The third requirement weakens the goals of the agreement, since even after a decline due to pumping has been shown, "significance" must be argued.

Further info: EIR pp. B-22,23; Green Book pp. 19-30.

## 8 VII. Grazing

**The EIR must provide a discussion of the cumulative impacts of livestock grazing which have occurred from 1970 to 1990 and those expected in the future. Since a grazing management program is offered to avoid future significant cumulative impacts, that program must be fully specified and open to public review as required by CEQA. Future changes to that program should be subject to public review under CEQA.**

The EIR correctly recognizes that "vegetation is subject to the cumulative effects of water management and livestock grazing." However, it fails to provide any analysis of those cumulative impacts. Since the impact analysis was not presented and the grazing management program is only a very brief outline, we have no idea from the EIR what the cumulative impacts of livestock grazing have been, what it is expected to be under the proposed agreement, and what effect LA's grazing management program will have.

Further info: EIR pp. 17-4 thru 17-6.

### Other areas of concern.....

- The EIR fails to describe the distribution and abundance of plant species of concern in the pre-project period and to discuss impacts to these plant species which have occurred as a result of the project. This analysis must be included in the final EIR.
- The Agreement would allow irrigated native pasture to be converted to alfalfa fields since they are both within the same plant management category. This change within category should not be allowed since conversion to alfalfa is a major vegetative

change resulting in loss of native vegetation and declines in wildlife habitat.

- The lands divested under the agreement for the purposes of economic development must not include existing wetlands which are a habitat of concern.
- Water which flows through the fish hatcheries should be allowed to flow through existing meadow and wetland areas or be used to restore previous areas before it is captured in the aqueduct.

## **Seven changes needed in the proposed water Agreement and draft EIR**

- The EIR contains an inadequate pre-project description of the affected environment. An accurate description is required by CEQA to enable an assessment of the impacts of the project and decide on appropriate mitigation.
- "Significant" impact must be defined more explicitly in the Agreement. Any further decrease in live cover from the 1984 - 1987 base period which is both measurable and due to pumping must be considered significant given the overall goals of the agreement.
- The drought recovery policy must be strengthened. Available soil moisture must be sufficient to meet the estimated needs of the vegetation as mapped in the 1984 - 1987 base period before any well can be turned back on for the duration of the drought recovery period.
- A valley-wide monitoring program capable of detecting a 10% change in vegetation must be established. Until such program is in place, pumping must be conducted in a conservative manner and an upper limit put on pumping as determined by "safe yield" to insure the goals of the agreement are being met.
- Provisions which grant Los Angeles unilateral authority to turn pumps on must be deleted. These defeat the safeguards, spirit, and intent of the joint management procedures set forth and implemented by the Technical Group and Standing Committee.
- Remaining springs, especially Reinhackle, must be preserved in their natural state. The loss of unique and rare desert spring habitats can never be appropriately mitigated and the agreement must fully protect the few remaining natural springs.
- Cumulative impacts of livestock grazing and water management must be discussed in the EIR. Since a grazing management program is offered to avoid cumulative impacts, it must be fully specified and open to public review as required by CEQA.

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### **INYO COUNTY'S WATER FUTURE: Your comments on the draft EIR are urgently needed!**

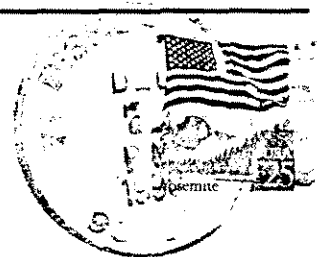
The public comment period is the most critical part of the CEQA process and your opportunity to provide invaluable input. Two public hearings have been held and two more are planned, December 11th in Bishop and December 12th in Lone Pine.

**All comments must be postmarked by January 4th. Please write now.**

Owens Valley Committee  
P.O. Box 330  
Lone Pine, CA 93514

DON M. DECK  
205 S. HAY ST. #3  
P.O. BOX 1240  
LONE PINE, CA 93545

DON DECK  
205 S HAY ST #3  
LONE PINE CA 93545



## **Help Protect Our Valley**



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## RESPONSES TO COMMENTS LETTER D8

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### RESPONSE D8-1

Please refer to response to master comment EA-1 for discussion of pre-project conditions.

### RESPONSE D8-2

The drought recovery policy has been clarified in response to comments. Please refer to response to master comment PD-17.

### RESPONSE D8-3

Please refer to response to master comment PD-6 for additional discussion of the issue pertaining to unilateral well turn-on/off.

### RESPONSE D8-4

The issues of safe yield and groundwater mining are interrelated. Please refer to response to master comment PD-12.

### RESPONSE D8-5

Springs and seeps are protected under the Agreement. Please refer to response to master comment PD-5.

RESPONSE D8-6

The Lower Owens River Project is acceptable mitigation. Please see response to master comment MT-6. Please refer to response to master comment MT-3 for allowable mitigation under CEQA; Appendix C-2 also presents a description of the goals and elements of the Lower Owens River Project. As allowed under CEQA, upon finalization of the project description, a separate environmental review will be conducted.

RESPONSE D8-7

The criteria for identifying significant effects are described in the introductory statements in each environmental analysis section of Chapters 8 through 16 of the Draft EIR. The standards are based on CEQA Guidelines (Appendix G in CEQA, titled Significant Effects) unless indicated otherwise. The Agreement contains a detailed description of significant effects in Section IV.B (pages B-22 through B-24). Please refer to response to master comment PD-18 regarding the use of the term "significant" in the Agreement. Also, see response to master comment MT-7.

RESPONSE D8-8

Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.

**Letter D9**

**Alfred J. Giraud**





LETTER D-9

RECEIVED

DEC 17 1990

EIP ASSOCIATES  
SAN FRANCISCO, CA.

Dec. 10 - 1990

Bishop cal.

Dear Mr. Davis,

This letter is to let you know that me and my wife are totally against the water agreement between the Dept. of Water & Power and the County of Inyo. We think that if it is allowed to take effect it will surely ruin the Owens Valley for life. We are also not pleased the way the EIR was presented in its documentation. We cannot accept it in its present form, it must be changed. We do not like it one bit, that the Dept. of Water & Power is allowed to drill more new wells when they should be shutting off the wells they now have. There is no comparison in the Valley of the 20<sup>s</sup> and now, the valley will soon be a full blown desert. I know, I saw it in the 20<sup>th</sup> as I was born here.  
over

we hope that you will consider the  
Valley and its people first, we have  
a God given right to have a good  
~~environment~~ environment, and to  
not be destroyed by Los Angeles.  
Hope you can read my scratches.

Thank you

Alfred J Girard

Rt 2 Box 16

Bishop Cal. 93514

---

**RESPONSES TO COMMENTS**  
**LETTER D9**

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**RESPONSE D9-1**

Comment noted. No further response is required.



**Letter D10**

**Louis de Bottari**



COMMENTS ON THE EIR READ AT THE HEARING IN BISHOP CA. 12/11/90

I HAVE READ THE EIR WITH INTEREST. THIS IS SUPPOSED TO BE A TECHNICAL DOCUMENT IN WHICH ALL STATED FACTS AND DATA ARE TRACEABLE. I FIND IT VERY SUSPECT WHEN ADJECTIVES ARE INJECTED LIKE "BETTER. MUCH", OR STATEMENTS LIKE " PROBABLY NOT SIGNIFICANT" OR " LESS EXPENSIVE" WHAT IS LESS EXPENSIVE ? THIS DOCUMENT SHOULD REVIEWED BY THE AUTHORS AND ALL SUCH STATEMENTS REMOVED AND QUANTIFIED. IN ADDITION THE DATA THAT IS PRESENTED IN MANY CASES HAS DIFFERENT FUTURE TIME PERIODS SO THAT IT IS VERY DIFFICULT TO ASCERTAIN EXACTLY WHAT WILL BE THE SHORTFALL OF WATER IN LA IN THE YEAR 2010. MY ASSESSMENT OF THE PROBLEM IS THAT LA WILL NOT BE ABLE TO OBTAIN THE NECESSARY WATER FROM MWD SINCE MWD IS PROJECTING A SHORTFALL OF 1.24 MILLION ACRE FEET. IN ADDITION THE AMOUNT OF WASTE WATER THAT THEY WILL RECLAIM WILL NOT SATISFY THE REQUIREMENTS OF ALL THE GOLF COURSES, PARKS AND INDUSTRIAL CITES.

1

THIS IS THE DOCUMENT THAT IS TO BE USED AS A PLANNING TOOL FOR THE FUTURE AND I DON'T BELIEVE THAT THE YEAR 2010 (only 19years) IS TOO FAR IN THE FUTURE TO PLAN AND LET THE EVERYONE KNOW HOW LAWRD WILL OBTAIN THE SIGNIFICANT SHORTFALL OF WATER. THE PROPOSED PROJECT TOTALLY IGNORES THIS PROBLEM AND ATTEMPTS TO DRESS UP A FEW VERY NEAR TERM MITIGATION MEASURES THAT WILL NEVER SURVIVE IN THE YEAR 2010 WHEN PEOPLE IN LA NEED THE WATER FOR HEALTH REASONS. THIS PROPOSED PLAN MUST CLEARLY DESCRIBE IN DETAIL WHAT WILL HAPPEN IN THE YEAR 2010. THE PROPOSED BAND AID SOLUTION IS NOT A LONG TERM FIX. PUMPING ALL THE WATER OUT OF THE SIERRAS IS NOT A SOLUTION.

2

4 (2)

THIS REPORT DISMISSES OUT OF HAND, USING A COUPLE OF PAGES, A SOLUTION THAT WOULD MAKE LA INDEPENDENT OF DRY YEARS AND WOULD PROVIDE EXCELLENT WATER FOR EVER. IN ADDITION THE OWENS VALLEY ENVIRONMENT WOULD BE RETURNED TO A QUALITY ENJOYED BEFORE OWENS LAKE WENT DRY.

3

THE SOLUTION IS DESALINIZATION. THE REPORT CLEARLY DOES NOT WANT TO SHOW HOW GOOD THIS SOLUTION WOULD BE FOR THE ENVIRONMENT BOTH IN THE LA AREA AND IN THE OWENS VALLEY. A FEW PLUSES FOR THIS APPROACH ARE:

- 1- MULTI INSTALLATIONS WILL BE LESS EARTHQUAKE SENSITIVE WHEN COMPARED TO THE AQUEDUCT SYSTEM WHICH CROSSES A FAULT SEVERAL TIMES .
- 2- POTENTIAL SABOTAGE OF THE WATER TRANSPORT SYSTEM BY CONTAMINATION IS ELIMINATED.
- 3- COST OF WATER TREATMENT IS REDUCED AND THE CONCERN ABOUT HARMFUL CHEMICALS AFTER CHLORINATION IS ELIMINATED.
- 4- THE EVAPORATED LOSS IS GREATLY DIMINISHED. THE AMOUNT PRESENTLY LOST IN THE TRANSPORT SYSTEM DURING THE DRY YEARS IS NOT STATED IN THE EIR. I BELIEVE THAT THE PROPOSED WATER SAVING PROGRAM WILL BE EQUAL TO THE LOSS DUE TO EVAPORATION.

THE COST AND ELECTRICAL POWER WAS OVERSTATED IN THE REPORT. USING DATA OF A UNIT SIMILAR TO ONE I HAVE EXPERIENCE WITH, THE ACTUAL POWER TO DESALT ONE ACRE FOOT OF SEA WATER IS 9457 KWH AND TO REPLACE THE 100,000 ACRE FEET OF GROUND WATER THE POWER REQUIRED WOULD BE ABOUT 2.6% OF THE TOTAL POWER THAT LA IS PROJECTED TO USE IN THE YEAR 2010. THIS AMOUNT IS WITHIN ANT CREDIBLE ESTIMATE.

THE COST OF PRODUCING THE 1 ACRE FOOT, USING 1990 DOLLARS AND THE



ELECTRICAL RATE THAT I PAY WOULD BE \$780/AF.

THE STATED COST IS ABOUT THE SAME AS THE PROJECTED RECYCLED WATER COST FOR IRRIGATION AND INDUSTRIAL USE. FOR THE SAME COST THEY CAN HAVE VERY GOOD DRINKING WATER. DRINKING WATER COST USING DESALINIZATION WILL COST LESS THAN .3 OF A CENT. I REALIZE THAT THE OWENS WATER IS ABOUT 0.1 OF THE ABOVE. THE IMPACT IS ON THE AGRICULTURE AND INDUSTRIAL USERS WHO USE 37% OF THE WATER. THE OWENS VALLEY ENVIRONMENT SHOULD NOT BE TRADED FOR THESE SPECIAL USERS. THE PROPOSED PROJECT RESTRICTS AGRICULTURE WHERE THE WATER IS FREE OR VERY INEXPENSIVE AND TRANSPORTS IT TO AN AREA THAT MOTHER NATURE NEVER PLANNED WOULD SUPPORT EXPANSIVE GREEN FIELDS. I HAD A PROFESSOR WHO SAID--"WHEN YOU THINK YOU ARE BEATING MOTHER NATURE WATCH OUT--SHE HAS GOT YOU AND YOU DON'T KNOW IT."

TAKING THIS ONE STEP FURTHER, IF ALL THE WATER THAT IS PRESENTLY PLANNED TO BE EXPORTED FROM THE OWENS VALLEY WAS SUPPLIED BY THE OCEAN IT WOULD TAKE ABOUT 5.2% OF THE REQUIRED TOTAL ELECTRICAL POWER THAT IS PROJECTED BY LA IN THE YEAR 2010. THIS POWER CAN BE GENERATED BY A SOLAR FARM LOCATED IN THE DESERT THAT WOULD BE 40 MILES SQUARE.. IT WOULD NOT BE NECESSARY TO BURN COAL AND POLLUTE THE ENVIRONMENT TO OBTAIN WATER.

THE COST OF PROCURING THE NUMBER OF UNITS NECESSARY TO REPLACE THE GROUND WATER FROM THE OWENS VALLEY WOULD BE LESS THAN \$450 PER LA PERSON AND TO REDUCE THE EXPORT TO ZERO THE COST PER PERSON IS LESS THAN \$1000. THIS IS A SMALL COST TO IMPLEMENT A WATER SYSTEM THAT CAN GROW WITH THE CITY.

32 (4)

IN SUMMARY APPROACHING THE 21ST CENTURY IT IS IN INCREDIBLE TO  
ME THAT ANYONE WOULD WANT TO CONTINUE TO SPEND FUNDS ON A WATER  
TRANSPORT SYSTEM DEVELOPED OVER 800 YEARS AGO.

THE EIR IS INADEQUATE AND REQUIRES A MUCH MORE DETAILED STUDY ON  
THE DESALINIZATION ALTERNATE BY A TECHNICAL GROUP WHO REALLY WANT  
THIS ALTERNATIVE TO BE CHOSEN BEFORE THIS DOCUMENT IS SUBMITTED.

Louis de Bottari  
Walker Route Box 36  
Coleville, Ca 96107

916 485 2204

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## RESPONSES TO COMMENTS

### LETTER D10

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#### RESPONSE D10-1

Comment noted. No further response is required.

#### RESPONSE D10-2

Comment noted; this document is not intended to provide comprehensive water supply planning for Los Angeles. Also, please refer to responses to master comments AL-1 and AL-2 for discussion of water supply issues.

#### RESPONSE D10-3

Desalination is not a long-term solution to the water supply issues related to the project. Please refer to response to master comment AL-2.

#### RESPONSE D10-4

This comment expresses a personal opinion unrelated to the content of the Draft EIR. No response is required.

#### RESPONSE D10-5

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.

1  
2  
3  
4  
5

**Letter D11**

**David L. Smith**

1. Introduction

2. Background

3. Methodology

4. Results

5. Discussion

6. Conclusion

7. References

8. Appendix

9. Glossary

10. Index

11. Acknowledgments

12. About the Authors

13. Contact Information

14. Declaration of Interest

15. Funding Source

16. Data Availability

17. Ethics Approval

18. Supplementary Materials

19. Additional Resources

20. Final Remarks

## COMMENTS TO CHAPTER 14 - DRAFT ENVIRONMENTAL IMPACT REPORT

Overall the EIR and the accompanying Long Term Groundwater Management Plan seem to be a reasonable method of preventing bad effects on the vegetation. I will not comment on those aspects as I wish to concentrate on some equally important effects on us as human beings and on our families and livelihood.

This chapter notes Los Angeles' land use policies and their restrictive effect on beneficial economic development in the Owens Valley. The preparers of the EIR were requested to include a variety to socio-economic matters in the draft and final documents. In my opinion they have not done a very good job. There appears to be a lack of awareness or sensitivity to the fact that the Owens Valley is more than a land area to be managed solely for water extraction.

There are people who live here who are also part of the natural environment. The social and economic consequences of the second aqueduct have been continued restriction of agricultural land and continued restriction of the use of the surface of the land. The results of these restrictions have been fewer and lower paying jobs, outflow of locally earned dollars to larger urban areas which provide goods and services people cannot acquire locally, an economy which cannot yet support a full range of medical and educational services and a cadre of youth who cannot find careers or suitable jobs in the present local economy.

To the extent that the second aqueduct exacerbates the effect of these land restrictions on the people and their local governments, a case can be made for inclusion of better mitigation measures than have been proposed in Chapter 14. That Chapter speciously argues that since Los Angeles land release policies did not change in the period 1970-1990 no mitigation is required. We disagree. The Chapter is inadequate in that:

1. It fails to point out that the proposed 75 acre land release provisions of the LA/Inyo agreement are insufficient for Inyo to even comply with its own 1990 General Plan. The following residential land needs calculations, without even considering any needs for commercial purposes, or 26 acres planned for commercial release in Bishop, easily illustrate.

General Plan Population	26,000
Present Population	<18,000>
Anticipated Growth	8,000
Percent of Population in Owens Valley	x 67%
Planned Growth in Owens Valley	5,360
Divided by Persons per Household	2.5
Households added to fulfill General Plan	2,144
Divided by Households per acre	4
Added acreage needed close to towns	536
Less: Land releases provided in Agreement (26 commercial acres not included)	< 75>
<b>LAND RELEASE INSUFFICIENCY</b>	<b>461 Acres</b>

To place this 461 acres in perspective compare it to 245,000 acres owned by cities (including Los Angeles) in Inyo County. It should be noted that additional land releases were identified in every community in the Owens Valley as important considerations in the long term agreement. Land releases have been addressed in the agreement and should therefore be addressed with adequate mitigation measures in the EIR.

3 An extremely significant policy implication for Inyo County entering the Long Term Groundwater Management Plan agreement is that it effectively giving up its ability to plan and manage that portion of its land resources not subject to release to the private sector by the City of Los Angeles.

This land, being close to towns and servable by existing urban utilities, is a resource essential to the economic and social well being of Inyo County. And to the people who form part of the natural environment in Inyo County. It has not been clear from public discussion that the Board of Supervisors wishes to place such a major constraint upon itself and future Boards in achieving the goals set forth in its own previously adopted General Plan.

This analysis is not advocating rampant urban growth or any growth whatsoever beyond what local elected officials have already anticipating via prior General Plan adoption. The parties should seek a solution in which sufficient land releases for urban use will be consistent with the previously adopted long term plans of land use for Inyo County. An obvious solution is to keep releases within the "sphere of influence" for urban development already defined in each California County by its Local Agency Formation Commission.

4 A possible mitigation measure is that the Los Angeles City charter be modified to make land releases easier for the two parties to achieve . . .  
" the balanced approach to supplying Los Angeles with water for equitable economic development of both regions and protection of the environment."  
(Page 14-2)

5 2. This Chapter is inadequate in that it fails to point out the economics of the proposed agreement and Long term groundwater management plan are 5 to 1 in favor of Los Angeles. Since the agreement for a Long Term Groundwater Management Plan contains economic measures, the Environmental Impact report should show clearly who gives and who gets.

Annual Benefits to Los Angeles are approximately \$11.5 million.


Annual Benefits to Inyo County are aproximately \$2.27 million.

The methodology of these calculations has been previously reported. (Inyo Register May 23, 1989)

It is important that such analysis not callously trade off dollars in exchange for water or a dried up valley. Rather, it is important that those making decisions on the basis of an environmental document be aware of the dollars involved.

6 The agreement and therefore its accompanying Environmental Impact Report are not fairly balanced. Inyo should seek additional major financial concessions in the agreement to achieve a more equitable financial balance. This would have a possible future effect of increasing the cost to Los Angeles thereby adding a water conservation incentive.

Respectfully submitted,

  
Dave Smith  
Bishop, 12/11/90



COMMENTS TO INYO BOARD OF SUPERVISORS AND CITY OF LOS ANGELES

ANALYSIS OF FINANCIAL ASPECTS AND LAND RELEASE ASPECTS  
INYO/LA PROPOSED WATER AGREEMENT

BASIS FOR THIS ANALYSIS

Los Angeles owns the water rights under its lands but may not extract and export water in unlimited amounts without due consideration of all matters set forth in the California Environmental Quality Act. These matters include economic effects in addition to environmental effects. The agreement allows for increased groundwater pumping in return for preservation of vegetation found on the valley floor and mapped during the period 1983-1986.

This analysis outlines the direct economic effects as stated in the agreement and discusses, without quantifying, major indirect effects. It attempts to answer the questions: Is there an imbalance to the agreement? Is it fair to the citizens of Inyo and LA? What are its implications, insofar as financial and land release effects are concerned, for persons living in Inyo County?

Analysis in terms of economic values is warranted because most people understand dollars. Such an approach may help clarify the outcome of the negotiations from a perspective other than environmental. The value of that amount of water taken, which could not be taken in the absence of this agreement, must be estimated in order to provide a background for estimating the relative "fairness" of the agreement to the parties.

Water is valued here at \$230 per Acre Foot - the price currently paid by Los Angeles for Metropolitan Water District supplies. To be conservative, the value of electricity generated by this same water is ignored. A more detailed analysis should take this into account.

Historically, Los Angeles has taken about 100,000 acre feet from Inyo County groundwater. The last two years' pumping have been 170,000 and 175,000 acre feet respectively. Additional wells will be drilled and rotational pumping will be used to preserve vegetation and enhance aquifer yield. A net addition of 50,000 acre feet per year over the historic average of 100,000 acre feet appears to be a reasonable assumption. For purposes of analysis, the value of 50,000 net additional acre feet of water extracted per year is compared to what Inyo gets under the agreement.

It is recognized that administration of the water agreement and future weather conditions could make this amount vary. And it is also recognized that Los Angeles' negotiators would not have agreed to the proposed settlement unless they could improve aquifer yield.

### FINANCIAL IMPLICATIONS

In simplified form, the financial equation can be stated as follows:

Value of net additional water extracted  
Less: < amounts paid to Inyo >  
Equals: Net benefit of Agreement to Los Angeles.

The additional water is then sold by Los Angeles to its water customers representing a net outflow of resources from Inyo County. Los Angeles then can recover costs, including any payments to Inyo, through charges to its ratepayers.

Since Los Angeles cannot get the additional waters without due regard for the environment, it is logical that a price for them should be paid. The agreement only does this in small part.

The citizens of Inyo should recognize the value of the additional resources being exported as "prices" they are being asked to pay. Inyo citizens have no "ratepayers" to whom they can turn to recoup costs. The Inyo recourse is to be sure the agreement provides a fair and balanced reimbursement from the City of Los Angeles.

On the water side of the equation the value of the water to Los Angeles is \$11,500,000 each year this much is pumped. As the cost of an acre-foot of water rises in California, so will this value rise.

#### Annual Benefit to Los Angeles of 50,000 net added Acre Feet

50,000 Acre feet x \$230/AF = \$11,500,000

#### Annual Benefits to Inyo County

Water for Town Systems	\$ 345,000	1550AF @ \$230/AF
Salt Cedar Control	50,000	5% escalator/yr.
Park operations	100,000	"
Water & Environ.	750,000	5% escalator/yr.
Bishop Park	25,000	"
General Financial	<u>1,000,000</u>	"

Total \$ 2,270,000

Imbalance ratio:  $\frac{\$11.5 \text{ million}}{\$ 2.27 \text{ million}} = 5.07$

On this direct dollar comparison Inyo gives up five times more than it gets annually. There are one-time benefits which offset this imbalance but only in the first two to three years. After that the imbalance is perpetuated. In addition water could escalate in price faster than the 5% annual inflator used to adjust Inyo benefits. This would widen the gap.

There are also one-time benefits to consider. It appears that Inyo will receive the value of approximately one years worth of additional water extracted in the early two or three years of the agreement.

One-Time Benefits to Inyo County

Lower Owens Project	\$ 7,500,000 Plus future econ. ben.
Salt Cedar Control	750,000 First three years
County Parks	2,000,000 10-yr. but spend early
Big Pine Well	20,000 my est.
Big Pine Ditch	<u>100,000</u>
Total One-Time	\$10,370,000

There are indirect benefits such as the value of taxes paid to Inyo as the result of additional "fisherman days" which will occur from the Lower Owens project. These may approach \$300,000 annually. There will be short term one-time benefits as these projects are constructed. They are not estimated here.

The agreement is not fairly balanced. Inyo should seek additional major financial concessions in the agreement to achieve a more equitable financial balance. This would have a possible future effect of increasing the cost to Los Angeles thereby adding a water conservation incentive yet still produce a fairly balanced outcome.

LAND RELEASES

A viable land base is the underlying requirement for any economy to prosper. Land is the basis for new job creation. In Inyo, the land in private ownership is less than 1.8% of the land area. This has proved a blessing in preventing uncontrolled growth but has resulted in an economy with decreasing real wages and fewer good jobs. At hearings before the Inyo Water Commission the need for additional land was identified by every town in which hearings were held as a priority for the LA/Inyo negotiations.

The agreement provides for release, through sale at auction or through direct sale to the County or the City of Bishop, a total of 101 acres of Los Angeles-owned land around towns in the Owens Valley. Los Angeles would be compensated, at fair market value for such land.

Twenty-six acres are planned for a business park in Bishop. The balance of 75 acres presumably could be in a combination of uses. These limited releases should result in future, albeit indirect, Inyo benefits from increased numbers of jobs and increased population around towns. The benefits will flow from increased disposable income circulating in the local economy.

Benefits are estimated at 10 jobs per acre in the proposed 26 acre business park; or 260 net new jobs at full build out. At 5 dwelling units per acre (assuming the balance is all residential) approximately 800 persons (using household size of 2.1 persons) would be spread throughout valley towns. These benefits are non-commensurate with the amount of water being taken. They also stifle the accomplishment of the General Plans of the County of Inyo and the City of Bishop.

There is no obligation for Los Angeles to release land beyond these parameters other than the present method of release based on "need". Or, on the unilateral determination of Los Angeles to sell certain lands at auction. This is no different than present practice. By limiting land releases, the agreement tends to effectively stifle future benefits to Inyo from increased jobs. It also will stifle the opportunity to bolster population around towns where such would be desirable in providing both additional services and additional economic opportunity to Inyo citizens.

It may also be argued that local citizens, acting through their local officials, should be provided with sufficient land opportunities around the towns of the Owens Valley to determine the development and use of previously LA-owned lands in ways to benefit the Inyo economy and Inyo citizens.

The effects of this policy would be that land within areas now served by existing water systems could be precluded from producing future benefits to Inyo if Los Angeles disagreed with the need.

Los Angeles officials have stated that they wish to prevent political problems associated with greater population in the Owens Valley and that their ownership of the surface use of the land is necessary to protect the water supply.

There is no justifiable reason for such a political posture on the part of Los Angeles. Nor is it proper for Los Angeles to continue to stifle the economic health of the towns of the Owens Valley through its intransigence in making land available. Development could occur on land close to the towns without degrading the environment or threatening the quality of surface or underground water. Local authorities pre-zoned, and with the concurrence of DWP, annexed over 400 acres to the City of Bishop in 1982. The City of Bishop General Plan clearly relies on substantial releases of Los Angeles owned land to accomplish its modest growth scenario.

Other lands in county areas around the other towns could be modestly developed without harm to the environment. This would benefit Inyo county citizens by helping create jobs. One outcome would be to provide land for job creation so that local youth do not have to leave their communities to pursue careers. Another would be to provide land for the campus of a community college.

It may be argued that Los Angeles' extraterritorial ownership of the land surfaces in the Owens Valley is no longer a viable, legal "municipal purpose". This is particularly true where the continued ownership is not necessary to protect the water supply. If continued ownership of the surface rights around the towns, in areas properly served by water systems and sanitary methods of waste disposal, is not a "municipal purpose", Los Angeles should be called on to divest itself of such land in an orderly manner. This should be consistent with the General Plans of local governments. To provide otherwise simply leaves Los Angeles with unwarranted, excessive control of the Owens Valley.

Respectfully submitted,  
Dave Smith, Bishop  
5/3/89

Sierra Interests, Inc.  
173 Summit Rd.  
Bishop, CA  
93514



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## RESPONSES TO COMMENTS

### LETTER D11

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#### RESPONSE D11-1

Comment noted. Economic effects of a proposed project, whatever their merits in and of themselves, are not required for discussion by CEQA except where they form a link in the causal chain of effects stemming from project actions.

Comment noted; according to CEQA, no mitigation of pre-1970 water gathering activities is required.

#### RESPONSE D11-2

Comment noted. The overall goal of the Agreement is the management of the water resources within Inyo County to avoid changes in vegetation while providing a reliable water supply to the City of Los Angeles. Provision of sufficient land for planned urban growth in Inyo County is not the primary objective of the Agreement.

The Los Angeles-owned lands proposed for release under the Agreement were identified jointly between Los Angeles and Inyo County, and represent just one of several elements intended to directly benefit Inyo County. Several hundred acres are identified in the Agreement, of which 75 acres will be selected. It was not necessarily intended that the proposed release of Los Angeles-owned lands would fully meet all of Inyo County's General Plan goals for housing.

#### RESPONSE D11-3

Comment noted. It is not clear from the comment what portion of the Agreement implies or connotes that Inyo County would give up its power to plan and manage lands over which it has jurisdiction. This is not part of the Agreement.

RESPONSE D11-4

Comment noted. No further response is required.

RESPONSE D11-5

Comment noted. CEQA does not require an economic analysis of a proposed project. The economic calculation by the commentor is beyond the scope of the EIR.

RESPONSE D11-6

Comment noted. Please see response to comment D11-5 above.

RESPONSE D11-7

Comment noted. Please see response to comment D11-5 above.

RESPONSE D11-8

Comment noted. Please see response to comment D11-2 above.



**Letter D12**

---

**Eric Knudson, Fallbrook Mall**



# FALLBROOK MALL

December 12, 1990

Mr. John Davis, P.E.  
Senior Vice President  
EP Associates  
150 Spear St., Suite 1500  
San Francisco, CA 94105

RE: Draft EIR

Dear Mr. Davis:

On behalf of Fallbrook Mall and the West Hills community I attended a DWP meeting today concerning the above referenced subject. I am writing this letter because I am deeply concerned about the DEIR's potential impact on the Fallbrook Mall and the West Hills community.

If the L.A. County water supply is cut back to where water rationing would result, many of our tenants would go broke. Since the mall has no possible way to ration off water to tenants, the tenants would ultimately have to pay the fines. These fines, which were told to me to be in excess of 300% of the present cost of water, would place our tenants in terrible financial trouble. With the present conditions of the economy and retail sales falling, our tenants would be strapped and could possibly go out of business.

With possible jobs and businesses at stake here at Fallbrook Mall, I am pleading that L.A. County's water supply does not get cut back. Please keep the growth and prosperity of the Fallbrook Mall and the West Hills community going.

Sincerely,



Eric Knudson  
Assitant Manager

ELK/rlb



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## **RESPONSES TO COMMENTS LETTER D12**

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### **RESPONSE D12-1**

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.



**Letter D13**

**Mark Bagley**





Mark Bagley  
P.O. Box 1431  
Bishop, CA 93514

Mr. John A. Davis  
Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA 94105

December 13, 1990

Dear Mr. Davis;

I am writing to request that EIP, along with the Inyo County Board of Supervisors and the L.A. Department of Water and Power, extend the period for public comment on the Draft EIR and Water Agreement for 45 days, until February 18, 1991. This extra time will allow the public to give the EIR the careful consideration it deserves.

As you know, this document is over 800 pages long, contains a lot of highly technical material, and is extremely important to the future of the Owens Valley. Because of long delays in getting the draft completed, the public review period has coincided with the November state and local elections, with the holidays, and with release of two other lengthy draft environmental documents (the BLM Bishop Resource Management Plan/EIS and the Anheuser-Busch water supply EIR/EA). Further, the public hearings have just now occurred, with less than a month to the end of the comment period, and Inyo County is planning workshops just before Christmas. I, and other people I know, need more time to properly study the documents and to write comments. The one or two week extension that was discussed at the recent Water Commission Meeting is just not going to be enough.

Thank you for your consideration of this important issue. As you know, this request was also made to the Inyo Supervisors and the county will discuss it with you (or may have already). I hope you will work to get a substantial extension of the comment period.

Sincerely,

  
Mark Bagley



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## **RESPONSES TO COMMENTS LETTER D13**

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### **RESPONSE D13-1**

Comment noted; in response to public comment, the review period was extended by an additional 24 days to January 28, 1991.



**Letter D14**

**Rudy Garanchon, Price Pfister, Inc.**





**PRICE PFISTER, INC.**

THE FABULOUS FAUCET WITH THE FUNNY NAME®

**LETTER D-14**

PRICE PFISTER, INC.  
13500 PAXTON STREET  
P.O. BOX 4518  
PACOMA, CALIFORNIA 91333-4518  
818 896 1141  
FAX 818 897 4047

December 13, 1990

Mr. John A. Davis, P.E.  
Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA 94105

Dear Mr. Davis:

We have received the Draft Environmental Impact Report for the proposed Inyo County/Los Angeles Groundwater Management Plan. The DEIR titled "Water from the Owens Valley to Supply the Second Los Angeles Aqueduct: 1970 to 1990 and 1990 Onward, Pursuant to a Long-Term Groundwater Management Plan", we believe is a reasonable and balanced plan. It addresses the environmental concerns of the residents of Inyo County and the needs of the 30 million people in Southern California.

We operate a plant in the City of Los Angeles that employs 1600 people. We use about 10 million cubic feet of water per year in our manufacturing operations. We have already implemented numerous water conservation measures to reduce our water usage. Any mandatory water usage cutbacks of significantly more than 10 percent will result in lost jobs in our company. The recent overwhelming defeat of the "Big Green" initiative and other environmental initiatives in other states show that the extremist's cry for "Environment At Any Cost" is not acceptable.

Very truly yours,

*Rudy Garanchon*

Rudy Garanchon  
Process Engineering Manager





---

**RESPONSES TO COMMENTS**  
**LETTER D14**

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**RESPONSE D14-1**

This comment expresses a personal opinion unrelated to the content of the Draft EIR. No response is required.



**Letter D15**

**Ken Rounds, Monarch Mirror Door Inc.**

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**Monarch**

Mirror Door Co., Inc.

21325 Superior Street  
Post Office Box 4118  
Chatsworth, California 91313-4118  
(818) 998-6444  
Outside California (800) 423-5233  
TWX 910-494-4822  
FAX (818) 882-8325

13 December 1990

EIP Associates  
150 Spear St., Suite 1500  
San Francisco, CA 94105

Attention: Mr. John A. Davis, P.E., Senior Vice President

Reference: (DEIR) "Water from the Owens Valley to Supply the  
Second Los Angeles Aqueduct"

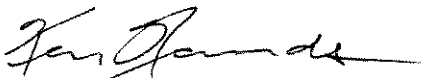
Dear Mr. Davis:

Process water is an integral part of our manufacturing operations in Chatsworth. Over the years we have made a concerted effort to recycle and reuse our water wherever possible and are continuing to do so. Not having an adequate supply of process water would be detrimental to our operations.

We are very concerned by what we have heard in the news concerning water supplies from the Colorado and State Water Project.

Our company provides jobs for over 300 people at the Chatsworth facility and a loss in water supply would curtail our manufacturing operations. We are very concerned about our future as we don't want to lose any more of our water supply. Approval of the EIR is a step in the right direction.

Sincerely,



Ken Rounds  
Manager of Operations



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## **RESPONSES TO COMMENTS**

### **LETTER D15**

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#### **RESPONSE D15-1**

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.





**Letter D16**

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**David L. Smith, Sierra Interests, Inc.**



## SIERRA INTERESTS, INC.

173 Summit Road, Bishop, CA 93514

December 14, 1990

Mr. John Davis  
Senior Vice President  
EIP Associates  
150 Spear St., Suite 1500  
San Francisco, CA 94105

RE: Attached Comments - Draft EIR  
Water for the Owens Valley

Dear Mr. Davis:

This is point out that the continuing practices of the LADWP relative to restrictive land use management practices have had and continue to have a cumulative impact on those of us who continue to inhabit the Owens Valley. Please accept this letter as an extension of my earlier comments.

As pointed out in the attached comments which were presented at the public meeting held December 11th we believe it impossible to define restrictive land use management practices as being outside the scope of mitigatable practices of the LADWP.

The logic for this is that people are part of the natural environment and the restrictive practices which you have pointed out in Chapter 14 have severely impacted people by stultifying the local economy in the Owens Valley. It is your job in the EIR to define these practices and come up with reasonable mitigations. Please do so.

For these reasons I find it impossible to accept your definition as quoted in The Water Reporter that "Socio-economic effects of the proposed project do not have to be included in an EIR unless they result in further effects on the natural environment."

I recognize what a substantial assignment you have but feel it would be better to have socio-economic impacts fully considered in the EIR rather than have the court reject another EIR.

Very truly yours,

*David L. Smith*  
David L. Smith



Dave &amp; Caroline Smith, Owners



## COMMENTS TO CHAPTER 14 - DRAFT ENVIRONMENTAL IMPACT REPORT

Overall the EIR and the accompanying Long Term Groundwater Management Plan seem to be a reasonable method of preventing bad effects on the vegetation. I will not comment on those aspects as I wish to concentrate on some equally important effects on us as human beings and on our families and livelihood.

This chapter notes Los Angeles' land use policies and their restrictive effect on beneficial economic development in the Owens Valley. The preparers of the EIR were requested to include a variety to socio-economic matters in the draft and final documents. In my opinion they have not done a very good job. There appears to be a lack of awareness or sensitivity to the fact that the Owens Valley is more than a land area to be managed solely for water extraction.

There are people who live here who are also part of the natural environment. The social and economic consequences of the second aqueduct have been continued restriction of agricultural land and continued restriction of the use of the surface of the land. The results of these restrictions have been fewer and lower paying jobs, outflow of locally earned dollars to larger urban areas which provide goods and services people cannot acquire locally, an economy which cannot yet support a full range of medical and educational services and a cadre of youth who cannot find careers or suitable jobs in the present local economy. *you cannot define people and existence as is apparently attempted here*  
To the extent that the second aqueduct exacerbates the effect of these land restrictions on the people and their local governments, a case can be made for inclusion of better mitigation measures than have been proposed in Chapter 14. That Chapter speciously argues that since Los Angeles land release policies did not change in the period 1970-1990 no mitigation is required. We disagree. The Chapter is inadequate in that:

1. It fails to point out that the proposed 75 acre land release provisions of the LA/Inyo agreement are insufficient for Inyo to even comply with its own 1990 General Plan. The following residential land needs calculations, without even considering any needs for commercial purposes, or 26 acres planned for commercial release in Bishop, easily illustrate.

General Plan Population	26,000
Present Population	<18,000>
Anticipated Growth	8,000
Percent of Population in Owens Valley	x 67%
Planned Growth in Owens Valley	5,360
Divided by Persons per Household	2.5
Households added to fulfill General Plan	2,144
Divided by Households per acre	4
Added acreage needed close to towns	536
Less: Land releases provided in Agreement (26 commercial acres not included)	< 75>
<b>LAND RELEASE INSUFFICIENCY</b>	<b>461 Acres</b>

To place this 461 acres in perspective compare it to 245,000 acres owned by cities (including Los Angeles) in Inyo County. It should be noted that additional land releases were identified in every community in the Owens Valley as important considerations in the long term agreement. Land releases have been addressed in the agreement and should therefore be addressed with adequate mitigation measures in the EIR.

An extremely significant policy implication for Inyo County entering the Long Term Groundwater Management Plan agreement is that it effectively giving up its ability to plan and manage that portion of its land resources not subject to release to the private sector by the City of Los Angeles.

This land, being close to towns and servable by existing urban utilities, is a resource essential to the economic and social well being of Inyo County. And to the people who form part of the natural environment in Inyo County. It has not been clear from public discussion that the Board of Supervisors wishes to place such a major constraint upon itself and future Boards in achieving the goals set forth in its own previously adopted General Plan.

This analysis is not advocating rampant urban growth or any growth whatsoever beyond what local elected officials have already anticipating via prior General Plan adoption. The parties should seek a solution in which sufficient land releases for urban use will be consistent with the previously adopted long term plans of land use for Inyo County. An obvious solution is to keep releases within the "sphere of influence" for urban development already defined in each California County by its Local Agency Formation Commission.

A possible mitigation measure is that the Los Angeles City charter be modified to make land releases easier for the two parties to achieve . . .  
" the balanced approach to supplying Los Angeles with water for equitable economic development of both regions and protection of the environment."  
(Page 14-2)

2. This Chapter is inadequate in that it fails to point out the economics of the proposed agreement and Long term groundwater management plan are 5 to 1 in favor of Los Angeles. Since the agreement for a Long Term Groundwater Management Plan contains economic measures, the Environmental Impact report should show clearly who gives and who gets.

Annual Benefits to Los Angeles are approximately \$11.5 million.

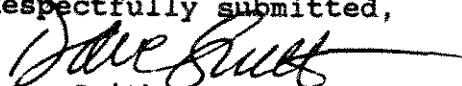
Annual Benefits to Inyo County are aproximately \$2.27 million.

The methodology of these calculations has been previously reported. (Inyo Register May 23, 1989)

It is important that such analysis not callously trade off dollars in exchange for water or a dried up valley. Rather, it is important that those making decisions on the basis of an environmental document be aware of the dollars involved.

The agreement and therefore its accompanying Environmental Impact Report are not fairly balanced. Inyo should seek additional major financial concessions in the agreement to achieve a more equitable financial balance. This would have a possible future effect of increasing the cost to Los Angeles thereby adding a water conservation incentive.

Respectfully submitted,

  
Dave Smith  
Bishop, 12/11/90

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**RESPONSES TO COMMENTS**  
**LETTER D16**

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**RESPONSE D16-1**

Please see response to D11-1 in Letter D11.





**Letter D17**

**Judy Wickman**



December 15, 1990  
John Davis, Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA 94105

DEC 19 1990

Dear Mr. Davis:

I have several comments on your draft EIR on Los Angeles's water export from the Owens Valley.

First of all, while I agree that vegetation is an important and very visible standard by which to measure the impact of reduced water, I am also concerned about the wildlife of the valley, and not just the "hunnable" type. Springs and free-flowing wells such as those near Keeler on the Owens Lake bed are critical to resident and migratory wildlife. The re-watering of the Lower Owens River is laudatory, but the restoration and preservation of the springs and seeps in the valley is necessary.

I feel the issue of air quality should be addressed.

Also, the EIR should take into account the effects of grazing on the vegetation and wildlife.

Alfalfa, while very pretty, uses a tremendous amount of water, and should not be in the same management category as native pasture.

Finally, why couldn't the water which flows through the fish hatcheries be allowed to flow freely through the valley floor to restore or create new wetlands before it is put into the aqueduct?

Sincerely,

*Judy Wickman*  
Judy Wickman  
S.R. Box 20  
Independence, CA 93526

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## RESPONSES TO COMMENTS

### LETTER D17

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#### RESPONSE D17-1

Comment noted. Please refer to responses to master comments PD-5 regarding springs and seeps, and WA-4 regarding Reinhackle Spring.

#### RESPONSE D17-2

Air Quality is discussed in detail in Chapter 12 of the Draft EIR. Also please see response to master comment AQ-1.

#### RESPONSE D17-3

Please refer to response to master comment PD-14 for a discussion of grazing management.

#### RESPONSE D17-4

Comment noted. Please refer to response to master comment VE-1.

#### RESPONSE D17-5

Please refer to response to master comment C11-34.



**Letter D18**

**James A. Wooten**





Date: December 15, 1990

To: John Davis, Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA 94105

From: James A. Wooten  
333 Sierra St., Sp. 16  
Bishop, CA 93514  
(619)872-2820

Re: Agreement between the County of Inyo and the City of Los Angeles and its Department of Water and Power on a long term groundwater management plan for the Owens Valley and Inyo County.

Dear Mr. Davis:

The following represents my views on the above agreement:

a. While the stated goal of the agreement ". . . . is to avoid long term groundwater mining . . . ." (Page 4, Paragraph III, [b]), a twenty year term (the current year plus the 19 previous years) is to be used to determine whether long term groundwater mining has occurred (Pages 4 and 5, Paragraph [b]). The total pumping which can occur from a well field is not to exceed the total recharge to the same well field over the same twenty year period.

The problem with such an approach is that short term groundwater mining could occur. The result could be loss of vegetation within a shorter period, notwithstanding the well turnoff provisions of the agreement.

b. The LADWP shall be in control of the monitoring wells (Page 6, Paragraph [d]). The provisions for County monitoring (at the first full paragraph of Page 46) provides the County only such access to LADWP's wells and conveyance system as is reasonably necessary to carry out implementation of the long term agreement. In the event of disagreement, the "dispute resolution" scenario shall resolve the problem (Page 50, Paragraph [m]). The dispute resolution scheme is discussed later.

c. The "Green Book" (Page 6, Paragraph [e]) shall be a "technical appendix" to the Long Term agreement, as well as the EIR. The Agreement shall provide for modification of the "Green Book."

In theory, the "Green Book" is not a policy statement. It is to contain the means and methods by which the substantive provisions of the Long Term Agreement shall be implemented. In practice it could become the vehicle by which enormous substantive changes occur under the guise of technical amendments. The amendments, in effect, could be "new projects" as defined by CEQA. There likely would be

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no new EIR required for these "amendments".<sup>1</sup>

3 d. The agreement uses the term "attributable" with respect to causation of significant effects. The term is defined in the first full paragraph of Page 13. Implicit in the definition is a potentially unreasonable burden of proof upon any party claiming LADWP's actions have resulted in adverse effects, because of the use of the "but for" test. In my opinion, the burden should be on the LADWP to prove its water gathering activities have no effect.

4 Lifelong residents of the Owens Valley state they have observed vegetation changes in areas influenced by LADWP's wells. The County has released a writing which acknowledges thousands of acres of vegetation are undergoing severe stress. In some areas (such as "Five Bridges", near Laws) there has been spectacular vegetation impairment, admittedly attributable to groundwater pumping. In order to be sufficient, the EIR must make a conclusion on whether groundwater pumping affects surface vegetation.

The end result is that groundwater pumping shall continue until a direct cause and effect relationship is proven. By the time such a conclusion is made, large areas of surface vegetation could be permanently impaired. In the meantime, LADWP may continue to pump.

e. Page 17 provides dispute resolution for, among other situations, the turning on of wells which were automatically turned off (due to soil water levels less than those projected to be necessary for the particular vegetation's survival). Page 48, Paragraph XXIV discusses the dispute resolution scenario. Pages 49 and 50 have a "laundry list" of matters subject to dispute resolution (which include: whether vegetation changes are "attributable" to groundwater pumping; whether the pump turn-off triggering mechanism can be modified; and whether water quality or water levels in private wells not owned by the LADWP have been significantly affected by LADWP's activities).<sup>2</sup>

5 The particularly objectionable aspect of the "dispute resolution" scenario is that apparently if mediation is unsuccessful, then the issue may be submitted " . . . . to a Superior Court judge for a decision by way of expedited dispute resolution procedures." I cannot determine how the particular Judge shall be selected and whether a right of appeal exists. It is

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<sup>1</sup>The agreement, at Page 22, provides for the jointly prepared EIR to include an analysis on 15 new wells.

<sup>2</sup>The determination of whether water quality or water levels in a private well have been effected by the LADWP's pumping is particularly objectionable, basically because of the potential for the LADWP to invoke collateral estoppel concepts arising from the "dispute resolution process" against the private well owner.

apparent that the Third District Court of Appeals will likely not be involved in future dispute resolution, even though a stipulated judgment shall be entered (and appellant court jurisdiction as to future disputes could be reserved).

f. The agreement provides (at Pages 25-41) for economic benefits to Inyo County, such as turn-over of town water systems (but not the sources of water for these systems), Salt Cedar control payments, Park rehabilitation, annual payment of \$750,000.00, for use by the County for water and environmental activities, one million collars per year for the County's general fund, Lower Owens River pumpback system, financial assistance to the City of Bishop and release of small amounts of LADWP lands for sale to the public. It is my supposition that LADWP's payment of nearly two million dollars per year is the driving force behind the County's negotiation position -- not the environment.

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g. Paragraph XVI, at Page 45, restrains the County to not participate in any legislation, administrative regulation, or litigation that would weaken or strengthen local or state authority to regulate groundwaters. As you are likely aware, a trial court has declared unconstitutional the voter-approved groundwater ordinance. That matter has not yet gone to final judgment. The effect of the Stipulated Judgment would be to let the trial court's ruling on Inyo's groundwater ordinance become final.

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h. Paragraph XXV, Pages 50-51, seeks to comprehensively resolve all litigation presently existing by entry of a stipulated judgment. The stipulated judgment " . . . will have no termination date and no termination by either party."

The stipulated judgment is to have provisions that " . . . the only remedy available to the other party will be specific performance."

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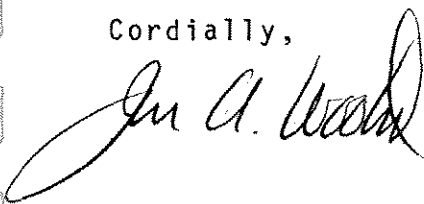
This provision conceivably could result in a situation in which groundwater mining occurs and vegetation (or other interests) are impaired. When called to task, all LADWP must then do is what was earlier promised (through specific performance). No damage for loss of vegetation (or impairment of other interests) shall be available. There is no compelling reason for such a provision.

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In conclusion, it seems the environmental issues are not adequately addressed. It also seems that non-environmental aspects regarding the scope and details of implementation (such as the dispute resolution scenario, perpetual stipulated judgment and no damages remedy) allow the LADWP to literally "buy out" of any significant, future judicial review.

I trust you will take these comments under consideration and respond in writing.

Cordially,





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## **RESPONSES TO COMMENTS**

### **LETTER D18**

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#### **RESPONSE D18-1**

Groundwater mining will not be allowed to occur under the Agreement. Please refer to response to master comment PD-12 for additional discussion of groundwater mining.

#### **RESPONSE D18-2**

It is unlikely that technical refinements under the Green Book will result in "new projects" to be implemented without CEQA review. To do so would be contrary to the provisions of the Agreement.

#### **RESPONSE D18-3**

Comment noted; the effects of groundwater pumping on vegetation are discussed in detail in Chapter 10 of the Draft EIR. In addition, please refer to responses to master comments PD-4, PD-6 PD-18, VE-3 and MT-7.

#### **RESPONSE D18-4**

Comment noted; please refer to response to master comment PD-7 regarding monitoring under the Green Book. The concern expressed in this comment is addressed in the provisions of both the Agreement and Green Book.

#### **RESPONSE D18-5**

This comment raises an assertion of legal requirements. It does not itself, raise an environmental issue related to the content of the Draft EIR. The comment is noted; however, the applicability

of some legal issues to various activities is an ongoing legal question which may be tested in a number of arenas other than this EIR.

RESPONSE D18-6

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.

RESPONSE D18-7

As stated in the Draft EIR, Chapter 1, page 1-8, if the Inyo County Superior Court approves the Agreement, that Court will enter an order withholding final judgement in Los Angeles' legal challenge to the groundwater management ordinance and setting forth the provisions of the Agreement.

RESPONSE D18-8

This comment expresses a personal opinion unrelated to the content of the Draft EIR. No response is required.

RESPONSE D18-9

Comment noted. No further response is required.

**Letter D19**

**James C. Kerr**





Dec. 19, 1990

Mr. John Davis, Senior Vice President,  
EIP Associates,  
150 Spear St., Suite 1500,  
San Francisco, Calif. 94105

Subject: Inyo / Los Angeles  
Groundwater management  
Plan

Dear Mr. Davis:-

The subject is of much interest to me but I am unable to be present at the public meeting so I am writing you instead with some of my reflections.

Since the early 1920's I have been making almost annual trips to the Owens Valley and beyond.

I presume that there are relatively few people still alive that saw this country as I saw it in those days.

The Owens Lake was a huge body of water that stretched for miles. Almost all the desert country north of Lone Pine was dotted with beautiful green alfalfa fields bordered by flowing mountain streams outlined by sycamores and willows.

As we would approach Bishop in those days the sight was like an oasis full of greenery with broad stretches of green fields with cattle grazing almost as far as you could see.

There were countless mountain streams running through beautiful ranch land outlined by rows of stately poplar trees. A fisherman could stop his car by the side of the road and almost immediately have enough trout for dinner without even getting his feet wet.

Over the ensuing years I have witnessed the gradual blight of this wonderful country. It is only a memory now but what a pity that my grandchildren will never see it as I did or experience the thrill I did when the snow covered southern Sierras came into view.

Going on north toward Lee Vining, Mono Lake in all its past grandeur came into view.

At that time the waves from it came almost up to the road toward Bridgeport.

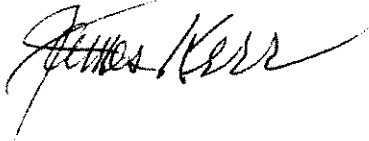
Needless to say all this is gone now. Some of nature's most beautiful scenic country has been ravaged by the lust for water to quench the thirst of people more than 300 miles away.

If it were not for the untiring efforts of a few environment-conscious organizations the damage would be much worse. But where does it stop?

If the Department of Water and Power keeps up its depredations in this country it will revert to the desert it was hundreds of years ago.

Apparently the dire peril faced by this region has become obvious to even the most greedy minions of DWP otherwise the public hearing would not be scheduled in the first place. But is this forum promising anything but lip service? It remains to be seen possibly by my great grandchildren. At least I can thank the Lord for my memories.

Very truly yours,



James C. Kerr,  
432 Monterey Dr.,  
Laguna Beach, Ca. 92651

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**RESPONSES TO COMMENTS  
LETTER D19**

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**RESPONSE D19-1**

This comment expresses a personal opinion unrelated to the content of the Draft EIR. No response is required.



**Letter D20**

**Judith Fraser**



December 21, 1990

John Davis, Sr. Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA 94105

Dear Mr. Davis,

I want to comment on the draft EIR on the water agreement between Inyo County and the City of Los Angeles. I have some serious concerns relating to mitigating past damage and preventing more.

Definition of "significant impact" must include any measurable decrease in live cover from 1984-1987 levels. Soil moisture must be adequate to maintain 1984-87 levels of vegetation. The valley needs a comprehensive monitoring program to detect changes in vegetation of 10% or more needs to be in place before pumping can be increased. Permission to turn on pumps needs to be a joint decision of Inyo County/City of Los Angeles. If Los Angeles alone has authority to turn on pumps, the safeguards, spirit and intent of the Technical Group Standing Committee are defeated.

Remaining springs need to be protected. Reinhackle, for example, must be fenced from cattle.

Cumulative impacts of grazing and water management programs must be specified and subject to public review.

Ecosats Geobotanical survey needs to be included as part of the EIR to insure an adequate description.

Significance of impact of colonies of coliform and streptococci bacteria needs to be addressed. Data on which decisions about this issue, as it relates to surface and groundwater quality are based, need to be public and may need public health agency input.

On pp. 10-20 a more specific definition for wetlands is needed.

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How Diaz Creek is to be affected needs to be mentioned/  
specified.

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What control will Inyo County have over pumping from the  
replacement wells to be completed in 1991 (pp 4-13)?

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I urge the use of aerial photos taken in 1968, 1973, 1981 and  
1990.

I have a home in the Alabama Hills and therefore a vital  
interest in seeing Inyo County get a fair water agreement. I  
ask you to give serious consideration to making these issues  
clear in the EIR.

With thanks,

*Judith C. Fraser*

Judith Fraser  
381 Peralta Ave.  
Long Beach, CA 90803



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## **RESPONSES TO COMMENTS LETTER D20**

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### **RESPONSE D20-1**

Please refer to Chapter 10, Vegetation, of the Draft EIR and responses to master comments PD-6, PD-17, and PD-18.

### **RESPONSE D20-2**

Remaining springs and seeps are protected under the Agreement. See responses to master comments PD-5 and WA-4.

### **RESPONSE D20-3**

Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.

### **RESPONSE D20-4**

Please refer to response to master comment VE-5 regarding the use of the report by Mr. Jaques.

### **RESPONSE D20-5**

The presence of coliform or streptococci bacteria in raw water supplies in the levels measured do not constitute a significant threat to public health because conventional water treatment processes are effective in removing pathogens from the water supply. Also, please refer to response to master comment WA-2 for additional discussion on water quality.

RESPONSE D20-6

Please see Letter A4, response to comment A4-80 from the California Department of Fish and Game for a more detailed definition of wetlands.

RESPONSE D20-7

The intent of this comment is unclear. No actions are proposed for Diaz Creek.

RESPONSE D20-8

Inyo County will participate in site location, operational considerations, and monitoring. Please refer to responses to master comments PD-6, PD-7 and AF-2 for additional discussion of well turn on/off, monitoring, and new wells.

RESPONSE D20-9

Please refer to response to master comment VE-5, for a discussion of the use of aerial photographs.

**Letter D21**

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**Carla R. Scheidlinger**

1. The first part of the document is a list of the names of the people who were present at the meeting.

2. The second part of the document is a list of the topics that were discussed during the meeting.

3. The third part of the document is a list of the actions that were taken during the meeting.

4. The fourth part of the document is a list of the decisions that were made during the meeting.

5. The fifth part of the document is a list of the conclusions that were reached during the meeting.

6. The sixth part of the document is a list of the recommendations that were made during the meeting.

7. The seventh part of the document is a list of the suggestions that were made during the meeting.

8. The eighth part of the document is a list of the proposals that were made during the meeting.

9. The ninth part of the document is a list of the resolutions that were passed during the meeting.

10. The tenth part of the document is a list of the minutes that were taken during the meeting.

11. The eleventh part of the document is a list of the reports that were made during the meeting.

12. The twelfth part of the document is a list of the statements that were made during the meeting.

13. The thirteenth part of the document is a list of the questions that were asked during the meeting.

14. The fourteenth part of the document is a list of the answers that were given during the meeting.

15. The fifteenth part of the document is a list of the discussions that took place during the meeting.

16. The sixteenth part of the document is a list of the debates that took place during the meeting.

17. The seventeenth part of the document is a list of the motions that were made during the meeting.

18. The eighteenth part of the document is a list of the amendments that were made during the meeting.

19. The nineteenth part of the document is a list of the resolutions that were passed during the meeting.

20. The twentieth part of the document is a list of the minutes that were taken during the meeting.

COMMENT ADDRESSING THE DRAFT EIR  
 "WATER FROM THE OWENS VALLEY TO SUPPLY THE SECOND LOS ANGELES  
 AQUEDUCT

1970 TO 1990  
 1990 ONWARD, PURSUANT TO A LONG TERM GROUNDWATER MANAGEMENT PLAN"

I will discuss my comments to the EIR with reference to chapter and page, for your convenience.

SUMMARY:

Since many people will read only this portion of the entire document, it is crucial that it be very clear.

My major concern with this section is the description of the vegetation that will form the baseline for management. On pg. S-6, para. 1 says that the baseline is to be conditions from 1984-1987; paragraph 2 says that management will be for conditions existing during 1981-82. On pg. S-11, paragraph 3, the management goal is 1982-1986. Consistency is needed here.

The scale for Figure S-1 must be wrong.

The range for groundwater pumping during wet years stated on S-8, last paragraph, is very wide. A justification or explanation for this huge range should be given here.

I don't understand the first sentence on S-18: "Except for increased export from the Mono Basin...". Please clarify.

The last paragraph on S-21 implies that vegetation will return to the conditions found during the 1984-1987 vegetation survey. Although that is a goal we would like to see met, the agreement does not at this time provide the means to make this occur, unless the drought policy is considerably strengthened. We would like to see this happen; but until it does, it is misleading to suggest that the return to this vegetation state is currently provided for.

CHAPTER 2:

Did the population of Los Angeles really increase by 5 times in 11 years as stated on Page 2-5?

The 5 decisions referred to on page 2-10 are very hard to sort out in the text. Please number them, or otherwise let the reader know what they are.

The agreement in is Volume 2 of the EIR, not Vol. 1 as stated on pg. 2-18.

CHAPTER 3:

Table 3-1 shows an overall increase in per capita water use per day from the early 1980's. It makes it very difficult to believe that Los Angeles is making a very creditable effort to conserve any water at all. That no penalties are exercised against users of excess water (pg. 3-6) confirms the conclusion that Los Angeles lacks the political will to enforce conservation. Of the 29 years preceding 1990, Los Angeles residents used more water than during 1990 in 18 years, and used less in 11 years. This does not suggest that conservation during this drought period has been very impressive.

Column 5 of Table 3-6 (Total water from all sources) should match column 3 of Table 3-1, but it doesn't. Please clarify or correct.

#### CHAPTER 4:

10 The diagrams on Figure 4-1 are not at all clear. Are they maps? Elevations? What is the scale? Clarify or omit.

Figure 4-5 does not agree with its caption. If it is the average of all years since 1945, including the years with pumping = 0, then the figure for the average would be much lower. If you are only counting the years since 1959 to calculate the average, you should say so. This is in fact what you say for the portion of the graph in Figure 4-8 that appears in 4-5.

There should be a map, or a series of them, to show the location and the size of the projects listed on pg. 4-21 in Table 4-3. It should also be made clear which of them have any natural environmental value (such as the native pastures) and which are strictly cosmetic, recreational, or economic projects (such as tree planting, Millpond, and alfalfa fields, respectively).

#### CHAPTER 5:

Since this deals with the agreement, I will comment here only on points of clarity or correctness in the description. I will describe areas in which the agreement itself needs strengthening at the end of this letter.

11 The projects listed on page 5-2 are all subject to the acceptance of the agreement. This should be made clear. Also, if the projects addressing cumulative impacts (transfer of water systems) are to be subject to a separate CEQA review, so too should the grazing management. Unless it can be documented convincingly that the grazing management program is in fact a continuing project (which we believe that it is not), it will need CEQA review. In fact, the leasing of the DWP lands should be subject to environmental review in the same way the BLM lands have been determined to be. Please address the proposal that each lease should be considered a CEQA project.

12 On page 5-3, under vegetation classification, you say that the vegetation types were based on dominant species. This is not true. They were based on E/T values (at least in the case of Type A vegetation). See pg. 44 of the Green Book. Furthermore, the acreages for vegetation types A and B reported on p. 5-3 do not agree with the numbers in the agreement on p. B-11.

13 If the rate of groundwater pumping is not expected to change significantly compared to the previous 20 years (pg. 5-8 and 5-14), then we must expect the rate of environmental damage experienced during the past 20 years to continue under the terms of the agreement. If we are to believe that the agreement will indeed protect the vegetation, you must explain how this will happen if the pumping levels are not in practice reduced. Table 5-1 suggests that water export will in fact decline. Reconcile these 2 statements.

14 How were the ranges of pumping under the agreement calculated? See the range described on pg. 5-12.

15 Under the Hillside Decree, can LA pump all 27,000 AFY used on the Bishop Cone, and then export all the surface water that they must now be spreading? If so, you should state this in the interests of clarity.

16 Again, there should be maps prepared for the size and location of all projects listed in Tables 5-2 and 5-3. Where maps currently exist, they are inadequate due to poor quality of reproduction.

#### CHAPTER 6:

17 Pg. 6-3 states that it is LA's policy to implement rationing when necessary; pg. 6-46 says that conservation measures assume no rationing. Is or is not LA willing to consider mandatory rationing?

18 Why doesn't LA have to mitigate damages done to the vegetation during the

1970 -1990 period under the No Project Alternative (pg. 6-6)? Don't these damages come under CEQA?

Who believes that "permanent, rigid limits are not necessary to protect the valley's vegetation" (pg. 6-11)? Document the reasons for this belief. The interim agreement has not done an especially good job, and the techniques are acknowledged to be experimental (i.e., open to revision and interpretation).

The argument against Alternative 4 (pg. 6-13) is very weak. Keeping the water table at a high level would provide less ambiguous vegetation protection than that which we have under the agreement, and it would be a great deal less expensive to monitor. The only real argument against it is that it does not achieve LA's goals of exporting more water during dry years. Greater honesty is needed in this paragraph.

The statement on pg. 6-18 that the loss of 42,000 AFY under the No Project Alternative makes up 6.5% of LA's water supply is astounding and revealing. If the percentage is so small, why on earth is conservation of that amount so difficult? Elsewhere (6-26) you say that conservation of 10% is a short-term goal of LA, by 1993: that is more than the 6.5% necessary to stop the additional pumping in the Owens Valley! The entire remainder of this chapter sounds like a joke, because it is so greatly over-exaggerating the difficulty of conserving this mere 6.5%. Why is there not yet another alternative described that would set about conserving this 42,000 AFY? The water conservation program discussion on pp. 6-21 to 6-26 should be aimed at meeting that 42,000 afy figure. In a system that has no penalties for overuse (pg. 6-22), and where no environmental costs have yet been figured into water pricing (pg. 6-25), it cannot be said that conservation measures are being at all effectively implemented.

The section on environmental effects of water conservation (pg. 6-27) fails to take into account the very considerable beneficial environmental effects on the Owens Valley of conserving that 42,000 AFY. This is a major oversight that should be corrected. The environmental effects of using MWD water on pg. 6-34 is misleading. You suggest that the water actually used by LA consumers will be of substandard quality; but what is really happening is that it will cost more to purify it. Cost should not figure into this analysis. Again, you say that the barrier to using reclaimed water is "high cost" (pg. 6-39). This is not an allowable excuse under CEQA.

In summary, this entire chapter needs a much more realistic discussion of LA's alternatives for conserving 42,000 AFY of water. If conservation is not to be considered a viable Alternative, you need a better discussion of why not.

#### CHAPTER 8:

Give a reference explaining why "subsidence is not expected to occur" (pg. 8-13). Also, for the statement that "scientific evidence indicates that water level fluctuations... will not have any effect on earthquake ...risk" (pg. 8-15).

#### CHAPTER 9:

Table 9-2: are these figures averages/year? Same question for Table 9-9. Please clarify.

Table 9-4: Why were the springs listed here chosen? Fish Slough and Keough Hot Springs seem irrelevant. Where and what is Charlies' Butte Drain? It is not on the map on pg. 9-10. Where are data for Little Blackrock Springs, Hines Spring, and Reinhackle Springs?

Same complaint for Figure 9-17 as for Fig. 4-5 (which is identical).

There should be a graph like Figure 9-18 describing flow in the Lower

Owens below the Intake (description on pg. 9-50).

Table 9-10 should identify the wells that would be exempt from turnoff under the terms of the agreement. They are (I believe) 118, 330, 332, 341, 344, 346, 351, 354, 356, and 357. This table should be cross-referenced to the maps on pp. E-11 to E-15 in Volume 2.

Why are there no consequences associated with Impact 9-11 (pg. 9-63)? Reversal in direction of groundwater flow seems pretty significant. If it is not, explain why.

What would a "significant impact of water resources" look like? You say that lowering of groundwater levels and elimination of spring flow is not significant (except as relates to vegetation). It is hard for me to imagine what would be more significant than this. Perhaps a paragraph explaining why water resources impacts are insignificant would make this whole chapter look less absurd.

Why are the 1985-1990 data not included in Table 9-11. They should be.

The data on E/T on pg. 9-77 show a 36% reduction in E/T from pre-project conditions. Why is this not addressed in the vegetation section? This seems a pretty good indicator of pre-project vegetation state, and certainly specifies just how much vegetation has been lost since 1970. These data should definitely appear in Chapter 10.

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#### CHAPTER 10:

The precipitation median on pg. 10-3 does not agree with the line on the graph on 10-4. Which value is correct?

What does "barren" mean on the top of pg. 10-7, as applied to miscellaneous lands?

The vegetation community descriptions need to be more uniform. Latin names should either be used always or not at all. Soil and water descriptions are lacking for Rabbitbrush scrub. (pg. 10-11). The soils description is incorrect for desert greasewood scrub; it should be heavy, fine-textured soils, poorly drained. Percent cover is given for only 1 community - Nevada saltbush. Include this information for other communities, or omit. Identify which vegetation classification applies to springs. It should probably be transmontane alkali marsh.

The plants and habitats of concern section beginning on pg. 10-19 seems very inadequate. If populations of rare plants existed in pre-project times (and they did) populations should be identified, and described. Data were generated in quantity during the 1984-1987 surveys, and should certainly be included. Do you consider "wetland habitats" the single habitat of concern? This is naive, and inaccurate. There are many distinct wetland communities, which should be considered separately.

I am concerned about the nature of the preproject description for the vegetation (10-27 to 10-33). Pg. 10-27, para. 2 states that no documentation exists for the vegetation conditions during the pre-project period. This is a misleading statement, given that citations are given for an analysis of aerial photographs from 1968, and for documents dated 1906 and 1912. The described difficulty in getting "total agreement" regarding the aerial photography analysis sounds very much like LA not liking the data and deciding to reject it. Since Jaques' report is a public document and many people have read it, its conclusions, although controversial, should either be discussed more thoroughly, or at least be taken up in Chapter 17 on CEQA considerations, where areas of controversy are discussed.

Pg. 10-28 also asserts that surveys conducted last year by EIP staff were sufficient to assure them that there had been no complete loss of any



vegetation type during 1970-1990. This conclusion requires support if it is to be believable.

I would like to see a pre-project vegetation map prepared as best as can be managed. Los Angeles should not have to approve this map; your own estimates should stand alone here. At the very least, some more information should go into the maps on pp. 10-34 to 10-45, and these maps should be prepared in color. The locations for mitigation and revegetation are very difficult to locate. Certain types of vegetation should be able to be mapped very unambiguously, such as wetlands. The preproject areal extent of all springs, seeps, and marshes should be very simple to arrive at, from any sets of aerial photos you can acquire. In particular, it is very important to get a better preproject description of the Thibault-Sawmill area, which has apparently suffered one of the greatest drying impacts of anywhere in the valley. Compensatory mitigation is proposed for this area (discussed below), but no estimate of total acreage of marshlands lost has been given.

Page 10-32 states that decreases and changes in vegetation prior to 1970 were limited in area. Give a citation for how you know this.

I would also like to address some of the proposed mitigations for vegetation described in Chapter 10. First, I would like it stated how "significance" was determined for each of the impacts, and how you can tell when impacts have been reduced to less than significant, besides the "best judgement of the authors". The list of factors on pg. 10-49 does not help much. What does location and use have to do with significance? Is proximity to a highway (i.e. highly visible) a criterion? How do you determine how permanent an impact is if it occurred recently? How can you assess impacts on species and vegetation of concern if you don't know anything about their populations?

I question the beneficial value to vegetation of the projects listed on pg. 10-52. Farmer's Pond has water in it only sometimes, and cannot be said to have created a wetland vegetation. Mill Pond has no native vegetation whatsoever; it is strictly of recreational value. Calvert Slough was dry this autumn. The ponds at the fish hatcheries are not native vegetation. McNally Ponds have no wetland character at all. The Lower Owens River Project cannot be said to have been implemented. I question whether these projects are in fact of beneficial value to vegetation.

It needs to be stated what vegetation, if any, will replace eradicated salt cedar. This species grows where water supplies are intermittent, in part because few other plants can tolerate such irregular water regimes.

In the discussion of impacts to vegetation, you fail to state what type of vegetation was impacted, and how much. This omission occurs in impacts 10-11 (where you give acreage, but not location or type), 10-12 (acreage but not type), 10-13 (same), 10-18 (neither acreage or type), 10-19 (same), and 10-20 (no acreage, inadequate type description). We cannot adequately assess the effectiveness of mitigation measures if we do not know how much of what type was damaged!

I am most concerned about the springs and seeps. Pg. 10-33 asserts that springs that have previously ceased to flow eventually resumed flow once groundwater pumping ceased. If this is in fact the case (and it would appear that it has possibilities, as even Hines Spring resumed flow in 1986) then an obvious mitigation would be to reduce pumping until the springs' flow resumes. In fact, that is not what is proposed, on pg. 10-62.

We are asked to accept mitigation in the form of fish hatcheries for Fish Springs and Big Blackrock Springs. This is definitely compensatory mitigation, and I for one question it. If the majority of Inyo County citizens find this acceptable, then so be it. But it sets a dangerous precedent for what we are

willing to trade for our unique natural places, and we should not let this slip by unexamined. Big Seely Springs has been mitigated by a cattle pond, which is currently dry. Although it has riparian vegetation, this is not the same as spring and seep vegetation, although it would be all considered Type D. Little Blackrock Springs has been handled similarly, in having a diversion from Division Creek spread to form a marsh and wetland. Again, the unique spring vegetation has been lost because the nature of the water and of its flow is very different in a pond supplied with surface water from a single point of entry. Similar mitigation is proposed as acceptable for future drying up of springs, such as Reinhackle. The mitigation described on pg. 10-62 states that "either groundwater will be managed to avoid causing a reduction in flow from the spring, or surface water will be supplied to avoid causing decreases or changes in vegetation." The second possibility is unacceptable. It is bad enough that some springs have been dried up and then inappropriately mitigated. It must not be allowed to happen in the future.

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I believe that none of the springs described in this EIR have been acceptably mitigated so far, and the impacts have not been reduced to less than significant levels. The only way to mitigate loss of a spring, is to bring it back, or to make a more serious attempt to mimic flow patterns and vegetation. One possibility would be to introduce a perforated pipe along the entire uphill edge of a previously existing springfield, and allow water to enter the region in a similar flow pattern to what may have been natural. This would be a far superior practice to the creation of marshes, streams, or other wetlands.

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In a similar vein, I am concerned about all the things the Lower Owens River is supposed to mitigate. It was my understanding the the Lower Owens River is a negotiated portion of the agreement; that it was a desirable outcome for Inyo County and was not tied in any way to mitigation for damages other than to its own drying up. The EIR indicates that the following impacts are to be mitigated by the Lower Owens River project:

- loss of all unnamed springs and associated riparian and meadow vegetation. (Impact 10-14). It should be noted that riparian communities are acknowledged by vegetation experts to be distinct from those of wetlands such as springs and seeps. It may be appropriate to mitigate riparian losses with a feature such as the Lower Owens River, but not to mitigate springs and seeps this way. Acreage lost is unspecified.
- loss of meadow and riparian vegetation supplied by irrigation tailwater that has been discontinued. (Impact 10-17). Acreage lost is unspecified.
- marsh vegetation in the Thibault-Sawmill areas. (Impact 10-20). Acreage lost is unspecified.

All of these habitats were scattered about the valley, providing a rich mosaic of wetland habitat in the otherwise dry conditions. To abandon this mosaic quality in favor of a single corridor of wetland will not serve the same ecological function as the smaller, more widely dispersed wetlands.

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I favor having a Lower Owens River project, but it should not be tied in any way to the mitigation of the above impacts. Furthermore, if you do persist in considering it as mitigation for anything at all, it will need to be described in a great deal more detail. As of now, there is only the broadest conceptual notion of what the project entails. It cannot properly be considered mitigation of anything unless it is much clearer what the project will actually accomplish.

## CHAPTER 11:

This is a very amateurish section. It is descriptive, qualitative, and not very useful. It's hard to believe it is your best possible effort. The usefulness of the description of food webs is dubious. It is very unconvincing that wildlife diversity has dramatically increased with human populations, anecdotal reports notwithstanding.

Can you estimate populations numbers from the rabbits/mile data reported on pg. 11-20? If not, it's not very useful.

There should be similar data for the sensitive animal species as was requested for plant species. Just a list is not an adequate description of these species in a document such as this.

The emphasis on tule elk is inappropriate.

What factors make for rich wildlife but prohibit analysis of impacts? See pg. 11-38.

The statement of impact 11-1 on pg. 11-39 is very weak. What does "can be presumed to be significant" mean? Presumed by whom? Based on what?

What kinds of "wet habitats" have been and will be created? It certainly cannot be said that the "informal" (which means interruptible and intermitant) water releases have "maintained riparian vegetation and aquatic habitat (warmwater fishery)" as stated on pg. 11-40. Such intermittant releases actually do more harm than good. If this is the model for future mitigations, it needs much closer scrutiny.

The touted "edge effect" that is supposed to increase the value of the Lower Owens River for wildlife will be effectual only if it is fenced against livestock (pg. 11-41). The paragraph that tells all the things that the Lower Owens River will make up for should be eliminated until such time as it is known just what the Lower Owens River will consist of.

How can you have eliminated a bibliography from this section???

## CHAPTER 12:

Where is Appendix E (see pg. 12-2)?

What is an SIP (pg. 12-2)?

## CHAPTER 16:

None of the new wells are a good idea at this time. They should not even be drilled until the agreement is in effect for at least 5 years. The ISB wells cannot help impacting Reihhackle Spring; the mitigation should omit the provision that water can be provided to the spring in the event that it dries up. It may not dry up or experience reduced flows (pg. 16-35). The same should be said for impact 16-18, for flowing wells on the Bishop Cone. They should not dry up or have reduced flows, period.

The question of export from the Bishop Cone remains an area of great concern. The Hillside Decree specifies that no groundwater is to be exported from the Bishop Cone. Somewhere along the legal line, it seems to have been determined that groundwater may be "traded" for surface water; that is, surface and groundwater may be comingled and some accounting is done for determining that no net export take place. But the Hillside Decree specifically says "no export of groundwater". This needs to be clarified, and it should be described how the accounting decisions were arrived at. We believe that the Bishop Cone requires more stringent protection than the Hillside Decree if such comingling is indeed permitted under the provisions of the Decree.

## CHAPTER 17:

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39 The provisions to assure long-term productivity don't make any sense (pg. 17-2). What is a "verification to an action"? What is the "unique wildlife - to - plant - to soil relationship" in the Owens Valley"? The groundwater mining provision is totally meaningless in conjunction with the vegetation monitoring, and should be omitted in the interests of honesty. Rewrite this entire page.

40 The discussion of "irretrievable commitments of resources" is inadequate (pg. 17-3). What about loss of springs and seeps? Grazing damage? Growth inducement in LA, which is surely irreversible?

41 Comments on grazing management were made above. I reiterate that if you are going to use the words "continue to be implemented" (pg. 17-5) you need to give some quantitative indication that they are being implemented at this time. The first 4 elements of the "management program" are informational only. The last one is the only one that says that anything will be done or enforced. Show what has already been accomplished.

42 On pg. 17-13 it is stated that the 1984-1987 vegetation was the healthiest since 1970. How can you know this if there is no quantitative pre-project description?

43 You gloss over the difficulties of revegetation studies on pg. 17-13. These have not been tried elsewhere, and questions regarding success are not trivial. This section needs to be expanded.

44 There also exists quite a bit of controversy over the adequacy of the vegetation monitoring plan as it currently exists. If the data are not sufficient to detect some minimum specified level of vegetation change or decrease, different provisions for mitigation will have to be made for future potential impacts. Such a change would require a different set of pump turn-off provisions, as discussed below. Until these are in place, potential damage to mitigation cannot be said to be mitigated by avoidance. You need to address this very specifically.

APPENDIX B: The Agreement:

"Significant impact" must be defined more explicitly. Any decrease in live cover from the 1984 - 1987 base period which is both measurable and attributable to groundwater pumping must automatically be considered significant. This means deleting lines 8-28 of pg. B-23, and ending the sentence on line 7 "the decrease, change or effect will be determined to be significant".

A valley-wide monitoring program capable of detecting a specified change in vegetation must be established. Until such a program is in place, an upper limit must be put on pumping as determined by "safe yield" to insure that the goals of the agreement are being met. This means putting the ET numbers and the subsurface flow into the groundwater mining equations, and not allowing pumping to exceed net recharge, not gross recharge. We have the data to make these calculations; we should have a management policy based on them.

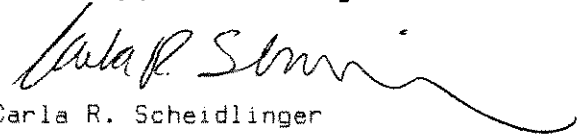
The drought recovery policy must be strengthened. Available soil moisture must be sufficient to meet the estimated needs of the 1984-1987 vegetation before any well can be turned on for the duration of the drought period. This policy should replace the one described on pg. 10-70. Again, the data exist to make the soil moisture estimates, and they should be used.

Provisions which grant Los Angeles unilateral authority to turn on pumps must be deleted (pg. B-26). These defeat the intent of the joint management procedures set forth and implemented by the Technical Group and the Standing Committee.

The composition of the Technical Group should be detailed, and qualifications for its members specified. It must be certain to remain a technical, and not a political body.

There is also a potential problem with the well turnoff provisions and the commitment to continue providing water for mitigation projects. If a well is to be turned off due to a projected soil water deficit, and that well is the sole source of water for an important mitigation project (such as a spring rehabilitation), the Technical Groups would have to decide which course of action to take. I believe this could be avoided by assuring that all mitigation projects were supplied by surface water; or at the very least, could be converted to using surface water whenever necessary.

Sincerely,



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## RESPONSES TO COMMENTS LETTER D21

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### RESPONSE D21-1

Please refer to response to master comment S-1 regarding clarification of baseline for vegetation comparison.

### RESPONSE D21-2

As given, the scale for Figure S-1 is not correct. The scale is approximately 1 inch = 92 miles.

### RESPONSE D21-3

Pumping levels during wet years would vary depending on the hydrologic conditions encountered during previous years, and the amount of surface runoff available for export.

### RESPONSE D21-4

Export of water from the Mono Basin is presently the subject of litigation, and an EIR is being prepared that addresses instream flow requirements and alternative lake levels. Increased exports from Mono Basin are unlikely, as export levels are expected to decrease in the future.

### RESPONSE D21-5

For more information regarding the drought recovery policy, please refer to response to master comment PD-17.

### RESPONSE D21-6

The population figures stated on page 2-5 are accurate.

RESPONSE D21-7

The information requested is adequately presented in Chapter 2 of the Draft EIR. Text correction is noted, and included in Chapter 3, Revisions to the Agreement and Draft EIR.

RESPONSE D21-8

Comment noted. Thank you for your interest and participation in the EIR process. The response to master comment AL-3 updates Los Angeles' water conservation program.

RESPONSE D21-9

Table 3-1 shows population and water use in Los Angeles; Table 3-6 shows water sources to the City. The two columns noted are quite close, the difference reflects the fact that some "source" water is supplied but not "used" because it is stored in groundwater basins in Los Angeles for use in a subsequent year.

RESPONSE D21-10

The upper portion of Figure 4-1 is a profile of the aqueduct system from Tinemaha Reservoir to the Kern County line; the lower portion is a plan view of the same section. The vertical scale represents elevation for the profile. The horizontal scale has been deleted from the figure in Chapter 3, Revisions to the Agreement and Draft EIR.

A minimal amount of groundwater pumping occurred prior to 1960. The average pumping level indicated on Figure 4-5 is for the period 1960 to 1970.

Descriptions are available at the Inyo County Water Department and LADWP offices. Comment noted.



RESPONSE D21-11

Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.

RESPONSE D21-12

Between the publication of the Agreement in 1989 and the Draft EIR in 1990, the acreages for vegetation types were refined. The numbers shown in the Draft EIR reflect the current numbers. The classification of vegetation into management types (i.e. Types A, B, C, D or E) is based on ET. The classification of vegetation into vegetation communities is based on dominant species.

RESPONSE D21-13

The statements referenced on pages 5-8 and 5-14 of the Draft EIR do not need to be reconciled. Both statements make clear that no absolute projections can be made of future groundwater pumping. While it is not currently believed that average groundwater pumping in the future will be significantly less than during 1970-1990, the actual amount of groundwater to be pumped will be based on the environmental goals of the Agreement. Please refer to responses to master comments PD-4, PD-5, and PD-6 for additional discussion of management of groundwater pumping.

RESPONSE D21-14

Pumping ranges are determined based on fluctuations in surface runoff levels, groundwater recharge volumes and in-valley uses, as well as the soil moisture and vegetation protection provisions of the Agreement and Green Book. Also, please see the explanation in Chapter 5, pages 5-12 through 5-14 of the Draft EIR.

RESPONSE D21-15

Please refer to response to master comment PD-13 for a discussion of pumping on the Bishop Cone.

RESPONSE D21-16

A summary description of the these projects is considered sufficient because each of these projects will be subject to further CEQA review; detailed maps will be provided at that time.

RESPONSE D21-17

Los Angeles has imposed mandatory rationing since the Draft EIR was written. Please refer to response to master comment AL-3 for more information.

RESPONSE D21-18

Generally, there are no significant impacts associated with a "no project" alternative, and therefore, no mitigation measures would be required. Since the project under review began in 1970 and significant impacts have already occurred, options for mitigating these impacts were discussed in Chapter 6, pages 6-7 and 6-8 of the Draft EIR. Also, please refer to response to A4-42 of Letter A-4.

RESPONSE D21-19

An adequate explanation was given in Chapter 6, page 6-11 of the Draft EIR. Comment noted.

RESPONSE D21-20

Comment noted.

RESPONSE D21-21

For a discussion of the amount pumped under the No Project alternative and Los Angeles' conservation efforts, please refer to response to master comment AL-3.

RESPONSE D21-22

Comment noted.

RESPONSE D21-23

Please refer to response to master comment G-1 regarding subsidence.

RESPONSE D21-24

- (1) The figures are annual averages for the time periods indicated; units are in thousands of acre-feet.
- (2) Table 9-4 shows those Owens Valley springs that are gauged by LADWP.
- (3) A minimal amount of groundwater pumping occurred prior to 1960. The average pumping level indicated on Figure 9-17 is for the period 1960 to 1970.
- (4) Flows in the lower Owens River are measured at Keeler Bridge and shown in hydrograph form in Figure 9-1.
- (5) Comment noted. Local reversal in groundwater gradient was not considered to have a significant effect on the environment. Please refer to response to master comment WA-1.
- (6) See response to master comment WA-1.
- (7) The data presented in Table 9-11 was the most recent data available at the time of the computation of the groundwater budget.
- (8) Please refer to response to master comment VE-4.

RESPONSE D21-25

This comment actually contains several comments and each will be answered in a separate paragraph.

- (1) The median is 4.3 inches as indicated in Figure 10-1, the correction will be made in the text.

- (2) Non-native and miscellaneous lands include urban areas, irrigated agriculture, bodies of water, and barren lands. For the most part, barren lands are the result of abandoned agricultural acreage that have not been revegetated either naturally or through restoration.
- (3) Both Scientific and common names have been placed in Appendix B-4. The following text correction is noted, and included in Chapter 3, Revisions to the Agreement and Draft EIR. On page 10-11 of the Draft EIR add to the description for Rabbitbrush Scrub: "It occurs on a wide variety of soil types with various depths to water."

The soils description for greasewood scrub in the Draft EIR is correct. The information was derived from SCS soil survey work in the Owens Valley.

The following text correction is included in Chapter 3, Revisions to the Agreement and Draft EIR, for Nevada Saltbush scrub on page 10-12 of the Draft EIR: The phrase ". . . with total cover around 30 to 35 percent . . ." is deleted.

In general, the vegetation associated with springs does not fall into a single vegetation community class. Also see Appendix A-1 for a listing of vegetation species associated with springs.

- (4) Regarding plant species of concern, please see response to master comment VE-6 and note that LADWP maintains maps and descriptions for these species that are available to resource agencies and others with a legitimate need. This information is not usually included in public documents since some species are collected for their horticultural value. Please refer to response A4-80 to the California Department of Fish and Game for a better definition of wetlands.
- (5) For a more detailed account of the pre-project conditions, please refer to response to master comment EA-1, and VE-5.

- (6) There is no documentation for this statement, but after field visits and conversations with a number of knowledgeable people, it was concluded that no major plant community as defined by Holland, Cheatham and Haller, and others has been lost. It is true that there has been significant loss of vegetation around seeps and springs in the valley but that vegetation belonged to communities still represented in the valley.

RESPONSE D21-26

Please refer to responses to master comments EA-1 and VE-2, and to Appendix A-1. The area of decreases and changes to groundwater dependent vegetation is limited to the area of effect of the well fields. Groundwater dependent vegetation located outside of well field areas should not be affected by groundwater pumping.

RESPONSE D21-27

Please refer to response to master comment VE-3 for a description of the method for identifying significant impacts and MT-7 for a discussion of mitigation. Comment pertaining to past E/M projects is noted. Also, please refer to response to master comment VE-7 regarding saltcedar control.

RESPONSE D21-28

Please refer to responses to master comments EA-1, VE-2, VE-5, MT-3, and MT-8 and Appendix A-1.

RESPONSE D21-29

Please see responses to master comments PD-5 and WA-4 regarding the protections of springs, and MT-3 regarding compensatory mitigation. Also, please refer to response C11-34 in Letter C11.

RESPONSE D21-30

Please see response D21-29 above.

RESPONSE D21-31

The Lower Owens River Project is acceptable mitigation. Please see response to master comment MT-6. Also, please refer to response to master comment MT-3 for allowable mitigation under CEQA; Appendix C-2 also presents a description of the goals and elements of the Lower Owens River Project. As allowed under CEQA, upon finalization of the project description, a separate environmental review will be conducted.

RESPONSE D21-32

Please refer to response to comment D21-31 above.

RESPONSE D21-33

Wildlife data has been updated in response to comments. Please see responses to master comments WL-1 through WL-6; and Appendices C-1 through C-4.

RESPONSE D21-34

Comment noted. Thank you for your interest and participation in the EIR process.

RESPONSE D21-35

Comment noted. Thank you for your interest and participation in the EIR process.

RESPONSE D21-36

A bibliography has been included in Appendix C-3 of this Final EIR.

Appendix E, referred to in Chapter 12, Air Quality, was deleted prior to publication of the Draft EIR. The report authors regret the error.

SIP stands for State Implementation Plan. The U. S. Clean Air Act requires that each state draw up a plan for achieving and maintaining primary and secondary air quality standards. These plans have become known as SIPs.

RESPONSE D21-37

Please refer to responses to master comments PD-4, PD-5, PD-13, WA-4 and AF-2

RESPONSE D21-38

A more detailed discussion of pumping on the Bishop Cone and the commingling of water can be found in response to master comment PD-13. Also, please refer to Appendix A-4 for legal interpretations of the Chandler Decree.

RESPONSE D21-39

Comment noted. Please refer to response to master comment PD-12.

RESPONSE D21-40

Comment noted.

RESPONSE D21-41

Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.

RESPONSE D21-42

Please see response to comment A4-97 in Letter A-4.

RESPONSE D21-43

Please refer to response to master comments MT-1 concerning past efforts of mitigation and MT-2 for a discussion of the experimental nature of the Green Book.

RESPONSE D21-44

Please refer to response D77-8 in Letter D-77.

RESPONSE D21-45

The Agreement contains a detailed description of significant effects in Section IV.B (pages B-22 through B-24). Also, please refer to response to master comment PD-18. Comment noted.

RESPONSE D21-46

Please refer to response to master comment PD-17 regarding the drought recovery policy.

RESPONSE D21-47

Please refer to response to master comment PD-6 for a discussion of the issue of well turn on/off.

RESPONSE D21-48

Comment noted. Please see response to comment C11-8 in Letter C11.

RESPONSE D21-49

Please refer to response to master comment MT-4 for a discussion of the continuance of mitigation projects. Also see response to comment A4-38 in Letter A4.



**Letter D22**

**Kathy Barnes**

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December 27, 1990

Mr. John A. Davis, P.E.  
Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA 94105

RE: DEIR: Water from the Owens Valley to Supply the Second  
Los Angeles Aqueduct. September 1990.

Dear Mr. Davis:

Please consider the following questions, comments and concerns  
in completing the Final EIR.

REF: Summary Chapter

According to CEQA Sec. 15140, a summary of an EIR shall stress (1) major conclusions (2) areas of controversy and (3) issues to be resolved (including choices among alternatives and how to mitigate significant effects). Generally it seems that all the required information is contained in the summary, however, it's organization is very confusing. The only area that is pretty straight forward is "areas of controversy". It is not clear what the major conclusions are or what issues are to be resolved. Is "mitigation measures will reduce the impacts associated with the project to a less than significant level" (S-20, 1st para) a major conclusion? Statements such as that are sprinkled throughout the summary making it hard to say exactly what are the major conclusions. The issues to be resolved, including choices among the alternatives, appears to be fairly clear. Where I get lost is how to mitigate the impacts. The water management agreement mitigates potential impacts yet it is part of the project. I think the summary could be better organized. The proposed project description should have come first....then alternatives....then a discussion of the impacts and mitigations. As presented, the proposed project description (S.4, pg. S-4) is followed by a more in depth description of two elements in the proposed project and given equal emphasis as evidenced by their individual section #'s (S.5 & S.6) This is very poor organizing, in my opinion, since these two sections are really a continuation of "Proposed Project". Many people will only

2 attempt to read the summary. I don't believe "an average member of the lay public" would get a clear picture of the three areas that CEQA requires to be included in a summary.

Due to the fact that the "Proposed Project" consists of practices that have been going on for 20 years and proposals that have yet to commence, I find the project description difficult. The 20 year impact of the "Proposed Project" and the mitigating agreement for those 20 years are all included in the "Proposed Project". The logical way to approach this set of circumstances would be to analyze the practices of the 20 year management & facilities and then analyze the agreement. The project is outlined in such a way as to intermix those elements that have already taken place with those that are to take place in the future. There appears to be a purposeful intermingling of mitigations and project. The consequence of the 20 year lapse in preparation of the EIR is an obstacle that cannot be overcome easily. Please divide these two areas of the project (20 years of management and the agreement) so that it is more understandable.

3 REF: Chapter 6

Conservation and Reclamation.

The goal of Los Angeles to achieve a 10% reduction per capita in water consumption by 1993 seems very inadequate and a token effort at best. The idea of increased water costs should be further explored. In a basic "lifeline" type system where water rate costs increase with increase water usage the increased cost is bound to encourage conservation. It works similar in rationing situations where penalties are encountered where water use exceeds "lifeline". The DEIR seems inadequate in its discussion of the real potential of conservation efforts...it more or less just addresses what LADWP is willing to do...not what is possible. I personally don't see why water shouldn't cost as much as energy or telephone costs (pg. 6-25), after all we are dealing with a scarce resource.

It is unclear to me what conservation measures have been undertaken for governmental agencies since they represent 10 of the top 20 largest DWP water customers (per L.A. Times chart from DWP). I found the statistic on pg. 6-36 rather shocking...60% (400,000 AFY) of water is discharged into the Pacific. I would think that much of the governmental uses of water (i.e. L.A. City Dept of Recreation, Caltrans, Cal. State University Campuses) would be for landscape vegetation. L.A.'s goal should be that the majority of water used by government in those circumstances should be reclaimed water. Government needs to set the example in conservative water use as well as use of reclaimed water. It seems self-defeating to "create" uses for reclaimed water (DEIR refers to these uses as "soft" uses).

Pg. 6-42 to 6-44

Desalination is not considered feasible due to high cost, high energy use and length of time to implement according to the DEIR. Here again, the DEIR more or less dismisses the potential of this supply. LADWP should be heavily supporting research in this field. As population grows in L.A., this source will have to be developed...Owens Valley does not have an unlimited supply of water in any circumstance. Costs and energy use will be reduced as more research into this resource is done. Santa Barbara seems to have taken the responsible approach to water when it decided to invest in desalination. Taking water from one place to supply another just moves the problem around. The DEIR is emphasizing economic costs and ignoring environmental costs. Conservation, reclamation and desalination need to be presented as real alternatives instead of being dismissed as economically infeasible.

REF: Chapter 8

Pg. 8-13

I find it hard to believe that given studies over time, groundwater pumping would not eventually result in soil compaction. Given the continued seismic activity in the area, there is bound to be a settling process going on especially in areas where moisture is absent in the soil. It seems logical that space once occupied by water would be eliminated when moved by seismic activity. Over what period of time was ground subsidence tested?

What about cones of depression? No mention is made of the potential for this occurring. If it happens, won't soil chemistry be changed in these areas where salts will be stranded in the upper portions of the soil thus changing the ability of vegetation to remain unchanged? Please address this potential impact.

REF: Chapter 9

Pg. 9-35 (Table 9-4)

I find this table deceiving. It is apparent that water management since 1970 has greatly effected spring flow. By including the outflow from Fish Slough and Keough Hot Springs, the picture doesn't look so grim. The unfortunate thing is that, theoretically, neither of those springs is effected by LADWP groundwater pumping, whereas, the rest of those listed have been drastically effected. The table should only include those springs effected by post 1970 groundwater management practices...namely, groundwater pumping.

Pg. 9-50, impact 9-2

This impact states that there has been an average flow of the Owens River at Keeler Bridge of 13,100 AFY (1970-86). An average figure of flow does not give a clear picture of flow in the river. Significant damage to vegetation and wildlife occur as a result of a range of flows. The range of flows would be very illuminating with regard to the management of

the river. It may be a long time before the Lower Owens River Project is accomplished, therefore, it is important to have a clear picture of the management program for the lower Owens River and it's impacts. Please analyze pre-project and post-project management practices.

8 Pg. 9-54/55 impact 9-7

It appears that there are some problems with LADWP reservoirs. These problems should be further clarified and the implications of the potential loss of storage facilities discussed. What happens if Tinemaha is reduced or removed? It would seem to me that not only will air quality, wildlife and vegetation be affected but water resources will be impacted...recharge in that area will be significantly altered. Are there plans for other facilities to replace Tinemaha? Haiwee? Pleasant Valley? The DEIR should offer some assurances that long range plans for the management of these facilities are being considered.

9 Pg. 9-63 impact 9-10

It is hard to believe that no subsidence has occurred between 1920 and 1990. In fact, this short paragraph doesn't really say that subsidence has not occurred, rather, it is "believed" that it has not occurred. Who "believes" this? Have tests been done? If subsidence has not occurred, why not? When groundwater is continually removed from the aquifer, it seems logical that in the long run some subsidence will occur.

10 Pg. 9-63/64

The changing of groundwater flows seems to me a pretty significant impact in terms of water resources yet it is basically glossed over in the DEIR. I question the implications of a shift in groundwater flow direction such has occurred with recharge flows from Oak Creek. It would appear that in the long-term this shift would have an effect on the town of Independence as well as the Fort Independence Reservation area since Oak Creek recharge is no longer in that area. It appears that the shift happened relatively quickly. Is this shift considered to be permanent? Is this type of shift likely to happen in other areas? The potential for groundwater flow shifts and possible impacts should be addressed more thoroughly.

11 Pg. 9-83/84

The statement that groundwater storage depletion in the Blackrock and Fish Springs areas is distinct from the concept of groundwater mining needs clarification. In what ways is this not groundwater mining? It appears that pumping in that area has resulted in a permanent drop in groundwater..... additionally changes in recharge flow from Oak Creek have been effected. Are these indications of groundwater mining? Is it expected that over the 20 year period used for recharge calculations that this area will recover?

Vadose system

I was expecting a discussion of the vadose system since at the beginning of this section (pg. 9-2) it was included as one of the three systems included in water resources. Haven't significant impacts to the vadose system occurred? At the minimum there should be some discussion of this system.

REF: Chapter 10

Pg. 10-59/62 impact 10-14

Many more springs, seeps and flowing wells have been impacted than those named in this section and should be included in this impact statement. Springs, seeps and flowing wells are an endangered geologic feature in the west and should be protected. Some of these unique features of the west have been the sole habitat for endangered plant and animal species. The value of keeping spring flow exceeds the value of mitigated ponds....they are not an equable substitute. There are no substitutes for flowing water in an arid environment.

The mitigation(s) proposed for springs, seeps and flowing wells are not adequate or acceptable (i.e. Two acres of restoration is not an adequate or acceptable mitigation at Hines Spring). The mitigations offered do not reduce the loss of these features to a less than significant level. The Lower Owens River Project is in no way an acceptable substitute for springs, seeps and flowing wells. The Lower Owens River Project is only an acceptable mitigation for impacts to the Lower Owens River.

Pg. 10-60 Big & Little Seely Springs

The mitigation for this site appears to be an either/or proposition...namely, when Big Seely Spring is flowing everyone is happy...when it is not, water is pumped for the cattle pond. The implication is that either the Spring or pond will be dry. This method of mitigation may work for some vegetation and wildlife (i.e. ducks) but will exclude species that rely on a firm water supply from a single point. A commitment to maintain spring flow would be the only acceptable mitigation. The application of surface water to a spring site is not an equivalent to the loss of spring flow.

Pg 10-62

It is unacceptable to me that no on-site mitigations will be implemented at Fish Springs and Big Blackrock Springs. Mitigations should take place at the site of impact. It is not appropriate to substitute the production of fish at the hatcheries for lost vegetation at the Spring sites. Concrete lined tanks do nothing in the way of proving wildlife habitat. I am concerned that the easy way out is being taken by accepting compensatory mitigations here. I'm not convinced that suppling non-native fish to streams in the county mitigates for the loss of natural springs. The implication

17 here is that value is based on economics (the hatcheries are supplying recreational opportunities and drawing more people into the area)...where are the facts to back up this implication? In the long term I believe that the preservation of the environment will prove to be of far greater value than the preservation of recreational fishing. One of the big problems with this DEIR is that it is apparent that LADWP (and EIP) are looking at value in terms of economics. Value needs to be viewed in broader terms. The value of flowing springs may not be measurable in terms of economics at present, but certainly they are of value in terms of our environment.

18 Pg. 10-63 Impact 10-15

The springs and seeps referred to in this paragraph should be specifically identified in some portion of this document, perhaps in the Green Book. Are flowing wells included here? The artisans were flowing in the Independence area (next to the aqueduct) in 1984-87. Will these be allowed to flow again? An impact that is not identified here related to flowing wells is the human use. Many of the people in the area used the artisans for drinking water. Usage goes back to the early 1900s when they were first drilled. Please include this human impact in the DEIR.

19 Rare & Endangered Plants

The DEIR does not effectively describe rare and endangered plant populations or areas in which they occur. Neither does it describe impacts to these populations that have happened as a result of the project. Please address this area and indicate what the management plans are and how they will be implemented and monitored.

20 REF: Chapter 11

Pg. 11-4 Background History

I couldn't believe it when in the first paragraph of this section it is stated that in the early days there were very few species of wildlife found in any abundance and that species diversity has increased. It is apparent that selective research was done to make such a statement. There is no doubt that the arrival of the white man had an impact on the abundance of wildlife but the implication in this section is that there was never much here. This is simply not true. Early reports of wildlife from a game species point of view are apparently what was used as the source. Please do a better job on the wildlife chapter.

Pg. 11-40, Mitigation Measure 11-1.

In the last paragraph (pg. 11-40) the implication is that LADWP has applied enough water in the lower Owens River to maintain riparian vegetation and aquatic habitat. This is really a false and misleading statement. What about this year when there is virtually no water in the river? What about a couple of summers ago when they turned the river off? What about the release last year of the entire flow of the aqueduct (an emergency or poor/no emergency management procedures)? In all instances major die off of wildlife resulted.



Much value is placed on the Lower Owens River Project. On page 11-41, para. 2, it is stated that over 1,000 new acres of wetland will be created. My question is "new" relative to what? This area and more was wetland prior to 1900...so how is this new? Aren't we talking a degree of restoration, not "new"? Finally, the last paragraph states that this (Lower Owens River Project) will provide benefits to wildlife that exceed the impact during the last two decades. Who is making this judgement? I'm not convinced that the Lower Owens River Project is the panacea for impacts to vegetation, springs and wildlife since 1970. The irregular, intermittent flow in the Lower Owens River should be mitigated. Acceptable mitigation would include restoration of a firm adequate flow of water to maintain a permanent habitat for native vegetation, wildlife, and recreation.

21

Pg. 10-54, Impact 10-10, & Pg. 11-42, Impact 11-2

Under the agreement, LADWP will continue to operate canals and ditches as they have in the past except that vegetation along the canals/ditches will be maintained as documented during 1984-88 (pg.10-54, impact 10-10). This is one indication of a general lack of protection for wildlife. Obviously the practice of shutting the ditch/canal (or river) off for a few hours/days completely devastates aquatic life. Can't work take place on these water ways without shutting them off (i.e. short diversions in area where work is taking place)? There is something inherently wrong in shutting off a water way. There is something really wrong in the regular extermination of fish, frogs, etc. I am not impressed with the cursory treatment of impacts to wildlife in the DEIR. Counting wildlife (pg 11-42, impact 11-2) won't help declining populations. There should be a commitment in the agreement to maintain wildlife populations and provide/maintain habitats.

22

#### Additionally Impacts to Wildlife

What about impacts to wildlife in areas where springs, seeps and flowing wells have been dried up and streams have been diverted. Springs in particular have unique habitat and impacts have not been identified.

23

#### REF: Chapter 12

The area east of the river between Mazourka Canyon Rd. and Lone Pine has been identified as a source of PM-10. Why is this? There are no pumps there...Is this condition the result of grazing practices or a natural condition of the arid environment? The DEIR should offer some explanation for this condition and some indication as to whether conditions in that area will get worse.

24

REF: Chapter 15

Pg. 15-5

LADWP has been a terrible keeper/protector of cultural resources. The site of the Japanese-American Relocation Center (Manzanar) is a case in point as are numerous Native American sites throughout the Valley. Not only has it been standard operating procedure for DWP employees to help themselves to artifacts, but nothing has been done to discourage the general public from doing the same. The site of Manzanar is considered significant enough to be the focus of a bill introduced in Washington to take Manzanar into the National Park System yet no cultural assessment has been done, to my knowledge, on this or any other LADWP land. It would seem to me that as a public agency, they would have a responsibility to do this. Instead, Inyo County has lost uncountable cultural and historical resources because of a lack of policy and/or enforcement on LADWP's part. Significant impact to cultural resources have occurred and should be addressed in this DEIR.

25

REF: Chapter 16

Pg. 16-28

The last sentence on this page indicates that an inventory and classification of vegetation in the Lone Pine area has been completed. Did this inventory include the town itself? Many of the trees in town are groundwater dependent. Was this taken into consideration?

Pg. 16-34/35 Impacts 16-9, 16-10, 16-11

The mitigations for these impacts are not acceptable. Under no circumstances should the flow of one of the few remaining springs (Reinhackle) be reduced or allowed to dry up. The application of water does not mitigate for the reduction or drying up of a seep or spring. Water supplied at the surface will not result in the same habitat. The location of new pumps, particularly in the Big Pine and Independence-Symmes-Bairs area do not seem appropriate. Any new wells should be located on the basis of environmental concerns not proximity to gathering facilities.

26

REF: Chapter 17

Pg. 17-2/3 (Section 17.3)

This section appears to be totally inadequate and in some places doesn't even make sense. At the top of page 17-3 the second para. beginning with "Primary" doesn't make sense. What does this refer to? Where are sewer improvements being made and what is meant by "infrastructure systems"? The last paragraph (beginning with "The proposed project..." certainly does not begin to cover the significant irreversible environmental effects of the project. What about irretrievable commitments of resources related to water i.e. springs, air quality, etc.?

Pg. 17-4 (Section 17.5)

The cumulative impact of drying up springs, seeps, flowing wells and tail areas is not addressed in this DEIR nor suitable mitigation offered for this impact. These habitats are of special concern and significance in the Owens Valley since flowing water in an arid environment is unique and needs to be adequately accessed and mitigated.

Pg. 17-5/6: Grazing

The cursory treatment of grazing management practices in the EIR is something that should be corrected. The DEIR acknowledges "It takes many years before desirable native vegetation becomes established particularly when livestock grazing is permitted." (pg. 6-47) Any analysis of vegetation change in Owens Valley comparing pre-project conditions with post-projects conditions has to take into account grazing information. The influence of grazing on vegetation cover and composition together with resulting areas of impact should be included in this DEIR.

Page 14-17 (impact 14-4) indicates that under the terms of the agreement, grazing management policies will be enforced. What are LADWP's grazing management practices and what assurances do we have that they will be enforced in the future since the implication is that they have not been enforced in the past. I have been told that if LADWP required the same grazing management practices as the BLM and USFS then it would no longer be economically feasible to continue operating a grazing allotment. This implies that past grazing management on DWP lands is close to nonexistent. Given our climate together with groundwater pumping, I doubt if cattle grazing would be economically feasible if managed with the needs of vegetation in mind. One observation of past management practices is that lessees are allowed to burn areas of their range. The DEIR should include what part controlled burns play in (1) air quality (both in terms of the actual day of the burn and in the long term as the area awaits recovery of some sort of vegetation cover); (2) impacts to vegetation classifications as delineated in the agreement; and (3) planned mitigations when the controlled burn "accidentally" goes out of control (as has happened on a regular basis in the past). Additionally the locations and dates of all fires should be mapped, evaluated and related to impact on past vegetation abundance and composition. Protection for water sources (seeps, springs, flowing wells) as well as areas along the Owens River (i.e. fencing) is necessary to prevent further damage from grazing. Furthermore, since grazing impacts vegetation, it would seem appropriate that Inyo County monitor the management practices.

The lack of an analysis of current and cumulative grazing management impacts in the DEIR is an omission that needs to be rectified. In my opinion, the document is incomplete without it.

29

Impacts to wildlife habitats.

The primary goal on page B-21 (agreement) pertaining to avoidance of significant decreases in wildlife habitats needs more clarification and is generally not addressed in any other area in the agreement. The agreement/project is very weak in the area of wildlife habitat. Understandably, if vegetation dies, animals die....is restoration of wildlife habitat going to take place? Turning a sprinkler on over stressed vegetation will alter wildlife habitat (as well as soil structure). The agreement and the EIR should clarify what are the management plans to achieve the stated primary goal concerning wildlife habitats.

30

Future Mitigation Measures.

I am concerned that the agreement doesn't stress that restoration of native vegetation is first priority. Only in unusual circumstances should something other than restoration be an acceptable mitigation. I object to the concept of compensating mitigation especially when related to vegetation destruction. All mitigation should take place at the site of impact.

31

Town Water Systems.

The DEIR does not estimate how much of a reduction in cost water will be to the communities. I am very skeptical that in the long run the cost will be reduced. There have been and continue to be many leakage problems in Independence. If cost is examined in terms of on going maintenance to the system, I would be surprised if the County will be able to keep cost down. Equipment and manpower is not cheap. An examination of the system by an outside expert will take place at a specific point in time....I doubt if the weaknesses of numerous repairs to water mains will be reveled. Also a qualified licensed water treatment specialist will be required. There is no way that the County (or a water district) will ever have the resources available to DWP in operating town water systems. Water is DWP's business. Please give us a realistic cost estimate of operating these systems so we can make an educated decision.

32

Lower Owens River Project

We are being asked to accept a project (The Lower Owens River) that is very vague and apparently only in the "concept" stage. There is just not enough information on the Project to commit to it at this time. For example: It is unclear to me why the county should pay for any part of this project. It is not clear enough what the county's long-term financial commitment would be regarding the operation of the non-pumpback portion of the project. What does this entail? Who determines what needs to be done? Is the county contributing

to something they have no control over? 35cfs of water down Owens River doesn't sound like much when there is 50cfs going through fish hatcheries. Is 35cfs enough to maintain a fishery? How will vegetation and wildlife be managed? Will grazing continue? As indicated previously, the Project maybe an acceptable mitigation for the impacts to the Lower Owens River... given more details. It is definitely not an acceptable mitigation for loss of springs, etc.

33

Water Diversions from enhancement/mitigation projects.

The ability of LADWP and the County Board of Supervisors to alter the amount of water to enhancement/ mitigation projects seems to me to be a dangerous precedence to start. Owens Valley should not be required to make-up the consequence of drought. The enhancement/mitigation projects now and in the future are results of environmental impacts. Los Angeles should deal with water shortages at their end, otherwise, we will be in a potential situation wherein we will need the mitigations mitigated.

The Standing Committee should not be able to negotiate the discontinuance of projects without an EIR or public hearings(5-18). The implication here is that the Standing Committee could shut-down any project at any time...this, of course, would lead to complete disaster in a project such as the Lower Owens River.

34

Well for Big Pine.

Why can't the well for the Big Pine Ditch System be on the East side of town? The well for the Independence town water supply was put on the West side of town resulting in a reduced water table under the town itself. Most of the large trees in Independence have died as a result.

35

GREEN BOOK

Pg. 3

Type A vegetation monitoring should include some soil water potential monitoring. A periodic fly over may not indicate problems soon enough. A lesson should be learned at the Independence well field where Type A vegetation has died. The cone of depression has had impact on Type A vegetation. The ideal would be to monitor Type A vegetation using the same methods as others until a considerable history (20 yrs?) has been established to really say unequivocally that an area is not dependent on groundwater.

36

Pg. 6/7 (Table 1.A)

It seems a big mistake to me to only monitor production wells. I would like to see all well areas monitored. Draw down and associated vegetation impacts can/will happen in areas of enhancement/mitigation wells as well as town wells. I personally would like to know if the well supplying Independence is effecting vegetation...to what extent, etc. Under the provisions of the agreement, E/M wells can be converted to production wells. It would seem to me a real

advantage to have monitoring data already being generated. In other words, all well areas should be monitored regardless as to whether they are exempt from turn off. Maybe impacts in the Five Bridges Road area could have been avoided if the E/M well areas were monitored.

Pg. 12 (para. 2)

LADWP should not be able to manipulate "site". The Greenbook/Agreement should reflect in all cases that the area which the site represents is where any action is to take place...not merely at the monitoring "site".

Pg. 26-27 Determining Degree of Significance.

This area of the green book carries many potential loopholes and depends to a considerable degree on interpretation and judgement.

(i.) Size, location and use: Size compared to what? A spring generally covers a small area, therefore is it not "large" enough? Location-What does this mean? If the impact is in an area near the highway then we fix it?...if not visible...forget it? Use-If only ducks/fish/birds and birders use an area is it significant?

(ii) Degree of decrease, change, etc.: Just what is a significant degree? 10%-50%-90%? Some guidelines should be established and included in the green book. The opportunity for endless discussion/argument exists with a completely open ended statement like this.

(iii) Permanency of decrease: How does one prove that something is permanent? If the vegetation is dead that seems pretty permanent to me. Any decrease/change should always be considered as permanent.

(iv) The implication here is that vegetation is nearly gone. Theoretically changes/decreases in vegetation shouldn't reach this point...should they?

(v) Cumulative effect: Here again is the idea of degree. Guidelines should be included.

(vi) Value of existing E/M: Will LADWP point to the Lower Owens River Project as the "ultimate" in E/M value like they have implied in the DEIR?

(vii) Effect on Human Health: What are they talking about?

Pg. 47 (c)

This section should mentioned springs, seeps and flowing wells.

Pg. 81-82 Rooting for Soil Water Extraction.

Will it be possible for new plants to establish with limited groundwater? Will we have a static population wherein mature plants are the only individuals with a root system well enough developed to extract water from the soil? It seems possible to me that we might have plants dying of old age and no replacements.

Thank you for the opportunity to comment on the DEIR. If I can clarify any of my comments, please feel free to contact me.

Sincerely yours,



Kathy Barnes  
P.O. Box 323  
Independence, CA 93526  
(phone: 619-878-2004)

cc: Keith Bright, Inyo County Supervisor, 4th District  
Greg Jame, Director, Inyo County Water Department





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## **RESPONSES TO COMMENTS LETTER D22**

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### **RESPONSE D22-1**

The project covered in this EIR is an extremely complex one. Los Angeles and Inyo County endeavored to organize data as simply as possible. Unfortunately, the document remains complex.

### **RESPONSE D22-2**

The management practices under the project between 1970 and 1990 are not necessarily separate from the management that will occur under the Agreement. Some 1970-1990 practices may be discontinued, some may be modified, and others may continue. Therefore, it was not always possible to address the two time periods separately. The two time periods were discussed separately in all of the impact analysis sections of the Draft EIR. Also please refer to response to master comment PD-1.

### **RESPONSE D22-3**

Please refer to response to master comment AL-3 for a discussion of conservation and water supply issues. It should be noted that the Draft EIR includes data related to conservation measures that are feasible, as a means of relating conservation effects to water supply. To simply outline what measures are possible would be misleading if the political, economic, fiscal, and infrastructural constraints prohibit their implementation.

### **RESPONSE D22-4**

Please refer to response to master comment AL-2 for additional discussion of desalination. The statement that the Draft EIR ignores environmental costs is unfounded.

RESPONSE D22-5

Please refer to response to master comment G-1 for a discussion of subsidence.

RESPONSE D22-6

Table 9-4 of the Draft EIR was not intended to be deceiving. The spring flows shown are those which are gauged by LADWP.

RESPONSE D22-7

Annual flows in the Owens River at Keeler Bridge are shown in Chapter 9, Water Resources, in Figure 9-1.

RESPONSE D22-8

Please refer to responses to comments C11-20 and C13-11.

RESPONSE D22-9

Please refer to response to master comment G-1 for a discussion of subsidence.

RESPONSE D22-10

The issue of significance of water resource impacts is discussed in response to master comment WA-1.

RESPONSE D22-11

Please refer to response to master comment PD-12, concerning groundwater mining.

RESPONSE D22-12

Impacts resulting from reductions in soil water in the vadose zone are addressed in the impact analysis in Chapter 10, Vegetation, in the Draft EIR.

RESPONSE D22-13

Please refer to responses to master comments PD-5 and WA-4 regarding the provisions of the Agreement to protect seeps and springs in the valley.

RESPONSE D22-14

The Lower Owens River Project is acceptable mitigation. Please see response to master comment MT-6. Please refer to response to master comment MT-3 for allowable mitigation under CEQA; Appendix C-2 also presents a description of the goals and elements of the Lower Owens River Project. As allowed under CEQA, upon finalization of the project description, a separate environmental review will be conducted.

RESPONSE D22-15

Comment noted. No further response is required.

RESPONSE D22-16

Please refer to response to comment C11-34.

RESPONSE D22-17

Please refer to responses to master comments PD-5 and WA-4.

RESPONSE D22-18

Please refer to responses to master comments EA-1 and VE-6 regarding plant species of concern.

RESPONSE D22-19

Please refer to response to master comment WL-2 for a discussion of historical references.

RESPONSE D22-20

The Lower Owens River Project is acceptable mitigation. Please see response to master comment MT-6. Please refer to response to master comment MT-3 for allowable mitigation under CEQA;

Appendix C-2 also presents a description of the goals and elements of the Lower Owens River Project. As allowed under CEQA, upon finalization of the project description, a separate environmental review will be conducted.

RESPONSE D22-21

No waterways subject to permit are shut off without a permit. Smaller irrigation ditches are at times shut off for maintenance.

RESPONSE D22-22

Wildlife impacts around springs are discussed in Chapter 11 of the Draft EIR.

RESPONSE D22-23

The area identified in this comment was a source of blowing dust before the project was implemented. None of the elements of the project (i.e., abandonment of irrigated lands, groundwater pumping, or changes in surface water management) have been, or will be, implemented in this area.

RESPONSE D22-24

It is not possible to evaluate the allegation that significant cultural resources impacts have occurred in the absence of any supporting evidence.

RESPONSE D22-25

The town was not inventoried. Please refer to responses to master comments WA-4 and AF-2 regarding Reinhackle Spring and new wells in the Lone Pine area. Also, please refer to response to master comment PD-5, regarding spring protection.

RESPONSE D22-26

The reader mistakenly assumes the text describing CEQA guidelines pertains to an element of the proposed project. No sewer improvements are proposed in the project.

RESPONSE D22-27

Please refer to responses to master comments PD-5, MT-3, and MT-5.

RESPONSE D22-28

Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.

RESPONSE D22-29

There is no specific provision in the Agreement for wildlife management. Please refer to response to master comment WL-6 regarding LADWP's wildlife monitoring program.

RESPONSE D22-30

The Green Book Section I.C.2 (page 28) states that the preferred goal of a mitigation plan will be to "restore the same type of perennial vegetation cover in the affected area" and that compensatory mitigation would not be a preferred goal for mitigation. Please also see response to master comment MT-3 regarding compensatory mitigation.

RESPONSE D22-31

Please refer to Chapter 17, CEQA Considerations, Page 17-7, paragraph 2, of the Draft EIR for a discussion of costs of town water systems.

RESPONSE D22-32

The Lower Owens River Project is acceptable mitigation. Please see response to master comment MT-6. Please refer to response to master comment MT-3 for allowable mitigation under CEQA; Appendix C-2 also presents a description of the goals and elements of the Lower Owens River Project. As allowed under CEQA, upon finalization of the project description, a separate environmental review will be conducted.

RESPONSE D22-33

Please refer to response to master comment MT-4 for discussion of continuation of mitigation.

RESPONSE D22-34

The location indicated for the Big Pine ditch system well was selected based on environmental, engineering, and well yield considerations. No change in location is proposed.

RESPONSE D22-35

In Section I.B.1 of the Green Book it is stated that Type A vegetation will be monitored by remote sensing, visual, and other appropriate means. The technical Group is thus able to tailor the monitoring of Type A vegetation to the needs of specific areas.

RESPONSE D22-36

Enhancement/mitigation wells are not exempt from the automatic turn-off provisions of the Agreement. In the Section I.B (page 11) of the Green Book, exempt wells are defined as those wells which are the sole source of supply water for towns, irrigation, and fish hatcheries, or their operation does not affect areas with groundwater dependent vegetation. There is no plan at this time to include exempt wells in the vegetation monitoring program.

RESPONSE D22-37

Please refer to response to master comment PD-6 regarding the determination of the "area of the monitoring site."

RESPONSE D22-38

The criteria for identifying significant effects are described in the introductory statements in each environmental analysis section of Chapters 8 through 16 of the Draft EIR. The standards are based on CEQA Guidelines (Appendix G in CEQA, titled Significant Effects) unless indicated otherwise. The Agreement contains a detailed description of significant effects in Section IV.B (pages B-22 through B-24). Please refer to response to master comment PD-18 regarding the use of the term "significant" in the Agreement. Also, see response to master comment MT-7.

RESPONSE D22-39

Vegetation at the areas identified in the comment will be included in overlays for monitoring purposes under Section I.D.1 (page 31) of the Green Book.

RESPONSE D22-40

The process of plant recruitment in the Owens Valley is not well understood, although it is thought that precipitation plays a major role in seedling germination and establishment. Plant recruitment is currently being evaluated through the monitoring program. It will also be the subject of further study under Section V.B.9 (page 121) of the Green Book.





**Letter D23**

**Farhad Saadat, Tissurama**





INDUSTRIES, INC.  
3001 Sierra Pine Avenue  
Los Angeles, CA 90023  
(213) 264-7120

December 27, 1990  
Our Ref;# 1482

EIP Associates  
150 Spear St. #1500  
San Francisco, Ca 94105

Attn: Mr. John Davis

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Dear John:

At present we have over 240 employees and in near future we will have about 300 all together. Having such a big workforce and a lot of investment, we need a regular supply of water without it we will be out of business within hours.

We have already reduced consumption of water by investing a lot of money in new technologies for dyeing and printing.

Therefore, we strongly urge that the agreement between Owens Valley and M.W.D. be kept intact. We highly appreciate your close attention to this matter.

Sincerely,

  
FARHAD SAADAT  
President



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## **RESPONSES TO COMMENTS LETTER D23**

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### **RESPONSE D23-1**

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.



**Letter D24**

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**William Schwartz**

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John Davis, Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA 94105

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JAN 03 1991

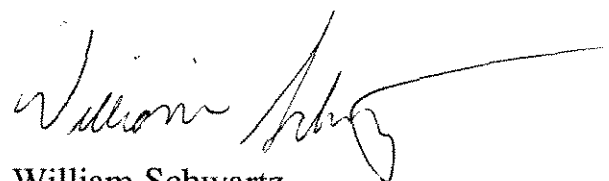
EIP ASSOCIATES  
SAN FRANCISCO, CA.

John Davis:

This letter contain comments on the Inyo County EIR and Long-term Water Agreement. My following comments regard pointing out several weaknesses:

1. The EIR contains an inadequate pre-project description of the affected environment.
2. The drought recovery policy must be changed to only allow pumping after the soil moisture recovers to that necessary to support the vegetation mapped during the 1984-1987 survey.
3. The Agreement provision which allows unilateral authority to Los Angeles to turn on a well for the purpose of increasing soil moisture should be changed to jointly by Inyo County and Los Angeles.
4. The few remaining natural springs must be fully protected in their natural state.
5. The EIR must provide a discussion of the cumulative impacts of livestock grazing which have occurred from 1970 to 1990 and those expected in the future.
6. The EIR fails to adequately address pre-project plant distribution and the impact on plants as a result of the project.
7. Irrigated native pasture should not be allowed to become alfalfa fields as now stated in the Agreement, since it is a major vegetation change.
8. Existing wetlands which are a habitat of concern should be excluded from lands divested for economic development under the Agreement; at present, under the Agreement, it appears they are included.
9. Before it is captured, water flowing through fish hatcheries should be permitted to irrigate existing meadows and wetlands, and to restore previous ones before being diverted to the aqueduct.

Respectfully,



William Schwartz  
Box 101  
Keeler, CA 93530



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## **RESPONSES TO COMMENTS LETTER D24**

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### **RESPONSE D24-1**

Please refer to response to master comment EA-1 for a discussion of pre-project conditions.

### **RESPONSE D24-2**

Please refer to response to master comment PD-17 for a discussion of the drought recovery policy.

### **RESPONSE D24-3**

Please refer to response to master comment PD-6 for a discussion of unilateral well turn on/off.

### **RESPONSE D24-4**

Please refer to responses to master comments PD-5, and WA-4 for a discussion of spring and seep protections.

### **RESPONSE D24-5**

Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.

### **RESPONSE D24-6**

See response to master comment EA-1.

RESPONSE D24-7

Please refer to response to master comment VE-1 for a discussion of allowable vegetation conversion under the Agreement.

RESPONSE D24-8

Please refer to response to master comment PD-15 for more discussion on release of Los Angeles-owned lands.

RESPONSE D24-9

Please refer to response to comment C11-34 in Letter C-11.

**Letter D25**

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**Irene Cuffe, Cuffe Guest Ranch of Movie Fame**



*Irene Cuffe*  
*Cuffe Guest Ranch of Movie Fame*

December 28, '90

Mr. John A. Davis,  
 Environmental Impact Protection Association,  
 150 Spear St., Suite 1500,  
 San Francisco, CA. 94105.

RECEIVED

JAN 7 1991

EIP ASSOCIATES  
 SAN FRANCISCO, CA

Dear Mr. Davis:

PROTESTING  
 Re: ENVIRONMENTAL IMPACT REPORT OF DWP. L.A.

I am enclosing a copy of the 5 page protest letter of September 13, 1989 which I read and presented to you to go on the public records and into the draft Environmental Impact Report. I recall that you stated you would send me a copy of that protest letter. As I have not received that copy, I felt that I should send you a copy of what I presented at that meeting and you will recall that the people that attended that meeting applauded me for my presentation.

I have an enormous amount of evidence on this topic and am enclosing some of the evidence material as follows:

1. Letter of Feb. 17, '71 addressed to O.M. Lloyd, Ass't. Counsel, Dept. Water and Power, L.A.
2. Copy of Diversion and Use Statement #5275 and S. 5275 diverted 3552 acre feet, dated June 26, 1970 and filed again on Nov. 12, 1973 for 372 acre feet. You will notice by this figure that I actually stopped them from appropriating any further.
3. You will note from interview record of Bureau of Land Management in Riverside, CA. dated 11/1/71 that I vigorously protested against the issuance of the Right of Way 4235 application. The illegal structures were constructed in May 1969 and I protested against them immediately.
4. I appeared on television for 3/4 of an hour on KHJ with Regis Philben and Paul Lane, who was in charge at that time of the L.A. Aqueduct. Regis Philben had charge of the program. (2) pages.
5. Copy of letter dated April 21, 1975 which I presented at the public hearing together with protests against the increased pumping, the second aqueduct, against the diversion of the creeks and the export of the creek waters, etc. This is of record in the 1976 Environmental Impact Report and which I defeated.
6. Copy of letter dated March 12, '75 presented at Public Hearing held March 12, '75 and which is of record in the Environmental Impact report, with petitions of protests which I filed. I defeated the EIR's
7. Copy of letter dated March 11, '87 addressed to my former attorney, Mr. Thomas Richey where it states the Department is willing to remove the diversion structure, etc. with Inyo County in joint control and each offering \$5,000.00, when the damage is in the millions.
8. See copy of Clair Trucking and Construction of 2/8/88. Their estimate is 11 million dollars. Another party stated 100 million dollars.

Enclosures. 17 pages. 4-5 miles West on Whitney Portal Road Sincerely,

P.O. Box 153, Lone Pine, California 93545 (619) 876-4161

*Irene Cuffe*  
 IRENE CUFFE

*Cuffe Guest Ranch of Movie Fame*

EXHIBIT A.

-1-

September 13, 1989

Mr. John A. Davis,  
Environmental Impact Protection Association,  
150 Spear St., Suite 1500,  
San Francisco, CA. 94105 .

Dear Mr. Davis:

Received your invite of August 31, 1989 on the subject of NOTICE OF PUBLIC SCOPING MEETINGS FOR A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) ON INCREASED GROUNDWATER PUMPING IN THE OWENS VALLEY PURSUANT TO A GROUND WATER MANAGEMENT PLAN, TO WHICH I AM VIGOROUSLY PROTESTING for the following reasons:

1. I am IRENE CUFFE, THE ACTRESS OF 1000 FACES and I am the owner of about 160 acres on LONE PINE CREEK, which is an immemorial creek, non-navigable, which is part and parcel of my property and which had an abundance of fish and they were native fish. My U.S.A. land patents dates back to the Homestead Entry Act of 1862, to the EARLY SETTLERS ON THE PUBLIC DOMAIN, however, my property originally was in a Mt. Whitney Military Reserve and which Military Reserve is located above my property. I am the upper private riparian owner and my U.S. Land patents are signed by President Woodrow Wilson and President Herbert Hoover. I have two U. S. Patents, but they are both on the 1906 U.S.A. allowance.

In 1943 we purchased this property from a famous motion picture director by the name of Clarence Badger, who made the production of the Keystone Cops famous and historical and discovered all the big motion picture stars and the first 100 noted of the SILENT SCREEN.

Mr. Leslie E. Cuffe, my late husband who died in 1949 worked with Mr. Clarence Badger at Paramount Studios. Mr. Cuffe joined Paramount Studios- also known as Famous Players- Lasky Studios in the early 20's and was transferred to Hollywood at the age of 17 yrs. to organize a motion picture projection department and would come to Lone Pine on locations to make motion pictures. Clarence Badger was instrumental in making Lone Pine a great center for motion picture locations and that is how the name 'Movie Flats came about and Clara Bow bridge was named after Clara Bow.

Clarence Badger in 1925 purchased the upper piece of property from Sedie Weir, who was the original owner of the U. S. Patented Land on Lone Pine Creek.

When we purchased it, we remodelled the property and buildings and landscaped it and called it DIAMOND C RANCH and which in 1951 named it CUFFE GUEST RANCH OF MOVIE FAME. Originally, we bought it for movie productions and motion picture locations as well as guests. I have been and am the owner of this property since that time, 1943, a period of 46 years and I have made it famous world wide with me, Irene Cuffe, the ACTRESS OF 1,000 FACES and I received many awards for my work as an outstanding actress and also received a citation from the United States Treasury for my efforts in entertaining the Armed Forces and also received a citation from Hollywood when I performed on radio for the Armed Forces, also a citation from the American Theatre Wing in New York. I won critical acclaim for my acting ability in Hollywood.

*4-1/2 miles West on Whitney Portal Road*  
P.O. Box 153, Lone Pine, California 93545 (619) 876-4161



*Irene Cuffe*  
*Cuffe Guest Ranch of Movie Fame*

-2-

September 13, 1989

Mr. John A. Davis, EIP:

I have already sent you a letter which was in answer to your first letter I received from you and stated that my attorney was on vacation and I stated to you that I have a law suit in the U. S. District Court against L. A. Dep't. of Water and Power, Inyo County and U.S.A. as I have been flooded 14 times, due to the fact that Lone Pine Creek in 1969 was diverted from its natural channel into an artificial water course which they bulldozed, being of earth and constructed a concrete spillway and a 5 mile diversion channel to take the Lone Pine Creek flow to an entirely different water shed into Hogback Creek, under the guise of flood control and anticipated flooding, over which they had no authority to do so. No flooding occurred on my property in 1969. I had the assistance of the Sierra Club at that time, a Mr. Larry Moss and who later became associated with the State Water Resources in Sacramento. I also had many contacts with Counsel authorities. I am sure you will find all my correspondence and my vigorous fight against the Dept. of Water and Power activities in their file dating back to 1970, and also letters from the Ecology Group and a Mrs. Frances Chitwood.

On August 20, 1989, my attorney, Mr. Lawrence E. Ayres of Fresno, wrote you and added further information as follows: "Dear Mr. Davis: I represent Mrs. Cuffe in the case of Cuffe vs. U.S.A. et al Federal District Court, Eastern District, Case No. CVP-83-389 EDP."

"Please be advised that Mrs. Cuffe objects to any activities that result in any way in the reduction of the flow of Lone Pine Creek above her property or on her property."

"In addition, Mrs. Cuffe objects to any groundwater pumping or other extraction that in any way impacts her wells located on her property south of the Whitney Portal Road. Mrs. Cuffe also objects to any changes to the natural drainage on the south of the road. In the past, the natural drainage served to recharge her wells on the south side of the road".

"Finally, Mrs. Cuffe hereby reserves all of her rights to protect her riparian water rights on all of her property".

"Please do not hesitate to contact me if you have any questions".

"Very truly yours",

(Signed)

"LAWRENCE E. AYRES".

LEA/ps

cc: Mrs. Irene Cuffe"

2. The floodings that have occurred on my property are due to the fact that Lone Pine Creek is out of its natural channel. The Indians knew that the lands would absorb any flash flood and I never had any flooding previous as flow of any kind would be absorbed into the ground and would fertilize the soil and make plants grow. This is the land of "Little

4-1/2 miles West on Whitney Portal Road  
P.O. Box 153, Lone Pine, California 93545 (619) 876-4161

*Cuffe Guest Ranch of Movie Fame*

-3-

September 13, 1989

Mr. John A. Davis, EIP.

rain, therefore, rain when it does come, is most welcome. I wrote Washington as to what had occurred and how Lone Pine Creek as well as other creeks have been diverted out of their natural channels, which is illegal, particularly, when I am the upper private riparian owner covered and protected with U.S. Patents dating back to 1862. Our Congressman, on his last trip here stated that the natural streams have to go back to their natural channels, but that has never been done. Instead of that, all of our rights are being devoured as well as all of our inheritance immemorial as these are natural streams in a beautiful setting of Mt. Whitney, the Alabama Hills and beautiful landscape which is hard to find anywhere in Nature's beauty and all of this to be destroyed. I originally, in my fight, sent Department of Water and Power, to the ocean and to recycle their waste water instead of sending it into the ocean and that is what they must do.

Enclosed is an article which appeared in the L. A. Herald and Examiner, on August 28, 1989 written by Gordon Dillow stating that lots of L.A. Water is being wasted at Lot No. 615 and that he made calls about it, but the water flow keeps on running.

3. My pump has been damaged in the September 25, 1982 flood and I kept repairing it and finally it stopped working all together. I paid \$1,500.00 for the pump plus installation and removal of pipes that were full of gravel and mud that hardened in the pipes, therefore, there was no water flow for the new pump. After we put the pipes in, the water flow was fine. About two weeks after the new pump was installed, we started to check the water flow as the pump would run a short time and shut off. I have been bucketing water from the creek on and off, due to the fact that the old pump would not pump when the water was muddy so we would clear the flow practically every day, but it would still stop and the same thing is happening to the new pump and I have not been able to take guests as I have no water available, altho' I am surrounded by water. Finally, after wasting days and days trying to get some pumped water into the cabins and the lodge, I decided that I would inform my guests of my situation, that I have no water, but if they wish to see if they can get water into their cabin, they would be able to get one shower and then pump again for about a half hour for the second shower.

I had a Dr. Leroy R. Brown of Yucca Valley, CA. stay at my place during the Labor Day Holiday and I informed him about what he would have to do in order to get water into the cabin. As Dr. Brown had a ranch in Ridgecrest, CA. at one time and had a creek on his place and had a pump, he was familiar with what had to be done, and so he tried to operate the pump and as he was the only one that came for the Labor Day Holiday, I would be able to let him have what ever water happened to come thru' if any.

I received a letter from him on September 6th, 1989. He stayed until September 4, 1989 at the ranch, a matter of 3 days.

"To Whom It May Concern: I have been a patron of Cuffe Guest Ranch since the 60's. Unfortunately, I have been unable to go there for 5 years."

6.4 miles West on Whitney Portal Road  
P.O. Box 100 Pine, California 93354 Tel 876-4161

*Irene Cuffe*  
*Cuffe Guest Ranch of Movie Fame*

-4-

September 13, 1989

Mr. John A. Davis, EIP.:

"I therefore looked forward to Labor Day week end. I was very much surprised that the level of Lone Pine Creek was down by 6" to 8" on my arrival at 6:00 P.M. on Friday, Sept. 1."

"At approx. 4:30 to 5:00 A.M. Sept. 2 there was a roaring sound of rushing water. I was able to see that the creek was raising rapidly. By 7 A M the pools were up to the old level and the small falls were running again."

"On Sunday Sept. 3 at approx 4 P M I was sitting beside the creek at my cabin and I noticed the water level was dropping, within 30 min, the level had dropped 4-6 in. I went in the cabin to shower before dinner and there was no water."

"On telling Mrs. Cuffe of the situation, we together checked the pump. It was found not working and the water level was so low in the reservoir that is fed by the creek, that air was getting in the line to the pump making it inoperable."

"Twice during Sunday nite there was a roar of gushing water. I went out with flash light and could plainly see the water level was raising."

"At Day light I went to check if the water level in the reservoir was enough to start the pump. The level was up somewhat but not a full capacity. It took me approx 1/2 hr to bleed the air from the line and get the pump going, so I had water in the cabin."

"It is my conviction that someone on the stream above Cuffe ranch has been diverting water in the creek, lowering the flow so that Cuffe Ranch is not receiving enough water to fully operate the pump."

"Also I noticed that the fish population is much smaller in size and numbers. Probably due to lack of oxygen in the water from frequent decrease in the flow in the creek."

"Cuffe Ranch business is apparently wrecked from the interruptions of water flow so that there is not adequate water for the cabins, toilet and shower facilities being necessary to any business of public services."

Respectfully,

(Signed) Dr. Leroy R. Brown."

4. On August 5, 1970 Mr. Dale T. Bertrand of Huntington Beach, Calif. states as follows:

"On August 1, 1970 I observed the Lone Pine Creek water level reduced to an almost dry state". Mr. Bertrand and I were admiring the creek at my Cuffe Guest Ranch, when I saw the water sucked into the Ground. Congressman Johnson knows of the event as I spoke about it.

*4-1/2 miles West on Whitney Postal Road  
P.O. Box 153, Lone Pine, California 93545 (619) 876-4161*

*Irene Cuffe*  
*Cuffe Guest Ranch of Movie Fame*

-5-

Sept. 13, 1989

John A. Davis, EIP:

5. Turning to VOLUME III, May 1976 of the final Environmental Impact Report on the INCREASED PUMPING OF THE OWENS VALLEY GROUNDWATER BASIN, The Court Case of County of Inyo v. Yorty, from the Environmental Impact report Page 815 it states as follows :

" Forthwith and in aid of the court's original jurisdiction to issue its writ of mandate, we stay further extraction of underground water from the Owens Valley Ground Water Basins in excess of the average being taken on November 23, 1970, pending a determination by the trial court of that figure which is found to be the mean or average of the extraction during the years of highest and lowest precipitation from July 1, 1970 to-date. When such latter figure is ascertained, it will be fixed as the maximum allowable withdrawal from the subsurface pool in Owens Valley Ground Water Basins until filing of an EIR and appropriate action thereon as provided by law. City is directed to modify its extraction in accordance with the stay outlined above. City is also directed to proceed with the preparation and filing of an EIR in accordance with the views herein expressed. The trial court is directed to the extent necessary or appropriate to supervise compliance with the Act."

Let a writ of mandate issue, directing City to prepare, certify and file in accordance with law an EIR, and further directing City, pending such preparation, certification and filing to limit forthwith its underground water extraction in the affected area to the level and for the period herein above described."

Friedman, J., and Janes, J. concurred."

On June 29, 1973, the opinion was modified to read as printed above.

The EIR did not clear at the Clearing House .

I WAS COMMENDED BY THE INYO COUNTY BOARD OF SUPERVISORS ON NOVEMBER 27, '79 for my efforts regarding the PUMPING OF THE OWENS VALLEY GROUNDWATER PUMPING.

I DEFEATED THE ENVIRONMENTAL IMPACT REPORT.

I HELPED DEFEAT THE LAND EXCHANGE BILLS BOTH IN THE SENATE AND THE HOUSE OF REPRESENTATIVES.

I can go on and on-- I also saw the creek sucked into the underground at 4:00 P.M. on Saturday, September 2nd, 1989. My pump will not pump any more and I have to bucket the water and cannot take any more guests, as it will not start as there is not enough water in the reservoir and the water is being pumped out and sucks into the ground. I hear pumps at nite and when I sleep.

*4 miles West on Whitney Portal Road*  
P.O. Box 153, Lone Pine, California 93545 (619) 876-4461

*Irene Cuffe*  
IRENE CUFFE

IDA P. CUFFE  
1776 N. Sycamore St. #316,  
Hollywood, Calif. 90028  
'Phone (213) 876-0802

(1)

February 17, 1971

Mr. O. M. Lloyd, Ass't. Counsel,  
Dept. of Water and Power,  
111 N. Hope St.,  
Los Angeles, Calif. 90012

Dear Mr. Lloyd:

When we met on December 31, '70, which appointment was made thru' Mayor Sam Yorty's office, you stated that if Department of Bureau of Land Management revokes their permit that you would remove this structure above me on Lone Pine Creek which is located on BLM land, which is being used under the guise of flood control, as very seldom a critical flood occurs and I have never known of any, as Lone Pine Creek at my place stays in its proper channel at all times. These peak flows which have been diverted are most essential for the washing away of the silt and the replenishment of the creek as otherwise the growth and the trees on both sides of the banks of my property would die, besides destroying the value of the property and the scenic beauty of the land. My private property right is annexed to the soil and is part and parcel of my land. This is an all year non-navigable creek feeding from the glaciers of Mt. Whitney, is more than a 14 mile creek of which 3/4 of a mile runs right along the center of my property.

A private property right cannot be taken or damaged without just compensation.

If flood damage does occur, it is not due to heavy rain or snow, but is due to the fact that trees and growth have been removed and a man-made channel has been made 3 miles below me so that the creek rushes to the aqueduct, therefore, the diversion should be made on the downstream properties below me so that the road which parallels this man-made ditch downstream is protected.

I am protesting the diversion of the 3552 acre feet which was diverted in 1969 by the Dept. of Water and Power and request that this appropriation be cancelled as these waters are part and parcel of the riparian lands and for the replenishment of Lone Pine Creek, as without these waters, the spine of Lone Pine Creek is gone.

Enclosed is the statement of diversion which was filed with the State Water Right Board on June 26, '70 under flood control and spreading. These waters were diverted from Lone Pine Creek thru' this structure under flood control and spreading.

Enclosed is a copy of letter dated Feb. 9, '71 which I received from U.S. Dept. of Interior, Sacramento, Calif. stating that the City of L.A. has been informed that to maintain the ditch, they must file formal application for a right-of-way or other suitable authorization.

Also enclosed is a copy of letter dated January 28, '71 from John K. Smith, County Administrator, stating that this diversion structure is no longer necessary for the operations of the City of Los Angeles, which proves that these flows have been diverted under the guise of flood control. The County has also asked for my co-operation in this matter.

Enclosed is my reply to the Inyo County Bd. of Supervisors to the effect that I object the proposal providing for joint City of L.A. and Inyo County Maintenance operation, to deprive me of the full flow and characteristics of Lone Pine Creek, an all year running creek, which feeds from the glaciers of Mt. Whitney.

I object to any right of way, special Land Use Permit, or any other permits or means which will deprive me of my property right as an upper riparian owner.

Awaiting to hear from you that this structure will be removed by the Dept. of Water and Power and the ditch filled in, I am

Enclosures- 3

Sincerely,  
Ida P. Cuffe

(2)

D.A. - 107-10

STATE WATER RIGHTS BOARD

STATEMENT OF WATER DIVERSION AND USE

This statement should be typewritten or legibly written in ink.

5275

- A. Name of person diverting water CITY OF LOS ANGELES  
Address BOX 111, LOS ANGELES, CALIF. 90054
- B. Name of body of water at point of diversion Lone Pine Creek  
Tributary to Owens River
- C. Place of diversion NE 1/4 SW 1/4 Section 28, Township 15 S., Range 35 E., MD B&M,  
Inyo County, or locate it on sketch of section grid on reverse side with regard to section lines or prominent local landmarks.
- D. Name of works Lone Pine Creek Diversion No. 1
- E. Capacity of diversion works 82+ cubic feet per second  
Capacity of storage reservoir - gallons per minute  
State quantity of water used each month in gallons or acre-feet  
gallons  
acre-feet
- | Year | Jan. | Feb. | Mar. | Apr. | May | June  | July  | Aug. | Sept. | Oct. | Nov. | Dec. | Total Annual |
|------|------|------|------|------|-----|-------|-------|------|-------|------|------|------|--------------|
| 1959 | 0    | 0    | 0    | 0    | 0   | 1837+ | 1012+ | 504+ | 48+   | 0    | 0    | 91+  | 3552+        |
- If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc.
- Maximum annual water use in recent years 3552+ gallons  
Minimum annual water use in recent years 0 acre-feet  
gallons  
acre-feet
- Type of diversion facility: gravity ☒, pump ☐
- Method of measurement: weir ☐, flume ☐, electric power meter ☐, water meter ☐, estimate ☒
- F. Purpose of use (what water is being used for) Flood Control and Spreading

G. General description or location of place of use (use sketch of section grid on reverse side if you desire)

Sections 28, 21, 22, 15, 10, 11 & 2, T 15 S, R 35 E, INDEMN

H. Year of first use as nearly as known 1959

I. Name of person filing statement Robert V. Phillips  
Chief Engineer of Water Works  
Position and Assistant Manager Organization Department of Water and Power  
Address Box 111, Los Angeles, California 90054

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.

Date signed JUN 26 1970

Signature [Signature]

## STATE WATER RESOURCES CONTROL BOARD

## SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

Complete Items A, B, C and I. The other Items need not be completed unless there have been project changes since the last report.

1. Name of person diverting water. City of Los Angeles  
Address Box 111, Los Angeles, California 90071 (213) 481-6180  
(TELEPHONE NUMBER)

B. Name of body of water at point of diversion Lone Pine Creek  
Tributary to Owens River

7. State quantity of water used each month in gallons ☐ or acre-feet ☒ (Check units reported or show other here \_\_\_\_\_)

[illegible]

If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as acres of each crop irrigated, average number of persons served, number of stock watered etc.

D. Place of diversion \_\_\_\_\_ & Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, B&M.

F. Name of works Lone Pine Creek Diversion No. 1

#### F. Capacity of diversion works

Capacity of storage reservoir

Type of diversion facility: gravity, pump

Method of measurement: weir \_\_\_\_\_, flume \_\_\_\_\_, electric power meter \_\_\_\_\_, water meter \_\_\_\_\_, estimate \_\_\_\_\_

(C) Purpose of use (what water is being used for)

II. General description or location of place of use

1. Name of person filing statement Paul H. Lane

Position Chief Engineer of Water Works and Assistant Manager Organization Department of Water and Power

Address Box 111, Los Angeles, California 90051

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.

NOV 12 1973

**Signature**

Use reverse side for additional information, if needed

*Bureau of Land Management*  
INTERVIEW RECORD

(3)

Interviewer E. Brown, Adjudication Br. In Person XX Phone            Date 10/7/1971

Serial No. R 4235 Subject R/W application of City of Los Angeles for permit  
for diversion structure on Long Pine Creek.

Person Interviewed Mrs. Ida P. Cuffe (landowner whose water is Phone No.           

Address (See caption. of record) apparently being diverted by  
the City's improvement.)

Legal Description

Mrs. Ida Cuffe visited the office this afternoon with intention of talking with the Manager, Mr. Vail, concerning subject R/W case. Inasmuch as Mr. Vail is out of State and the Div. Chief, Adj. and Records and the Chief, Branch of Adjudication were in the Minerals Conference in LA, Mrs. Smith asked that I talk with Mrs. Cuffe.

Mrs. Cuffe reiterated much of what she had included in her past protests. According to what she says, the case record of R 4235 is lacking information concerning her protests of the City's project on Long Pine Creek, which were letters of protests to Washington and Sacramento well in advance of the filing of the City's application. She requested copies of certain documentation included in the case file of the City, R 4235, and I referred her back to Mrs. Smith who has to do with the reproduction and sale of copies.


4

When I left Mrs. Cuffe with Mrs. Smith, she very emphatically stated (as she did several times during course of conversation) that she hereby protests the issuance of any right-of-way permit we may grant and she would today file written protest to this effect.

In view of the fact that Mr. Penny has prepared the letter acknowledging Mrs. Cuffe's protests, I will call the State Office this afternoon to inform them of the add'l protest filed today in this office.

I have read this statement consisting of this and 2 pages, and it is all true and correct.

  
(Signature)





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## Cuffe Guest Ranch of Monte Jume

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Lone Pine, California, 93545

Area Code 714 - 876-4161

Owner, Irene Cuffe, ACTRESS of 1,000 Faces

-3-

constructed the artificial water course, structure and channel.

Philben: Is that true Paul:

Paul Lane: Not to my knowledge:

Irene Cuffe: They stated that Department of Water and Power had already constructed the structure. Mr. Paul Lane states they had permits from the U.S. Bureau of Land Management, they did not have permits. I have a letter here in my file dated October 8, 1970 where Mr. Springer of the Bureau of Land Management states that they did not issue a right of way. They had no right to construct what they did. I am the upper private riparian owner. You know what that is?

Philben: You own the rights to that particular piece of property.  
Irene Cuffe: My property is situated on Lone Pine Creek. It is covered with U.S. Homestead Entry Patents by U. S. Government dating back to the Actual Settlers of the Public Domain in 1862. Lone Pine Creek is part and parcel of my land.

Philben: If there is a pending disaster south of your property and they are trying to avert this, because it did over flow over the County Hiway twice he said, wouldn't be amenable to prevent this kind of crisis even if it does not affect your property. Wouldn't you be concerned about the people below you, who are residing below you?

Irene Cuffe: Mr. Philben, this is the taking of my private property right for a public use. The downstream properties should have no effect on me. Lone Pine Creek should not be diverted above to take care of a situation below. You know why?

Philben: Why?

Irene Cuffe: Because the climatic conditions below is different than the climatic conditions above. #2. I should not enter into any of the down stream properties. It does not concern me. All I am concerned about as an upper riparian owner is whether I am flooded. I am not flooded. There are many situations that confront the lower area that I don't wish to enter into.

Philben: What changed right on your property? I still don't understand, what changed right on your property? Because of their construction?

Irene Cuffe: What changed it. The channel of Lone Pine Creek has been broken. They are trying to break the riparian rights.

Philben: Just your rights, but the flow of the waters remain the same.

Irene Cuffe: No, when they break the riparian rights, they are trespassers on the Federal lands. They don't own the property above me, therefore, they are illegally diverting the water through an illegal structure.

Philben: It makes sense to me what you say.

Irene Cuffe: My property is subject to the natural channel of Lone Pine Creek right along. It is breaking the channel.

Philben: All right, I am subject to commercials. I will be back and take it from here in just a moment. I am a little confused.

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Owner, Irene Cuffe, ACTRESS of 1,000 Faces January 24, 1972

-4-

Transcribed- Philben Show-

Philben- We are now back with Irene Cuffe who owns a ranch on Lone Pine Creek and Paul Lane who is the engineer in charge of the L.A. Division of the water system. Mrs. Cuffe, as you understand, claims that her riparian rights as an owner of the property has been infringed on, that there is a difference in the water that flows by her ranch now and I am trying to figure out what the difference is. She says that there is a little break right here. Maybe you can pick this up or not, but right here the aqueduct has been built and she says diverts the flow or slows the flow right here. Her property is right here. Now Paul is that true? Is there any difference between what flows past her property now?

Paul Lane: No, the only time there is a difference was when it diverts water during the floods when we were diverting water. It is locked and cannot possibly be opened up until we have another flood which may be 50 years from now.

Philben: You tell us, what is the difference.

Irene Cuffe: Alright, now, the proper authority has to protect us, not the Department of Water and Power. They have no authority.

Paul Lane: Can I clarify the trespass accusation. When we had to build this thing in 1969, it takes years to get a permit from bureau of Land Management. They gave a verbal permit, after looking at the situation. We have a full fledged permit that was issued last year. It was no trespass at all.

Irene Cuffe: May I say something?

Philben: Absolutely.

Irene Cuffe: You see this Diversion and Use statement #5275? This is the diverting of waters of Lone Pine Creek, 3552 acre feet in 1969. This is not a flood disaster, for a flood disaster you don't appropriate waters. This is diversion and use filed with State Water Rights Board.

Paul Lane: In 1969.  
Paul Lane: This was filed because this is what we diverted during the heavy run off, and we have as you can imagine 3 filing cases of letters through various people from Mrs. Cuffe. She has been assured by the Governor's office, the State Water Rights Control Board, President Nixon had the Secretary of the Interior write her.

Philben: You went right to the top.

Irene Cuffe: I went right to the top, I had everybody involved.

Paul Lane: They assured her that the water would not be diverted except for floods.

Philben: Irene, what else can we do.

Irene Cuffe: This #5275 diversion and use, it is filed every 3 years. In another year, they will have a prescriptive right against me.

Paul Lane: Not according to the letters they sent her.

Irene Cuffe: I met with every official, in Sacramento. I met with the State Water Rights Board, Bureau of Land Management, Mr. Livermore, the attorney and they state that this could develop into a prescriptive right. This is diversion and use.

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-5-

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Owner, Irene Cuffe, ACTRESS of 1,000 Faces

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Philben: Could it set a precedent?

Irene Cuffe: Yes. This is Diversion and Use, it is not a flood disaster situation. There is no appropriation to be made under diversion and use of flood disaster waters.

Philben: Can you settle this in court?

Irene Cuffe: Yes, if I have to. I am exhausting my administrative efforts. I am going to the nth degree on this. I am meeting on January 25, 1972 at 2:00 p.m. in Room 350 with the City Council of the Dept. of Water and Power Committee to have them take further action and immediately notify the rest of the committees on this situation. I have demanded that Lone Pine Creek be returned to its natural channel with bed and banks. #2 I want that structure removed. I want that removed as I stated before. This is the breaking of the riparian right. I want the ditches filled in.

Philben: It is not on your property.

Cuffe: That is right, but it is affecting my property.

Philben: How is it affecting your property?

Cuffe: Because the statement of Diversion and use is filed. It is the taking of the water northerly to Hogback Creek through Gravity flow which eventually is either pumped into the aqueduct or taken by gravity flow into the aqueduct.

Philben: But eventually, it does flow by your property anyway, doesn't it?

Irene Cuffe: But it is being diverted by diversion and use into Hogback Creek.

Paul Lane: We are not diverting any water out of Lone Pine. There is a small 100 or 200 ft. where it goes through a structure and right back into that creek, but none of the water leaves that basin----

Philben: You may be grateful that that structure is there.

Irene Cuffe: It is a structure, he admits that the water is going through a structure. It has to be returned to its natural channel. It is an illegal structure.

Philben: Let's take some calls.

Philben: We are just about out of time. Do you have any closing statement you would like to make. It has to be brief tho'. We know what your plans are.

Irene Cuffe: Yes, I received a letter, in fact, it was presented to me at the Inyo County Court House in Inyo County by District Attorney Frank Fowles and it states, I quote

"With regard to the diversion box on Lone Pine Creek, the Board of Supervisors has expressed in open meeting that Inyo County maintains no direction or control of the box located on Federal land and built by the Department of Water and Power. They have attempted to use their good offices to assist in the removal of the box, but there is no law under which they can compel removal as the structure was built by an agency other than the County of Inyo and on property owned by the

Transcribed from Recording- Irene Cuffe- Channel 9-

Tempo show with Regis Philben at 10:30 A.M. United States Government." Mrs. Cuffe asked if the County---

Philben: Your time is up--thank you for coming. I wish you good luck. We will continue with Tempo----

This was transcribed from a tape recording by Irene Cuffe from the Tempo Show on January 24, 1972 at 10:30 or thereabouts on channel 9 with Regis Philben and Paul Lane, Engineer of the L.A. Aqueduct, Department of Water and Power

*Irene Cuffe*

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Owner, Irene Cuffe, ACTRESS of 1,000 Faces April 21, 1975

James F. Wickser

APR 21 1975

Mr. Jim Wickser and Mr. Duane L. Georgeson,  
Department of Water and Power, City of L.A.,  
Independence, Calif. 93526

Dear Mr. Wickser and Mr. Georgeson:

I am herewith presenting my Petitions of Pretests containing 1049  
Pretestants, consisting of 79 pages, pretesting the second aqueduct,  
the increased pumping, the lowering of the water table, the diversion  
of the water of the creeks and its export of the creek water by the  
City of Los Angeles. We are pretesting the changes of plant life,  
the destruction of the environment and water quality and the turning  
of these lands into barren lands. Also you will note in my last  
pretests that air quality, cloud seeding, structures and artificial  
water courses and rights of ways are being pretested as well as div-  
ersions and use statements which were filed with the State Water  
Rights Board and we are requesting that these waters be returned to  
the natural channel of Lone Pine Creek and any other creeks, which  
may have been diverted, under the guise of flood control, or under  
any other control whatsoever. We are pretesting anything whatsoever  
that will affect the ecology of Owens Valley, through the activities  
of the Department of Water and Power, which we are pretesting.

I am again reiterating, just as I have reiterated many times before,  
and at the Public Hearing held at the Department of Water and Power  
Building in Los Angeles, California on March 19, 1975, as per my  
letter of March 19, 1975 which I presented at this Public Hearing  
and as per my letter of March 12, 1975 to Mr. Burton J. Gindler,  
President of the Board of Water and Power Commissioners, Los Angeles,  
California, wherein I requested that this letter be made part of the  
Public Hearing, as well as my letters to you, that Lone Pine Creek  
be returned to its natural channel, that the obstruction of Lone  
Pine Creek be removed, that the diversions be destroyed, the  
structure removed and the 5 mile diversion channel be filled in and  
the statements #5275 and S5275 filed with the State Water Rights  
Board be relinquished. Please make this part of the record of R.R.

In Pretest against the activities of the Department of Water and  
Power, I am

Enclosures: Pretests

Very truly yours,

*Ida P. Cuffe*  
Ida P. Cuffe

APR 21 1975

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Box 153

Lone Pine, California, 93543

Area Code 714 - 876-4161

Owner, Irene Cuffe, ACTRESS of 1,000 Faces March 12, 1975

Mr. Duane Georgeson,  
Department of Water and Power,  
111 N. Hope St., P. O. Box 111,  
Los Angeles, Calif. 90051

D. J. GEORGESON

111

Dear Mr. Georgeson:

Enclosed are the following Petitions of Protest, against the Environmental Impact Report outlined and presented to the Inyo County Planning Commission on January 22nd, 1975, by the Department of Water and Power, City of Los Angeles, on the increased pumping in the Owens Valley and on which Public Hearings were held in Inyo County on the revised Draft Environmental Impact Report on March 6th in Bishop and March 7th in Independence, Calif. with further Public Hearing to be held on March 19th at 7:30 P.M. at the Department of Water and Power Bldg., 111 N. Hope St., in Room 1555H.

1. Petition of Protest from the Citizens of Lone Pine, California, in Inyo County, protesting the second aqueduct, the increased pumping, the diversion of the water of the creeks, and the Environmental Impact Report outlined and prepared by the Department of Water and Power, containing 17 Protestants.
2. Petition of Protest from the Citizens of Lone Pine, California, in Inyo County, protesting the contents of the Environmental Impact Report, outlined and prepared by the Department of Water and Power, City of Los Angeles, on increased pumping, containing 150 Protestants.
3. Petition of Protest, from the People of Southern California and others protesting the Environmental Impact Report as outlined and revised by the Department of Water and Power, City of Los Angeles, and presented to the Inyo County Planning Commission on January 22, 1975, which is considered the revised draft. We are protesting the second aqueduct, the increased pumping, the lowering of the water table, the diversion of the water of the creeks by the Department of Water and Power, City of Los Angeles, and its export of the creek waters. We are protesting the changes of plant life, the destruction of the environment and water quality and turning those lands into barren lands. My name appears on this Petition of Protest, containing 139 Protestants, which petition is dated February 25, 26, 27 and March 6, 1975, consisting of 9 pages.

I am requesting, just as I have continually requested, that Lone Pine Creek be returned to its natural channel 1 1/2 miles above my property on the withdrawn Federal Power Reserve Lands. That the Diversion and Use Statements filed with the State Water Rights Board be withdrawn. That the 200 ft. obstruction of Lone Pine Creek on these withdrawn Federal Lands be removed and the 5 mile diversion channel, which you have created, be filled in and the diversion box be removed. I am the upper private riparian owner. My property is subject to the full flow of Lone Pine Creek in its

Cont'd

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Owner, Irene Cuffe, ACTRESS of 1,000 Faces March 12, 1975

-2-

natural state and not an artificial water course and structure, such as the Department of Water and Power, City of Los Angeles has created 1 1/2 miles above my property. Department of Water and Power is a Trespasser.

In Protest, I am

Very truly yours,

Enclosures

Irene P. Cuffe

OFFICE OF  
CITY ATTORNEY

JAMES K. HAHN  
CITY ATTORNEY

7

EDWARD C. FARRELL  
CHIEF ASSISTANT CITY ATTORNEY  
FOR WATER AND POWER



DEPARTMENT OF WATER AND POWER  
111 NORTH HOPE STREET • P.O. BOX 111  
LOS ANGELES, CALIFORNIA 90051  
TELEPHONE (213) 481-6362

March 11, 1987

Thomas B. Richey, Esq.  
Crowe & Williams  
Attorney-at-Law  
2222 West Main Street  
Visalia, California 93291

Re: Cuffe v. U.S.A., CV-F-83-389-EDP

Dear Mr. Richey:

As we discussed at our conference on Friday, March 6, 1987 in Los Angeles, the undersigned, representing the Department of Water and Power and the United States, and Mr. Ronich, representing Inyo County, are willing to recommend a settlement of the above-referenced litigation along the following lines.

The Department is willing to remove the diversion structure on the upper reaches of Lone Pine Creek and to reroute the stream back to its channel from the diversion structure. In addition, the Department and the County of Inyo both are willing to contribute appropriate manpower and material to perform limited construction/rearrangement work on Lone Pine Creek as it passes through Mrs. Cuffe's property. This portion of the proposal requires the parties to meet on the property and to mutually agree on the specific items of work to be accomplished. As we indicated at our meeting, the parties view this as a limited effort, not a reconstruction of the entire Creek.

In the alternative, the Department and the County of Inyo are willing to proffer a cash settlement of up to \$5,000 each, for a total of \$10,000, in lieu of performing the construction/rearrangement work on the Creek as it passes through Mrs. Cuffe's property. In this way, she would be able to select her own contractor and proceed at her own pace. The removal of the diversion structure is, of course, included in this alternative.

Under either alternative, a complete settlement of the litigation, satisfactory to the defendants, is a condition of the offer. This would include appropriate provisions regarding future lawsuits.

Thomas B. Richey, Esq.


- 2 -

March 11, 1987

This letter is merely a reiteration of what was presented at Friday's meeting. As indicated, please let us know its acceptability as soon as you have had a chance to confer with your client. We are keeping March 27 open to visit Mrs. Cuffe's property to determine the exact construction/rearrangement work, in the event Mrs. Cuffe opts for that alternative.

Very truly yours,

JAMES K. HAHN, City Attorney  
EDWARD C. FARRELL, Chief  
Assistant City Attorney for Water  
and Power

By   
EDWARD A. SCHLOTMAN  
Assistant City Attorney

EAS:ci

cc: Mr. Frank Ronich  
Mr. Edward R. Kandler



## Clair Trucking and Construction

Post Office Box 234 • Bishop, California 93514  
(619) 873-4534, 872-3761, 872-1741 • Mobilone 873-0290

Feb. 8, 1988

Irene Cuffe  
Cuffe Guest Ranch  
Box 153  
Lone Pine Cal. 93545

Re: Lone Pine Creek Water Courses

Dear Mrs Cuffe:

This is only an estimate of costs to put the areas in question back to their natural state as you have proposed. It would be impossible for us to give a firm bid price without a very detailed engineers report showing exactly what you want done, and aproval from all local agencies. From my preliminary examination you had indicated you would like to have.

#1- Remove the culvert and earthen fill under the roadway which crosses Lone Pine Creek aproximently six miles west of Lone Pine.

#2- Remove the concrete flood control nstructure and artificial water course and move the flow of Lone Pine Creek back to the south aproximently 50 feet for a length of 200 feet to its previous natural path.

#3- Fill to its natural state the flood control channel which runs to the north east toward Hogbad Creek for aproximently 5 miles.

#4- Fill to a level state the area to the west property line of Cuffe Ranch, and the culvert removed which crosses Whitney Portal Road, and turns water drainage back into Lone Pine Creek and onto Cuffe Ranch Property.

8

## Clair Trucking and Construction

Post Office Box 234 • Bishop, California 93514

(619) 873-4534, 872-3761, 872-1741 • Mobilone 873-0290

Page # 2 Lone Pine Creek Water Courses;

# 5-Fill and compact the eroded area by Lone Pine Creek near west property line on Cuffe Ranch.

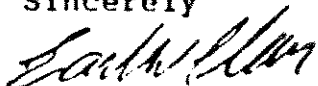
# 6- Clean and restore the creek on Cuffe Ranch property.

# 7- Restore Lone Pine Creek to its natural state and its natural courses to the west of Cuffe Ranch for aproximately two to three miles.

To procede any further we would naturally need aproval from all local agencies and a detailed engineers report on this project.

Total cost of the proposed work you wish done could exceed eleven million dollars. Thank you for your consideration.

Sincerely



Earl W. Clair



---

**RESPONSES TO COMMENTS  
LETTER D25**

---

**RESPONSE D25-1**

This letter contains facts and personal opinions unrelated to the project or content of the Draft EIR. The comments are noted; however, no further response is required.



**Letter D26**

**Joseph E. Stapley**

1. The first step is to identify the problem.

2. The second step is to define the problem.

3. The third step is to analyze the problem.

4. The fourth step is to develop a solution.

5. The fifth step is to implement the solution.

6. The sixth step is to evaluate the solution.

7. The seventh step is to monitor the solution.

8. The eighth step is to report the results.

9. The ninth step is to conclude the project.

10. The tenth step is to reflect on the experience.

11. The eleventh step is to share the results.

12. The twelfth step is to celebrate the success.

13. The thirteenth step is to learn from the experience.

14. The fourteenth step is to apply the lessons learned.

15. The fifteenth step is to continue to improve.

16. The sixteenth step is to stay motivated.

17. The seventeenth step is to stay focused.

18. The eighteenth step is to stay organized.

19. The nineteenth step is to stay positive.

20. The twentieth step is to stay committed.

DWPEIR

28 December, 1990

John Davis, Sr Vice Pres.  
EIF Associates  
150 Spear Street, Suite 1500  
San Francisco, CA 94105

RECEIVED  
JAN 7 1991  
EIF ASSOCIATES  
SAN FRANCISCO, CA


Dear Mr. Davis:

I am submitting my comments on the DEIR for the LA Department of Water And Power water management policy for your consideration. I regret that time has not permitted a complete review of the document since there were a great many deficiencies found in a quick run through.

There are parts of the document that are very impressive, and you are to be complimented on them. The greatest problem that I see is that the definition of the project does not match the reason for negative environmental impacts. This has led to a total underestimation of the impacts associated with the export of water.

Thank you for the opportunity of reviewing the Draft Document.

Sincerely,

  
Joseph E. Stapley  
Star Route Box 79  
Big Pine, CA 93513

DWPEIR

2 January, 1991

John Davis, Sr. Vice Pres.  
E I P Associates  
150 Spear St, Suite 1500  
San Francisco, CA 94105

The following are comments on the Draft EIR on Water From  
The Owens Valley To Supply The Second Los Angeles Aqueduct.

SUMMARY, AND CONCLUSIONS

The third attempt by the Los Angeles Department of Water and  
Power to write an adequate EIR on water export from the Owens  
Valley is totally unacceptable. The major points of  
deficiency are listed below.

1

1. The definition of the project, and the definition  
of what impacts are, both seem to be misunderstood from  
the standpoint of putting together a proper EIR.  
Negative impacts to the environment of the Owens Valley  
are the result of deprivation of the most important  
element in nature for the sustenance of life, water.  
The purpose of all environmental regulations is to  
preserve and upgrade the environment.

When the actions of an entity, whether industrial or  
not, causes harm to the environment, that entity is  
required to clean up their act and either mitigate the  
damage or restore that which has been harmed. In the  
case of water export, the damage is caused by an ongoing  
process that is not really different, from the  
environmental standpoint, than the traditionally viewed  
process that kills by addition of harmful substances to  
the environment. If the polluting entity stops adding  
the harmful substance the damage stops. In the same  
line, if the DWP were to stop depriving the environment  
of water, the damage would not only stop, it would be  
reversed.

The DEIR must therefore cover the continuing "POLLUTION"  
of water deprivation as the source of environmental  
damage and as the activity that must be either cleaned  
up or mitigated in the same manner as would be required  
of a mining venture making dust or a factory spewing  
deadly pollutants that damage plant and animal life.

2

2. This draft document admits to requirements in CEQA  
for evaluating cumulative impacts of projects past,  
present, and anticipated, relevant to the proposed  
project. It then essentially ignores impacts past, and  
many impacts present and future. It essentially says

that the environment has been damaged, but that is too bad and it will just continue. Until all of the past impacts are quantified and a strategy is developed to restore the environment to what it was before the export of water, as an industry would set up a strategy to restore their damage by stopping pollution, this document is many words with little meaning.

3. The draft document is dishonest in several of the evaluations that are used as a basis of measuring impacts associated with water export. Mitigations are proposed that are impossible since they demand the use of additional resources that do not exist. Credit is taken for groundwater recharge resources that do not exist. The killing of existing vegetation is listed as a mitigation measure because the vegetation in question is undesirable.

4. The lead agencies have failed to include very significant impacts in this document, under the guise of covering them at some future date, because CEQA permits this. By fragmenting the study in this manner the DWP is legally able to give the appearance of reduced cumulative impacts. Because of the scope of the impacts associated with water export, this document must not be considered complete until every impact is presented and listed as total cumulative damage.

5. The document is prepared in a masterful manner, from the standpoint of the DWP, in that there is much rhetoric about all of the wonderful things that the Department of Water and Power is doing for the Valley and the dire consequences of anything except the "Project". In many areas the language sounds like the Valley and the residents are under threat if they do not endorse the "Project". Many of the measures that are listed as mitigation are not mitigation at all, but are only attempts to buy off without truly mitigation of the real environmental damage. Planting woodlots or alfalfa fields will not, and can never mitigate the destruction of wetlands or any other natural habitat.

6. There are no true alternatives to the "project" identified in the document. The "No Project Alternative" does not meet the most liberal definition of a no action alternative. This would require a return to the pre-second barrel condition, where no water over the historical amount was exported. The second barrel would have to remain dry. All other "Alternatives" are merely variations of the "Project" because they all set up increased export through various means. To meet a logical definition for alternatives, the study would be required to explore alternative sources of water in the same amount as is being proposed for export. This is

like telling a condemned man that in lieu of execution he could choose the alternative of being killed.

7. The baseline for comparison used in the document, conditions in 1985, is an affront to the intent of the entire environmental protection policy. How can anyone justify setting a baseline 15 years after the fact? If this is a proper use of setting baselines the auto manufacturers should be permitted to set emission baseline standards equal to the emissions 15 years after the laws were passed requiring reductions. Oil refineries and steel mills should be permitted to spend 20 years writing their plans for compliance with new environmental regulations then set their baselines at the level 15 years after the law. Coastal development agencies should be permitted 15 years of additional development prior to halting their developments. Etc.

8. The document takes great pains to outline the cost of not having the project as proposed, but never even attempts to identify the value of the Valley in its natural state. Neither does the document note that the individual cost to water users in the service area would be small. The only cost that is documented is the cumulative cost for the whole ball of wax. The individual cost per household would probably be small enough to make it attractive to save the Valley by spreading the burden over the millions of users in the Los Angeles area.

The methodology here is obviously to overstate the negative effects on the proponents while understating the negative effects on the opponents. While this is clever reporting, it is dishonest.

9. Even though the entire economy of the Eastern Sierra is dependent on water in some form, the document does not cover socio-economic losses that have occurred, and will continue to occur to the entire economic fiber of the Eastern Sierra. When streams are dried up, when snowfall is late and light, when trees die off, when alpine peaks become desert mounds, then the tourists who come to the area for everything associated with the natural beauty, which is dependent on water, will stay home and the one industry that can survive will wither and die just like the meadows, trees and streams. Ironically, the tourists will also suffer and they are the very people who currently derive the benefit of cheap clean water. This is an irony, that those who live in the LA area will suffer negative consequences for taking the water or for not taking the water.

10. Evidence is mounting that the loss of water to the local environment is having a negative effect on a much



wider area. Temperatures seem to be going up, rainfall seems to be going down, streams seem to be drying up and snowpack East of the Sierra Crest seems to be waning. There is nothing in the DEIR that would establish trend lines for any of these important factors. As an example, absent from this document is a very interesting bit of information that was in the first DEIR try. This is a chart of total available runoff that showed an approximate 30% decline from the beginning of export to 1970. Perhaps the decline can now be documented to have reached 50% if the past 20 years is added. This is the type of information that would aid in an honest evaluation of the real damage to the environment in the Valley.

#### RECOMMENDATION:

Since the Los Angeles Department of Water and Power has been operating a second barrel of the aqueduct for 20 years without an adequate study of impacts, and since in three tries they have not been able to meet the requirements of CEQA, and since it is obvious that they have no interest in restoring the environment that has been destroyed by their actions, it is recommended that they be ordered to close the second barrel and revert to the average quantity of water exported prior to that opening until an adequate document is prepared and presented.

Additionally, since the negative environmental impacts are so large as to be beyond the ability of DWP to acknowledge them, it is recommended that the department be treated as any other environmental impactor, such as a refinery, a open pit mine, or the automobile companies, and be required to clean up the ongoing problem that has been created by their operations. This cleanup should include restoration of wetlands, re-establishment of waterfowl populations, restoration of dried up springs, rewatering of dry streambeds, and elimination of dust problems associated with water export.

#### SPECIFIC COMMENTS ON THE EIR:

NOTE: In the comments that follow, several statements are taken directly from the text of the DEIR. When this is the case, those statements are placed in quotes.

P 1-5, Implementation of a salt cedar control program is merely killing vegetation that is a high water user. This plant is able to reach far beneath the surface to extract groundwater for sustenance. If DWP is claiming that the introduction of salt cedar is an impact of their water export policy, they should mitigate the impact by eliminating this "undesirable" plant and replacing it with native plants that were eliminated by the salt cedar.

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14 P 1-6, "It does not address the impacts of actions identified in the agreement that have not been well defined and will not be implemented . . . . ." The omission of any impacts from this document must be considered a deliberate fragmentation of impacts, with intent to create an illusion of lower overall environmental damage than is occurring.

15 The no project under Los Angeles' point of view is not a no project alternative. An honest no project alternative is a "NO ACTION" strategy and would involve restoring all elements of the Valley, and the water export policy to the same condition that existed prior to the construction of the second barrel. The key point in this requirement is that the maximum export volume could never exceed the maximum in the before condition, and the average annual export quantity would be required to never exceed the before condition.

16 P 3-3, This table has no value in this report and serves only to cloud the issues at hand. Comparisons of water use are only valid if a myriad of other factors such as the relative humidity, temperature, Etc. are the same. The presentation of water use figures for locations such as Sacramento and Phoenix, where the average temperature is many degrees higher than the Los Angeles basin, are one of the many examples of creating false impressions to the detriment of the Valley and to the benefit of the DWP.

17 P 4-16, "All of the components of Owens Valley water supply are commingled in the aqueduct system; therefore, there is no precise way to determine how much of the pumped groundwater is used in the Valley and how much is exported to Los Angeles." In this statement the authors of this DEIR have expressed, in very good terms, the reasons that this study is deficient in its basic premise, and the reason that the study must be done on the total quantity of water exported from the Valley, and the reason that the study must not be limited to groundwater pumping. The Valley was a closed hydrologic system until the DWP found a way to take water out of that system. Prior to export every drop of water that came into the Valley was consumed within the Valley. When these truths are recognized, the basis of an honest environmental study must be that every drop exported from the Valley causes a negative impact because that water would normally be providing nourishment to the natural environment of the Valley ecological system. This base must also recognize that those impacts associated with the removal of water from the Valley environment is an ongoing process that continues to cause impacts, in the same manner as a polluting industry continues to cause impacts by continuing to operate.

18 P 4-21, This table is labeled as enhancement/mitigation projects. It is beyond my comprehension how the planting of a woodlot or the growing of alfalfa can mitigate the elimination of waterfowl habitat and other wetlands.

PP 5-3 thru 5-5, Vegetation classification in this manner is OK, but: 1. Why are "WETLANDS" conveniently called something else? Could it be that calling them wetlands could cause problems since they are specifically protected? It must be recognized that whether it is called riparian, or whether it is honestly designated wetlands, the elimination of these areas is also the elimination of habitat for a large variety of animals, birds, and insects. 2. The acreages noted here would be essentially useless in a true environmental study, since the frame of reference is an artificial date. If this information is to be meaningful, the information must show trends over the years. This would include acreages in 1913, again in 1970, and today, thereby establishing the scope of damage already done and the trend of damage continuing. 3. Under "Other Vegetation" the statement about determination that pumping is causing stress says nothing unless specific actions are identified.

P 5-7, "Cessation of Pumping" If soil moisture falls below that required to keep plants alive it will normally be too late to do anything about it. This statement, alluding to monitoring and stopping the pumps, is one that, in my estimation, purposefully creates a false impression by inferring that the mere act of stopping pumping will save vegetation that is under stress. Water does not flow through the subsurface in the same manner as it does on the surface. Many soils that support roots rely on capillary action to bring moisture in reach of plant root systems. Under dry conditions this could take months. In addition, many soils in this valley have percolation rates in the inches per month range. If the water table is dropped several feet below the root zones of plants in a fairly dense soil, it could take several months for that water to work its way back to the area where it could nourish plants. In these cases there is no doubt that plants will die before new water becomes available whether the pumping is stopped or whether it is not.

PP 6-1, 6-2, "... CEQA requires that an EIR describe and evaluate a range of reasonable alternatives..." This document does not do that. Alternative 1. "No Project" is not an alternative to the project, nor is it a no action alternative since it increases export of water. Alternatives 2, 3, 4, 5, and 7 are all variations of the proposed project in that the only differences are the quantities of additional water carried out of the Valley. Obtaining the equivalent of the increase for the second barrel from MWD would be an alternative. Desalinization of sea water in the same amount would be an alternative. Finding new ways to take as much water as is desired is not an alternative.

PP 7-8 to 7-16, In these pages that summarize impacts and mitigation measures, over 1600 acres of impacted vegetation are proposed for mitigation by pumping water onto them. This

is not only a false mitigation plan, but it is also a work with mirrors to deceive the readers into believing DWP is making improvements. I refer to a statement in the DEIR to emphasize this point, index 10-12: "Vegetation in an area of approximately 300 acres near Five Bridges Road north of Bishop was significantly adversely affected during 1988 because of the operation of two wells, to supply water to enhancement/mitigation projects."

What this paragraph is saying is that these "enhancement/mitigation projects" will have the same negative effects on vegetation within the area of influence of the wells that supply them as the regular wells being pumped for water for export. There are a number of points that make this an absolute fact that should be addressed here.

1. Before the LA Aqueduct came into existence, the Valley had no outlet for water, either above, upon or below the surface.
2. In 1913, before the first aqueduct was opened, every drop of water that entered the Valley was consumed right here in the Valley. After the opening, every drop that was exported was denied to the Valley ecosystem and therefore caused a negative effect, even though it was not readily recognizable.
3. In 1970, every lake, pond, and playa that held enough water to evaporate any significant amount had either dried up or had been emptied by DWP. That meant that all of the water that was not being exported was being utilized by plants and animals. The only way to take any more water south after 1970 was to reduce the amount available to the Valley ecosystem.
4. In 1970, 1985, or 1990, the same fact has existed: If there was any groundwater in excess of the needs of the existing vegetation it would appear as a spring and would become surface water where it would enter the aqueduct system and be transported out of the Valley. On page 9-1 this statement is affirmed: "The Owens Valley is a closed hydrologic system. . . . all water entering the Valley is eventually consumed within its boundaries, except for the water exported by LADWP."
5. Unless DWP has learned to manufacture water from nothing, when water is extracted from the ground for any purpose, it reduces the amount available for consumption by plants in the area of influence.

P 9-29, On this and other figures that show pumping and water level response, it is evident that water levels do not recover immediately as alluded to in the text of the document in several locations. In fact, it appears that it takes 4 or

more years for water levels to recover to normal levels. This points up the fact that the groundwater monitoring plan is an exercise in deception. If the level drops so far below the root zone that the soil dries out it could take years to bring it back where it would do some good. In cases where pumping was taking place below a confining layer as in figures 9-13 and 9-14, the negative response could take years to develop while the actual water level was lowering, then rewatering of the soil near the surface could take decades because of the absence of recharge above the confining layer, and the slow movement of water through the confining layer.

24

P 9-35, According to this table, the initiation of pumping dried up springs and reduced flow in others to the tune of over 25,000 acre feet per year. The EIR needs to make very clear how this drying of springs, and then the associated streambeds, affected vegetation, farming, ranching, streamflow, fishing, etc. before it can be considered complete.

25

P 9-44, Working out a groundwater budget is a step in the right direction, but a total water budget is what is needed if the total impact picture is to be drawn. In any type of analysis using this type of data one must remember that figures do not lie but liars figure.

On this chart it is deceptive to make a claim that 2000 AFY from precipitation reached the groundwater table through direct percolation. Most of the soils in the Owens Valley, even on the alluvial fans, will hold in excess of 6% moisture before becoming saturated. That would mean that if we were to receive 1 inch of rain in a single storm, an extreme rarity in the Owens Valley, the 1 inch would dampen less than two feet of soil. This would also consider the entire 1 inch of rainfall to percolate without any evaporation. The upper 18 inches of soil in this valley is usually bone dry, which limits the ability of the soil to absorb moisture. It is my assertion that essentially no precipitation that falls on the Valley floor ever reaches the water table.

I also challenge conveyance losses to groundwater, listed at 57,000 AFY. At least 50% of that amount is probably lost in the conveyance facility through evapotranspiration because of the "Wetlands" that border every stream and conveyance in the Valley. In reality, since 1970 and probably long before, evapotranspiration has changed enough with the availability of subsurface moisture to keep the groundwater in balance at the best, and to lessen the reduction in groundwater storage at the worst.

26

PP 9-54, 9-55, Reference to new ponds and wetlands that will be "created" on these pages is misinformation. In reality, before DWP there were hundreds of ponds, lakes, and playas throughout the Valley. As the quantity of water being

## DWPEIR

exported was increased it became evident that surface water loss was large and DWP cut drainage channels to empty every surface pond that was present for any substantial part of the year. Any surface area that has been, or will be filled by DWP, is merely putting back a small percentage of that which was previously eliminated by DWP. This may be considered restoration in the loosest sense of the term, however it is not mitigation nor is it enhancement by the greatest stretch of the imagination.

27

P 10-2, Regarding vegetation, "It describes the existing vegetation as documented during a vegetation inventory performed in Owens Valley during 1984 thru 1987." I am sure that most industries would be happy to inventory the factors in the environment that are being adversely affected by their operations, 14 to 17 years after they went into production, as a basis for obtaining clearance for their operations. Why will the DWP not recognize that they should be looking at the 1970 conditions as the basis of individual impacts and the 1913 conditions as the basis of cumulative impacts. By setting parameters such as have been set for this DEIR, the responsible agencies are, in effect, thumbing their noses at the bases of all environmental regulations.

28

P 10-4, Use of one station for showing rainfall trends is totally inadequate. Use of the Independence station is also use of data that suits their purpose but gives an incorrect impression as to those trends. The Independence station is obviously not typical of the Eastern Sierra. Note that 1968, 1969, and 1970 are below normal, then remember that in 1969 the Eastern Sierra had one of the largest water years in history. Note also that 1976 to 1978 were drought years in the Eastern Sierra while Independence had two banner years and one slightly below normal one. If the intent of showing this annual precipitation chart is to establish the trends since the beginning of export it is a classic example of selective reporting for the purpose of creating an illusion favorable to the authors viewpoint. The EIR must include charting similar to this for every station within the direct influence of weather patterns around the Valley if it is to be considered complete.

29

Along this same line, the original draft EIR that was prepared by DWP had information documenting the "Available Runoff Into The Owens Valley. An analysis of this chart showed a declining line from the time of export until the end of the record, 1970. In fact there was a 30% decline in that time. Where are data of this type, that is surely available, documenting the same information extended until 1990. Could it be that the information is so damaging as to render it dangerous to the goals of DWP?

30

In Chapter 10 there is what appears to be an inventory of the various types of vegetation in the Valley. The burning

question here is: "where is the 1970 inventory?" That is where the basis for this document should be established. The next question is: "where is the 1913 inventory, and what kind of trends have been occurring since water export began?" There is no justification for presenting half of a picture in setting up the parameters for an EIR.

31

P 10-24, An interesting twist occurs in this figure. Suddenly, when data appears that could lead to adverse reactions by the uninformed reader, the reference changes from inches to centimeters. Is this a ploy to disguise the fact that riparian (WETLAND) vegetation requires in excess of 40 inches of water per year? I also note that that dirty word "wetlands" does not appear on this chart.

P 10-25, There is a very interesting statement on this page that explains a great deal in the so called water management plan for the Valley: "... many species will tolerate considerable dry periods." This is very true, and is the major reason the green book plan to monitor plants is all in DWPs favor. As plants are deprived of water they adapt by developing smaller and fewer leaves or stems. In this way they continue to live, but only for a certain time until they either get enough water to regain their health or they become weakened and die of malnutrition or disease. Does the monitoring plan include checking the density of the vegetation in a given area, the size and density of leaves and stems, and the growth rate (a function of the available nutrients for plant growth) of the individual plants? Once again, the only true statement in setting up a water budget for vegetation in the Valley is to recognize that in 1970 every drop of water that was not exported was consumed within the Valley and any increased export automatically impacted the vegetation in a negative manner.

32

P 10-29, "These meanders at one time contained marsh and riparian vegetation." The meanders referenced were WETLANDS that were eliminated by the export policies of DWP. How many acres were eliminated? The same question applies to pages 10-30, and 10-31. Why does the document not quantify the loss of riparian vegetation, lakes, and streams?

33

P 14-4, What a masterful use of extraneous information to cloud an issue. Essentially all of the economic development within Inyo County is in the Owens Valley. Where is the table that gives quick and easy reference to the percentages of land in the Owens Valley owned by LADWP?

34

Chapter 14, It seems that the authors have gone to great lengths to avoid any relationship between the water management policies and economic development in the area of greatest impact. Tourism in the Owens Valley is the life blood of every other industry. This tourism is highly dependent on water. In the winter, most of the tourist

industry is dependent on winter sports which, in turn, are totally dependent on water (snow). In the summer, tourist activities center around water in the form of fishing, camping, backpacking, hiking, boating, and other similar diversions. None of these activities are desirable to the tourist unless streams are flowing, trees are growing, and lakes or ponds are available to the recreationalist.

35

In my browsing I did not come across the source of a statement made in the summary to the document. This statement alluded to an occasional statement made by some uninformed locals who say that LADWP has prevented the Owens Valley from becoming a "San Fernando Valley" with wall to wall people and concrete ribbons all over the place. The use of that statement in this document is a deliberate use of a conjecture that is most assuredly false. This isolated Valley without raw materials or market is not a location conducive to industrial growth and there is no other job market that could pick up the slack. The population of the Valley would most likely be only slightly greater than it is now if LADWP had never been a part of it.

#### SUMMARY OF COMMENTS ON ADEQUACY OF DEIR

It is unfortunate that time did not permit a complete reading of the DEIR since the scanning of the various sections yielded a goodly number of criticisms. This summary will therefore include a list of studies that should be made a part of the final document to bring it up to the standard that should exist in the study of an important issue such as the one at hand.

36

1. The final document must recognize that the negative environmental effects associated with the water management policy for the Owens Valley are the result of the export of water from its natural environment. Groundwater pumping will have an effect but not very severe until that water is exported. All of the studies must therefore center on the export of water from the Valley, whether the source is surface or subsurface.

37

2. The environmental consequences of exporting water from the Owens Valley is not really different from the environmental consequences of building a highway, operating an industry, erecting a skyscraper, or developing beach front property. In other words, the "pollution" that is the result of water export is an ongoing process that causes continuous negative environmental effects. The pollution, in the form of emissions from an industry is an ongoing process that continuously causes negative environmental effects. The difference is that one kills by omission while the other kills by commission.

a. The export of water requires rights of way that



take properties out of the environmental system, which impacts the areas used for this right of way. Habitat is lost, higher tax revenues are lost, private ownerships are lost, and Etc.

b. Taking water away from the natural environment destroys, or damages the natural environment in much the same manner as industrial pollution damages the natural environment. In either case, by shutting down the industry or by stopping the water export, the environment would return to a more natural state. If industries are required to restore the environment toward a pre-activity state, it is only logical that the LADWP should be required to restore the Valley environment toward its pre-activity (natural) state.

c. When a sky scraper is constructed and it ruins the view there is usually compensation involved as a mitigation measure. In the Valley, the loss of trees and other vegetation is a definite loss of a view.

d. As the water is taken out of the Valley with the accompanying drying of streams and ponds the use of these recreational facilities is lost to recreational interests. When private concerns began cutting off beachfront recreational interests it did not take long for changes to be made that restored those rights. Why not the same here?

e. In any case that one could cite, the environmental impacts associated with the industrial activity or other action would be reversed if that activity were discontinued. This is precisely true of the water export from the Owens Valley. If the export were discontinued the environmental impacts would be reversed.

38

3. Thousands of acres of wetlands have been lost to channelization of streams draining of lakes and ponds, and lowering of water tables. The final document must show the number of acres originally in the Valley in 1913 and then plot a trend line to the present time. Since other agencies have been required to mitigate the taking of wetlands by establishing new wet areas, double or more the size of the taking, this document must show how LADWP will restore at least as many wetlands as have been lost since 1970.

39

4. In 1913 the Owens Valley was a flyway and nesting ground for millions of waterfowl. As export policies diverted water away from the wetlands that served as nesting areas, the birds were forced to find new nesting grounds. During the periods of drying the chicks would have been unable to survive and the adults would have abandoned them. The devastation to waterfowl, even since the 1970 increase, would

probably make the Exxon Valdez incident pale in comparison. The final document must show the scope and trend of lost waterfowl nesting areas and the scope and trends of lost birds to the total environment. This desert habitat was equally important to waterfowl in the total environment as the stretches of coastline were to the waterfowl there. The consequences of spoiling one should be equal to the other on a proportionate basis. Of course if the penalty were based on the number of birds killed and displaced, all of Southern California could not afford the fine.

40

5. When the final document sets up the inventory of each type of vegetation in the Valley, it must at least estimate the number of acres of each type that existed in 1913, show the number of acres that existed in 1970, establish a trend line, and show this impact in a manner that will put the environmental damage in proper perspective. Any reference to the 1984 to 1987 inventory can only be treated as one point on a graph that indicates the trend in areas of each classification of vegetation. In the absence of trend lines for acreages it will be impossible to track the decline of water intensive types and the growth of drought tolerant types. It is doubtful that sagebrush was the dominant vegetation type, except on alluvial fans, in 1913.

41

6. The initial draft document prepared by DWP had a very interesting and informative bit of information the "Total Available Runoff" to the Valley. By establishing a moving 10 year average of their figures it was easy to construct a trend line on this component. That trend line indicated a 30% decrease in total available runoff from the beginning of water export until 1970. This is a very disturbing fact that should be expanded upon. The figures should be updated to 1990 using the same streams, and a more complete trend line established to see where we are at this time.

When the trend line is established, it would then be profitable to determine if that same trend is apparent throughout the entire area of storm influence, which would indicate a general weather change, or if the Owens Valley is in the center of a decline area that would indicate a drought pattern induced by water export.

42

7. Spring flows are fairly well documented in this DEIR. However, the consequences of this decline are mostly ignored. The final document needs to document the amount of streambed that has become barren because of the drying of springs. This inventory should also include the Owens Gorge, which could still be a fine trout fishery if it had not been dried up by the DWP water management practices.

43

8. The use of a single weather station, Independence, as an illustration of rainfall trends in the Valley is an exercise in deception. As indicated in a previous comment, the

rainfall in the Independence area seems totally different from the general Central Sierra and Eastern Sierra areas. An adequate study of rainfall trends would include dozens of stations from Oregon to Mexico and from the Pacific Coast to the Rocky Mountains. By utilizing a large number of stations like this, the study could establish and compare trends in the area of influence of the water export as well as outside that area.

If there is a general downward trend centered around the Valley and moving Eastward while that trend softened as the distance North or South increased, it would establish that this export policy is having a profound negative effect on the Valley. If all was the same, it would indicate no measurable negative effect. All of the information would need to be tempered with correction factors for the cloud seeding program that has been undertaken by LADWP. (It is noteworthy that this activity is not even alluded to in the DEIR.) From all appearances, cloud seeding has become a major undertaking, even in the summer this past season.

44

9. It is readily demonstrable through the use of a swamp cooler that the heat of vaporization of water provides substantial cooling to large air masses during the Summer. In scientific terms the heat of vaporization is equal to 970 British Thermal Units per pound of water. Before water was exported from the Valley, all of the water entering the Valley from any source was evaporated or transpired into the atmosphere. This process would have provided cooling to the Valley. The final EIR will not be complete until it contains documentation of the effect of water export on the temperature of the Valley.

As an aid in beginning this study I offer the following information:

1. The California State Library, Govt. Publications Section, Sacramento, CA, 94237-0001, has computerized information that will provide data to establish trends on temperature as well as rainfall for any weather station location in the United States. This information can be printed for about \$15.00 per station and will give the following information:

- a. Total Precipitation
- b. Mean Snowfall
- c. Mean Temperature
- d. Mean Maximum and Minimum Temperature
- e. Highest and Lowest Temperature
- f. Station Index and History

2. From "Climatic Summary Of The United States" (The same information as noted above) the following information has been taken to demonstrate the need for this study.

## DWPEIR

- a. At Bishop Creek the mean temperature for 21 years prior to 1931 was 42.4 degrees. For 9 years after this date it was 42.9, an increase of 0.5 degrees.
- b. At Bishop, the mean for 40 years before 1951 was 55.0 degrees while the next 10 year mean was 56.2, an increase of 1.2 degrees
- c. At Independence the mean temperature increased from 57.6 to 58.7, a 0.9 degree increase between the 33 years before 1931 and the 16 years after.
- d. The highest temperature ever recorded at Independence before 1931 was 106 degrees. between 1931 and 1962 Independence had a new high that reached 109 degrees, a 3 degree increase. At both Bishop and Independence the highest ever before 1962 was 109 degrees. Since 1970 both towns have seen many days well in excess of 109 degrees.
- e. The logical conclusion from all of this is that the export of water from the Owens Valley is causing a very significant increase in the temperature. This in turn could be causing a highly significant change in the entire climate of the Valley.
- f. The cooling power of 100 cubic feet per second (CFS) of water is enough to cool 1 cubic mile of air by 7.58 degrees per hour. If DWP removes an average of 600 CFS, and 50% of the cooling through evaporation normally would occur in the 3 hottest months of the year (a not unlikely occurrence) it is possible that water export is heating up the entire Valley by 5 to 10 degrees above what would normally be expected.

10. This document should take a look at the possibility of a relationship between drought conditions, both in the Valley and to the East of the Valley, and the export of water from this area. The following is evidence, some of it conjectural and some factual, that this could actually be the case.

- a. Prior to export, all of the water that is now being transported to LA went into the atmosphere where it became a "river of moist air," moving in an easterly direction across the desert areas and toward the Rocky Mountains. (FACT)
- b. All of the area to the East of the Sierra Nevada Range is in the rain shadow of those mountains. Orographic influences take so much water out of the atmosphere that there is little left to rain on the

areas east of the Valley. (FACT) The missing moisture from atmosphere because of the water being exported could have a profound effect on the entire area between the Sierra Nevada Range and the Rocky Mountains. (CONJECTURE)

c. Cold fronts, the vehicle for many winter storms, pull in air from in front of them as they approach. This air is cooled by the cold front and moisture contained condenses and falls as precipitation, adding to the natural moisture associated with the front. (FACT)

d. During the past 4 years of drought the weather forecasters, relying on past history and present conditions, have repeatedly forecast heavy snowfalls from approaching frontal systems and the system has petered out before reaching here. (FACT)

e. The extremely dry air over the Western Desert, including the Valley, has knocked the teeth out of the approaching storm and left it without enough moisture to sustain the storm as such. (CONJECTURE) If the "river of moist air" from the Owens Valley had not been diverted to LA, the approaching storm may have been able to maintain its integrity. (MORE CONJECTURE)

f. Dry air is more dense than moist air, and the warmer the air the more likely for high pressure in the weather system. (FACT)

g. A high pressure bubble over Utah is a frequent part of the Western weather system in the Winter. The dry air associated with lost moisture from the Owens Valley has strengthened this system and it now diverts more storms to the North of us than ever before. (CONJECTURE)

h. The Owens Valley has been the core and the center of the current drought. Locations to the North and to the South are closer to normal, and the further from the Valley the more normal they are. (FACT)

i. The Western Sierra, where orographic influences have a part in precipitation, has not had so much drought as the areas East of the mountains. For example, historical storms laid down so much snow that ranchers were required to mend fences, that had been crushed by the weight of the heavy snow, almost every spring until recently. Following the increased export of water, in the 70s and 80s the depth of winter snow east of the Sierra Crest has waned until this normally annual need has become an occasional event. (FACT)

j. The extended drought in parts of Africa has been tied directly to overgrazing the land area (removing vegetation) and causing an increase in temperature and a decrease in available air moisture. Water export from the Owens Valley removes vegetation and decreases the available air moisture. (FACT)

k. Scientists are finding that deforestation in Brazil is causing dramatic changes in weather patterns in the direction of airflow. (FACT)

l. There is no doubt that the export of water has put the Owens Valley into a permanent drought because of the drying from that export. (FACT) The theory that the same water export policy may have far reaching effects is becoming more real every year, perhaps to the point of changing entire weather patterns. (CONJECTURE)

The actual effort in determining a more solid link to the changing of weather patterns because of water export should not take too long. In the interim, it would be prudent to stop the export just in case.

46

11. The dust problem that has resulted from the export of water from the Valley and the associated drying up of lakes, ponds, playas, streams, wetlands, natural pastures, and other areas, is so large that there is no excuse for not addressing it in the current document. This dust causes navigational problems to military aircraft and is a health hazard to anyone in its path. No other industry or business venture has been permitted to cause this scope of environmental pollution without being forced to mitigate their actions in the form of bag plants in the case of dust, or simply shutting down operations as in the case of air pollution. LADWP must not be allowed to be an exception.

12. The greater metropolitan area of Southern California has traditionally upgraded their lives and surroundings by degrading other peoples lives and surroundings. This document should show complete justification for LA crapping in other peoples nests rather than enjoying the consequences of their actions while reaping the benefits. The alternative of obtaining water from sources that do not ruin remote environments is a must for this document.

THERE IS NO DOUBT IN MY MIND THAT A COMPLETE STUDY, AS OUTLINED ABOVE, WILL PROVE THE IMPACTS OF WATER EXPORT TO BE SO COSTLY TO THE ENVIRONMENT AS TO DEMAND IMMEDIATE ACTION TO TAKE LA OUT OF THE OWENS VALLEY.

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## RESPONSES TO COMMENTS LETTER D26

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### RESPONSE D26-1

Please refer to response to comment B13-31 in Letter B-13.

### RESPONSE D26-2

This comment expresses a personal opinion unrelated to the content of the Draft EIR. No response is required.

### RESPONSE D26-3

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.

### RESPONSE D26-4

This comment expresses a personal opinion unrelated to the content of the Draft EIR. No response is required.

### RESPONSE D26-5

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.

### RESPONSE D26-6

Comment noted. No further response is required.

RESPONSE D26-7

Please refer to response B13-13 in Letter B-13.

RESPONSE D26-8

Comment noted. No further response is required.

RESPONSE D26-9

Socioeconomic effects are addressed in Chapter 14, Land Use and Economic Development, in the Draft EIR.

RESPONSE D26-10

No evidence exists that supports the contention that groundwater pumping has altered the climate in Owens Valley.

RESPONSE D26-11

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.

RESPONSE D26-12

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.

RESPONSE D26-13

Please refer to response to master comment VE-7 for a discussion of saltcedar control.

RESPONSE D26-14

This comment expresses a personal opinion unrelated to the content of the Draft EIR. No response is required.



RESPONSE D26-15

Comment noted. No further response is required.

RESPONSE D26-16

Table 3-2 in Chapter 3 is included in the Draft EIR to provide the reader with an overview of water usage per capita in other western cities.

RESPONSE D26-17

Please refer to response to master comment WA-3 regarding the commingling of water in the Los Angeles Aqueduct system. The remainder of this comment is noted.

RESPONSE D26-18

Please refer to response to master comment MT-1 for discussion of E/M projects.

RESPONSE D26-19

Please see response to comment A4-80 in Letter A-4.

RESPONSE D26-20

The contention that if soil moisture drops below pre-established thresholds that death of plants is inevitable is not founded. Please refer to responses to master comments PD-6 and WA-5 for discussion of this issue.

RESPONSE D26-21

The Draft EIR contains a wide range of alternatives consistent with CEQA. Please refer to response to master comment AL-1.

RESPONSE D26-22

This comment expresses a personal opinion unrelated to the content of the Draft EIR. No response is required.

RESPONSE D26-23

Please refer to response to master comment WA-5 for discussion of water level response to pumping.

RESPONSE D26-24

Please see Chapter 10, Vegetation; Chapter 11, Wildlife; and Chapter 14, Land Use, for a discussion of the effects of the loss of spring flows.

RESPONSE D26-25

The groundwater budgets presented in the Draft EIR represent scientific data collected by several agencies such as the USGS, LADWP and Inyo County. They represent the best available data. No attempt was made to distinguish the various elements of conveyance losses. The comment is noted.

RESPONSE D26-26

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.

RESPONSE D26-27

Please refer to response to master comment EA-1 regarding pre-project conditions.

RESPONSE D26-28

Figure 10-1 (Precipitation at Independence) was included to show the reader the great variation in precipitation at a single station; it was not meant to be indicative of the entire valley. Indeed, the section on Environment and its Effect on Owens Valley Vegetation in Chapter 10 makes clear the wide variation and fluctuation of precipitation patterns in the valley. Data for other stations are available if the writer wishes to construct similar graphs for other recording stations. Independence was chosen partly because it is the county seat and thus has the longest continuous record for Owens Valley.

RESPONSE D26-29

See Figure 9-16 (page 9-38) of the Draft EIR.

RESPONSE D26-30

Please refer to responses to master comments EA-1 and VE-5.

RESPONSE D26-31

The authors regret the inconsistency in units of measurement. The conversion is: ten centimeters is slightly more than four inches. In any event, the graph in Figure 10-7 was intended to convey a trend, making the actual units used irrelevant. The goal of the Agreement and the Green Book is to allow some water for export while protecting the vegetation of the valley.

RESPONSE D26-32

The loss of this vegetation occurred between 1913 and 1970, before the project commenced. Please refer to response to master comment EA-1.

RESPONSE D26-33

Data from the 1968 Inyo County General Plan are reflected in Table 14-1; this shows Los Angeles owned about 245,000 acres in Inyo County which is over 90 percent of the valley floor.

RESPONSE D26-34

Socioeconomic effects are not considered environmental impacts under CEQA.

RESPONSE D26-35

This comment expresses a personal opinion unrelated to the content of the Draft EIR. No response is required.

RESPONSE D26-36

The Draft EIR contains numerous conclusions that significant impacts have occurred since 1970.

RESPONSE D26-37

This comment expresses a personal opinion unrelated to the content of the Draft EIR. No response is required.

RESPONSE D26-38

Please see response D26-32 above.

RESPONSE D26-39

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.

RESPONSE D26-40

Please refer to response to master comment EA-1 for discussion of pre-project conditions. In addition, it would be impossible to quantify the vegetation data from Lee's 1912 report. The writer is correct in believing that trend lines on vegetation taken over long periods of time would be of great help in managing present day conditions.

RESPONSE D26-41

See Figure 9-16 (page 9-38) of the Draft EIR.

RESPONSE D26-42

The contention that the consequences of reduced spring flow have been ignored is unfounded. Springs are addressed throughout the Draft EIR, and in responses to master comments PD-5 and WA-4.

RESPONSE D26-43

This comment is addressed in response to comment D26-28 above. No further response is required.

RESPONSE D26-44

This comment is addressed in response to comment D26-10 above.

RESPONSE D26-45

The drought that affects Inyo County also affects the greater western region. The potential causes of drought have been the subject of much scientific inquiry. To date, groundwater pumping in Owens Valley has not been identified as a potential factor. The rest of the comment is noted.

RESPONSE D26-46

The dust problem is acknowledged in the Draft EIR in Chapter 12, Air Quality. Please refer to responses to master comments PD-3 and AQ-1 for additional discussion of this issue.



Letter D27

Ken Birchim





Ken Birchim  
Mt. 2, Box 157-A  
Bishop, CA. 93514  
(619)387-2447

1/2/91

RECEIVED  
JAN 7 1991  
EIP ASSOCIATES  
SAN FRANCISCO, CA.

John Davis, Senior Vice President  
EIP and Assoc.  
150 Spear Street, Suite 1500  
San Francisco, CA. 94105

Dear Sirs:

I find the joint Environmental Impact Report between the Los Angeles Department of Water and Power (DWP) and Inyo unacceptable. It is my understanding an EIR has to be completed and passed before a project is begun. In this case this was not done.

In a Stipulation and Order from the Third Appellate Court Inyo was ordered to allow DWP to increase groundwater pumping by three times during the worst drought in California history. This was agreed upon (a stipulation in legal terms is an agreement) by Inyo County Council Greg James and Inyo Supervisors as a result of the Inyo-Los Angeles agreement, without ordering Los Angeles to conserve water on a mandatory basis.

While the exact damage to the Owens Valley has never been made readily available to the public during and after this unprecedented mining of the groundwater, DWP (Inyo is dependent upon their figures) measurements indicate the

water table has dropped anywhere from 25 to over 100 feet valley-wide.

It is my contention that the DWP has nearly completed the scope of their project before an acceptable EIR was completed.

There has been no proper suggestion of mitigation. What is termed as mitigation, the use of groundwater to mitigate the depletion of groundwater, I find contradictory. The only way to restore the aquifer is through a proper method of spreading surface water.

The DWP's "Final EIR" stated they intended to increase the Owens Valley's dependence on groundwater by about 80,000 acre feet, this from an estimated 7,100 acre feet prior, for "in-valley use". I feel that when they "reduced" their pumping last summer to approximately 80,000 acre feet, it indicated they made great strides toward completion of the project without a court accepted EIR.

Inyo's 16 consultants, I might add, stated that no more than 50,000 acre feet could safely be pumped from this valley in times of normal run-off.

Inyo's Groundwater Ordinance was designed to protect the environment from over-pumping in the Owens Valley. It was not aimed at just the DWP but all groundwater users. Greg James, as a part of his negotiations with the DWP, representing Inyo without voter approval, agreed not to file Judge Turner's Superior Court decision, finding the ordinance "unconstitutional". County Council/Water Director James therefore did not have to appeal the judgement.

As a result of this manipulative action Inyo lost any opportunity to protect itself against individuals or companies who go into the water exporting business or groundwater users in general.

Inyo's ordinance was a separate lawsuit from the EIR case. In order for this agreement to be valid the ordinance should be filed and appealed on its own merit, separate from the EIR.

The DWP has paid utility-rate property taxes in Inyo since their arrival here. They have had the enviable position of owning and renting business property without paying "landlord-type" taxes. Their ability to control the economy of this valley is legendary. I feel this DEIR should have addressed the City of Los Angeles' fair payment on the property they lease (and have leased) which is not a part of their water/power gathering practices.

2

The ability of the DWP to pressure lessees should be addressed. Businesses and ranchers should have the ability to be critical of DWP practices without feeling threatened.

3

The decision-making agency who prepared the DEIR, specifically the Technical Committee, met in secret. Their actions were not readily available to the public. The preparation of an EIR should be a public endeavor from start to finish. The decision-making of this DEIR was made in secrecy. Only after its completion was it made public.

The compiling of an EIR through compliance of "erstwhile adversaries" is repugnant if the constituencies of those adversaries are excluded, in this case the citizens of Los Angeles and Inyo county.

4

This EIR does not address the problems which could arise as a result of the Mono Lake decision (Inyo being downstream). It stands to reason the DEIR is too limited and should consider the "entire basin" from north of Mono Lake to the southern extremities of Inyo, if not beyond. It does not even encompass the Laws area or Owens Lake which are without doubt affected by the DWP's groundwater mining and surface water diversions.

The California Department of Fish and Game operate fish hatcheries in Inyo that are dependent on extensive groundwater pumping. This dependence came about by the depletion of natural springs by the DWP's groundwater mining. Less than a third of

these fish are even placed in Inyo's streams and lakes, most are exported out of the area.

All of this water goes directly into the L.A. Aqueduct. I am opposed to this and feel a meaningful answer has to be found. The DWP and the DFG have to properly mitigate this problem.

5 [ I feel the citizens of Los Angeles and the Owens Valley have not received proper representation in the entire procedure. Beginning with the secret negotiations with the DWP prior to the enactment of the agreement, the agreement itself, which was drawn up in closed session, to the resultant secret compilation of the draft EIR. If the DEIR is accepted all litigations or problems that arise will be ruled on by the very committee that I and others distrust.

Proof of this distrust is the "People who Love the Valley Petition" which was circulated prior to the 1990 run-off season. The 700 signatures on this petition were gathered in less than three weeks. Enclosed is a copy of that petition.

I don't feel Inyo or Los Angeles citizens will be fairly represented. I am opposed to this part of the DEIR which places the privilege of decision-making in the hands of this committee.

6 [ Alternatives to the project have never been properly addressed. DWP representatives should be honest with their constituents. The vast majority of DWP customers have no idea where their drinking water comes from.

Los Angeles owes its very existence to the Owens Valley. The people of that city should be honestly told the history which has led up to this lawsuit. A monument should be erected at Los Angeles City Hall and Inyo in recognition of the contribution of the Owens Valley's water and power. I feel a proper educational effort would bear the fruit of conservation namely; acceptance of a mandatory rationing of water.

I feel if the citizens of Los Angeles knew to what extent the DWP has worked to deplete their source of drinking water for monetary gain they would comply with mandatory conservation and see to it that the people who are in charge of that agency take better care in the future.

The present policies of the DWP are extensions of a greedy few who are now long dead and buried. It's time they come out of the closet. The age of secrecy and cover-up is over.

In summary, I can not accept the DEIR on several grounds:

1) The DEIR can not be a valid EIR because it was never completed while the project was on-going.

2) Council James' agreement not to file Judge Turner's judgement which was outside the EIR case.

3) The public was not privy to on-going information of the Technical Committee.

4) It does not address DWP's influence on Inyo's economy properly.

5) It does not include an educational emphasis which could effect alternatives to the project.


6) It allows for committee resolutions that could be biased in the committee's favor.

7) It is not "basin wide" thereby limited.

8) It has no proper mitigation of the groundwater.

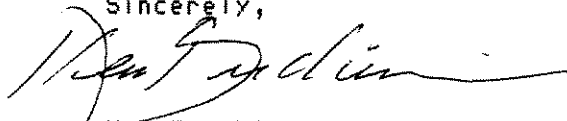
9) It disregards the cumulative effects from the loss of vegetation which creates health hazards from blowing dust and long term effects on the weather patterns.

10) I am opposed to the "Green Book" which is not based on conclusions but on on-going studies and therefore manipulative as a decision making tool. There is much more involved in this project than is implicit in that document, therefore, I



feel the emphasis on the Green Book is purposely misleading.

Sincerely,



Ken Birchim

## PEOPLE WHO LOVE THE VALLEY PETITION

We, the undersigned, consider the LADWP groundwater pumping and present EIR process to be out of control. You, Inyo Board of Supervisors and you, Inyo County Water Department, have permitted DWP continually to expand its water-gathering facilities in spite of court orders requiring DWP to prepare an EIR first. This has gone on since the early 1970's, for too many years. Therefore, if you as supervisors, elected representatives, paid by us to safeguard our interests, choose not to act promptly on the demands listed below, we are left with no alternative but to initiate recall proceedings.

1. We demand the Inyo County Board of Supervisors immediately terminate the services of Special Counsel Greg James and all outside consultants.
  - a. These vacated positions to be filled, by a competitive process, with professionals who have proven abilities in water, environmental engineering, air quality, and litigation; this process must be made public.
2. We demand the Inyo County Board of Supervisors, using Special Counsel Greg James' replacement, seek from the Third Appellate Court, an immediate restraining order prohibiting all pumping for export and mitigation in Inyo County.
3. We demand you petition the Third Appellate Court to order DWP at once to restore all surface water flows and groundwater levels to that state which existed in the early 1970's, when the court first ordered the DWP to prepare an EIR.
4. We demand the Inyo Board of Supervisors petition the Third Appellate Court to order DWP immediately to spread this year's spring run-off water over all Owens Valley ranches and meadow-lands capable of recharging the groundwater basin. Surface water spreading is to continue until the groundwater basin has been recharged to 1970 EIR conditions.
5. We demand the Inyo County Board of Supervisors petition the Third Appellate Court to order immediately that the DWP provide Big Pine rancher Ken Steward and any other Inyo County residents facing similar conditions all the surface water their normal ranching operations require until the groundwater table beneath their property is restored to pre-EIR condition.
6. We demand the Inyo Board of Supervisors petition the Third Appellate Court to order the implementation of Inyo County's Groundwater Management Ordinance and Management Plan. The no-nonsense monitoring requirements of this plan would put an immediate stop to over-pumping in the Owens Valley.
7. We demand the Inyo County Board of Supervisors to petition the Third Appellate Court to order DWP to fill Crowley Lake reservoir for purposes of recreation, to enhance wildlife, agricultural purposes and groundwater recharge; at the same time to formally request Southern California Edison Company to keep full Sabrina and South Lakes throughout the summer season.
8. We demand the Inyo County Board of Supervisors hold a special meeting, in Bishop, at the Bishop Civic Auditorium, on or no later than April 10, to address these demands. If you fail to hold this meeting and comply with all these provisions, you give us no choice but to start recall proceedings.

**AV**





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## RESPONSES TO COMMENTS

### LETTER D27

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#### RESPONSE D27-1

Please refer to response to master comment PD-1 for a discussion of project operation during the period that the previous EIRs have been prepared.

#### RESPONSE D27-2

Comment noted. No further response is required.

#### RESPONSE D27-3

This comment expresses a personal opinion unrelated to the content of the Draft EIR. No response is required.

#### RESPONSE D27-4

Mono Basin facilities are not within the scope of this EIR. Please refer to response to master comment PD-3.

#### RESPONSE D27-5

This comment expresses a personal opinion unrelated to the content of the Draft EIR. No response is required.

RESPONSE D27-6

Please refer to responses to master comments AL-1, AL-2 and AL-3 for discussion of alternatives. In addition, Chapter 3 of the Draft EIR, Water Supply for Los Angeles, discusses available supplies.

RESPONSE D27-7

Most of the issues in this comment are addressed in the preceding response above. For discussion of cumulative effects due to air quality, please refer to response to master comment MT-5. Opposition to the Green Book is noted; no response is required.

**Letter D28**

---

**Manuel Hezekiah Katalbas, Sherman Oaks Galleria Management**





January 2, 1990

John Davis  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA 94105

Dear Mr. Davis:

Our project is a multi-use property and we do use water as one of our basic needs in operations. We have initiated good water management through bathroom retrofits with water saving devices and using equipment in compliance with water conservation guidelines to help in the total picture of conserving water in Los Angeles.

I am concerned with water reliability in Los Angeles. I do hope that you would carefully consider all the business as well as residential water requirements for our area in your deliberation.

Thank you for your kind attention.

Sincerely,

  
MANUEL HEZEKIAH KATALBAS  
Facilities Manager



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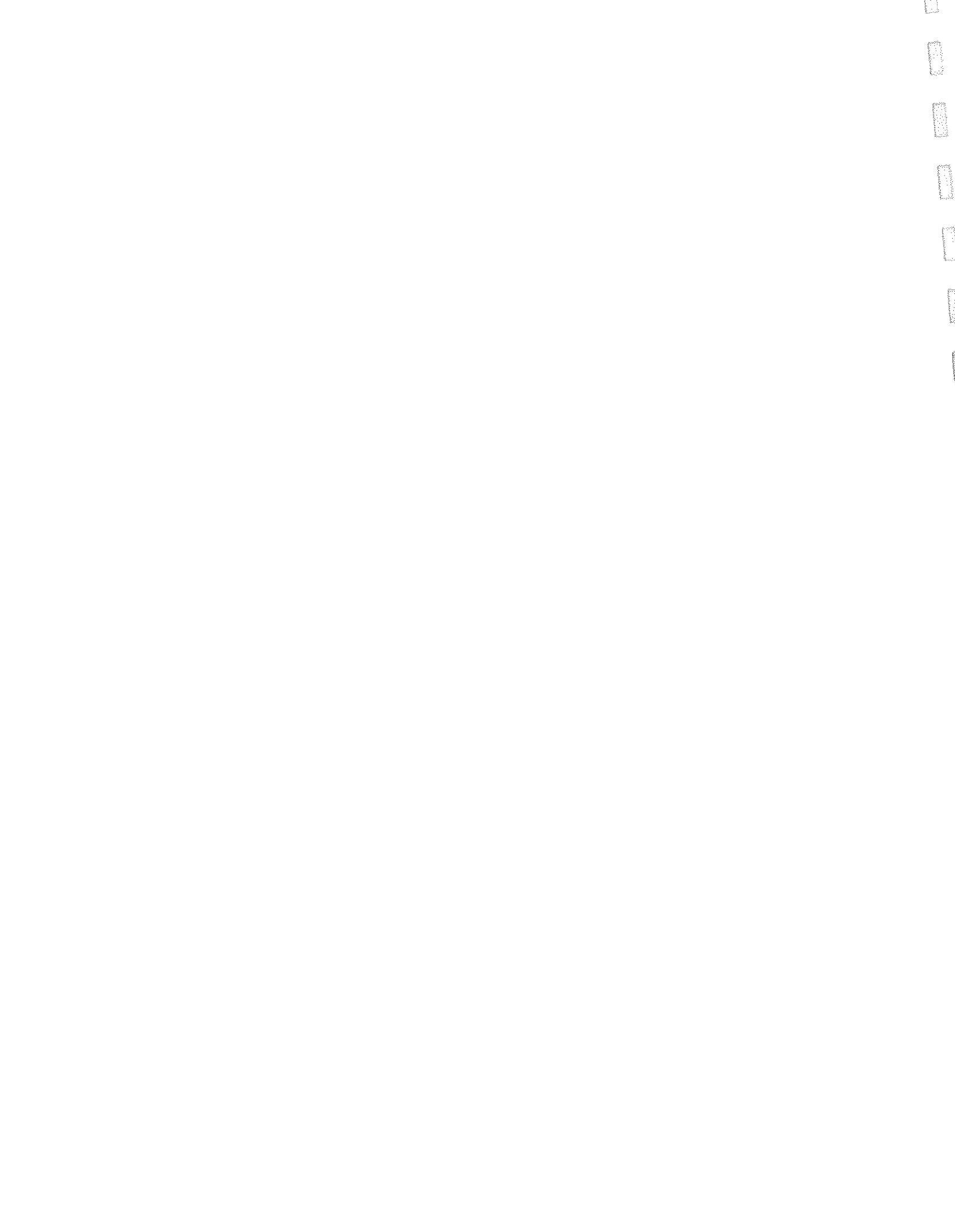
## RESPONSES TO COMMENTS

### LETTER D28

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#### RESPONSE D28-1

This comment expresses a personal opinion unrelated to the content of the Draft EIR. No response is required.





**Letter D29**

**Alton L. Fink**

1. The first step in the process of the scientific method is to ask a question.

2. The second step is to do background research.

3. The third step is to form a hypothesis.

4. The fourth step is to test the hypothesis.

5. The fifth step is to analyze the data.

6. The sixth step is to draw a conclusion.

7. The seventh step is to communicate the results.

8. The eighth step is to repeat the experiment.

9. The ninth step is to publish the results.

10. The tenth step is to evaluate the results.

11. The eleventh step is to discuss the results.

12. The twelfth step is to conclude the experiment.

13. The thirteenth step is to write a report.

14. The fourteenth step is to present the results.

15. The fifteenth step is to evaluate the results.

16. The sixteenth step is to discuss the results.

17. The seventeenth step is to conclude the experiment.

18. The eighteenth step is to write a report.

19. The nineteenth step is to present the results.

20. The twentieth step is to evaluate the results.

LETTER D-29

Alton L. Fink  
807 South Barlow Lane  
Bishop, CA 93514  
January 3, 1991

Mr. John A. Davis  
EIF Associates  
150 Speer Street, Suite 1500  
San Francisco, CA 94105

RECEIVED  
JAN 14 1991  
EIF ASSOCIATES  
SAN FRANCISCO, CA

Dear Mr. Davis,

The Draft EIR as submitted by EIF Associates was very disappointing, to say the least. It would appear that the Los Angeles DWP is your **ghost writer**.

There are many discrepancies throughout the DEIR, however, I will only cover the one area of **chief concern**, the **Bishop Cone**.

The Chandler Decree, rendered in the District Court of the United States, in and for the Southern District of California, Northern Division, E-61 Equity, was entered and recorded January 27, 1922.

Had your staff studied this Federal Court Order, they would have noted that the **management of surface water on the Bishop Cone is controlled by the Bishop Creek Water Association**. In addition, said surface water is allocated for **irrigation, watering livestock, and domestic use**. Nowhere is the term " **export** " included.

The Hillside Decree was rendered in the Superior Court of the State of California in and for the County of Inyo, August 26, 1940.

Your staff also **failed to study this document**. Had they studied it, they would have noted that Los Angeles may pump or extract ground water, " when necessary for the beneficial use on their lands on the Bishop Cone ", --- **not to replace the surface water allocated to them under the Chandler Decree**.

" **When necessary** " refers to those periods of time such as we have been experiencing in the past four years of **drought**. The Hillside Decree permits the Los Angeles DWP to augment the decreased volume of surface water available.

The Los Angeles DWP cannot install any additional wells, nor operate any of the present nine wells, **except as provided in the Hillside Decree**.

The DEIR can have only one statement regarding the Bishop Cone :  
" The area in the Owens Valley known as the Bishop Cone, is excluded from this DEIR in that **two prior court rulings, Federal and State, have established the management and control over surface and ground water use on the Bishop Cone**."

Sincerely,

  
Alton L. Fink

cc: Inyo County Supervisors  
Inyo County Water Commissioner



---

## RESPONSES TO COMMENTS

### LETTER D29

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#### RESPONSE D29-1

Please refer to response to master comment PD-13 for discussion of groundwater pumping on the Bishop Cone. Please refer to Appendix A-4, which includes legal opinions on the Chandler and Hillside Decrees.

#### RESPONSE D29-2

Comment noted; please refer to response to master comment PD-13.

#### RESPONSE D29-3

Comment noted; please refer to response to master comment PD-13.



**Letter D30**

**Martha S. Gilchrist**





RECEIVED

JAN 7 1991

EIP ASSOCIATES  
SAN FRANCISCO, CA  
851 Shahr Avenue  
Rt. 2 #89  
Lone Pine, CA 93545  
January 3, 1991

John Davis, Senior Vice President  
EIP Associates  
150 Spear St. Ste. 1500  
San Francisco, CA. 94105

Re: COMMENTS ON DRAFT ENVIRONMENTAL  
IMPACT REPORT-WATER FROM OWENS  
VALLEY FOR SECOND AQUEDUCT. 12/90

Dear Mr. Davis:

This Draft EIR is a positive step forward in the final phase of the Water Agreement between Inyo County and the City of Los Angeles. Obviously many hours of research and professional studies have gone into this document which is well-organized in spite of its length.

Finally the cumulative impact of water export on the vegetation of the Owens Valley is being recognized and mitigation proposed to compensate for past damage and to prevent further damage in the future.

However, I have major concerns in the following areas:

1. The pre-project description of the environment is incomplete. For example, aerial photos taken prior and since 1970 were available but not included. Also, the 1990 report concerning these photos by Dennis Jacques, which is a valuable data base, was omitted.
2. The inventory of rare and endangered plants is incomplete. Locations of sites of specific plants throughout the valley should have been mapped. They need to be identified, impacts established and habitats that remain need to be protected.
3. Natural springs that are still flowing must be protected and those that have been destroyed must be mitigated satisfactorily. The Lower Owens River project does not compensate for the loss of such rare and unique habitats as natural flowing springs. The EIR should include a spring inventory taken during a normal water year and a management plan. Reinhackle spring in particular must be protected in its natural state including fencing from the impact of cattle grazing. An alternate site should be developed which eliminates the proposed well near this spring.
4. Grazing Management - the pre-project description does not include the cumulative impact of grazing. An adequate grazing management plan needs to be written into the EIR.

5

5. The oft-used term "significant" needs to be more clearly defined. It is much too vague and open to uncertain interpretations.

6

6. When pumps have been turned off because of effects on soil moisture, both Inyo County and DWP must decide jointly when they should be turned on based on a definite drought recovery policy. It should not be a unilateral decision as it is now.

7

8. Water Resources - (p. 9-7) No mention of Diaz Creek was made. Further information should be developed in the final EIR on the significance of Diaz Creek to regional wildlife, area surface and water resources.

8

9. Water Resources (P. 9-84) - The EIR states "Surface waterquality was changed slightly between 1970 and 1990 as compared to pre-project conditions, with no significant impacts. Water quality was monitored by the USGS National Accounting Network (1974-1985). The numbers of fecal coliform bacteria and fecal streptococci bacteria increased steadily during this period of measurement". No mitigation measures are required and under provisions of the agreement "it is not expected that there will be any changes in surface or groundwater quality". On what data is this conclusion based? Are public health agencies involved in this study? This should be further explained.

9

10. Replacement wells (p. 4-13) - Six replacement wells have been constructed and six more will be completed in 1991. At present the pumping capacity is equal to the wells being replaced. In the future, larger pumps may be installed in these replacement wells to increase pumping capacity. This must be addressed in the agreement.

10

11. If monitoring is the basis for future water management and withdrawals, then monitoring must be long-term and verified by impartial hydrologists and biologists before any change (increase) in withdrawals is allowed. Monitoring which indicates further decline in springs and other surface/groundwater resources should be basis for decreasing pumping rates. Viable long-term monitoring must be the essential element in the management plan.

11

12. Due to the length of this EIR, the complexity and magnitude of the issues and large number of comments, there should be a final short public review to comments and responses.

As a resident of Lone Pine and being a member of the California Native Plant Society, Audubon Society, and the Owens Valley Committee, I have spent many hours studying this Draft EIR, attending field trips and workshops conducted by professionals. To the best of my ability I have reached the above conclusions. Thank you for your considerations of my comments.

Very sincerely

*Martha S. Gilchrist*  
Martha S. Gilchrist

---

## RESPONSES TO COMMENTS

### LETTER D30

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#### RESPONSE D30-1

Please refer to responses to master comments VE-5, regarding Mr. Jaques' report, and EA-1, for discussion of pre-project conditions.

#### RESPONSE D30-2

Please refer to responses to master comments EA-1 and VE-6 for discussion of rare plants.

#### RESPONSE D30-3

Springs and seeps would be protected under the Agreement. Please refer to response to master comment PD-5 regarding the protection of remaining springs and seeps; response to master comment MT-3, concerning compensatory mitigation; response to MT-6 regarding the Lower Owens River Project; and response to master comment WA-4 regarding Reinhackle Spring.

#### RESPONSE D30-4

Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.

#### RESPONSE D30-5

The criteria for identifying significant effects are described in the introductory statements in each environmental analysis section of Chapters 8 through 16 of the Draft EIR. The standards are based on CEQA Guidelines (Appendix G in CEQA, titled Significant Effects) unless indicated otherwise. The Agreement contains a detailed description of significant effects in Section IV.B

(pages B-22 through B-24). Please refer to response to master comment PD-18 regarding the use of the term "significant" in the Agreement. Also, see response to master comment MT-7.

RESPONSE D30-6

Please refer to response to master comment PD-6 for a discussion on the issue of well turn on/off.

RESPONSE D30-7

Diaz Creek is not gauged at the base of the mountains.

RESPONSE D30-8

Please see response to comment C11-24 in Letter C-11. Also please refer to response to master comment WA-2 for additional discussion of water quality.

RESPONSE D30-9

All groundwater pumping in the future would be subject to the provisions of the Agreement. Regardless of any future increase in groundwater pumping capacity LADWP would be required to adhere to the terms of the Agreement regarding environmental protection. All groundwater pumping will be subject to monitoring by Los Angeles and Inyo County under the Green Book.

RESPONSE D30-10

Monitoring will be conducted by LADWP and Inyo County with assistance from specialists as needed. Please refer to response to master comment PD-7 for additional discussion of monitoring.

RESPONSE D30-11

The Final EIR, Response to Comments Document, will be available for public review beginning in August 1991.

**Letter D31**

**Corabelle L. Albright**

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LETTER D-31

CORABELLE L. ALBRIGHT  
251 WALNUT ST., P. O. BOX 175  
BIG PINE, CA 93513

RECEIVED

JAN 7 1991

EIP ASSOCIATES  
SAN FRANCISCO, CA  
January 4, 1991

John Davis, Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA 94105

Dear Sir:

The draft EIR on Los Angeles' water gathering activities in the Owens Valley and the Long Term Groundwater Management Agreement should include restoration of all vegetation damaged in the valley due to groundwater pumping and changes in surface water management since 1970. Damage could be documented study of aerial photographs made from 1970 on and from any other available records.

Such restoration is not an impossibility. Los Angeles has the whole Pacific Ocean at its doorstep. Desalinization technology exists albeit expensive. Developers in Los Angeles are the ones who make profit from unlimited growth and should be willing to pay whatever the cost may be for carrying out that policy.

No locality has a moral right to degrade the environment of another locality regardless of the numbers of people living in either area.

Sincerely yours,

*Corabelle L. Albright*  
Corabelle L. Albright





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## RESPONSES TO COMMENTS

### LETTER D31

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#### RESPONSE D31-1

Effects on vegetation and prescribed mitigation are discussed in detail in Chapter 10 of the Draft EIR. Please refer to responses to master comments PD-5 regarding spring protection; VE-5 regarding aerial photo interpretation; and MT-7 concerning mitigation of significant impacts.



**Letter D32**

**Carolyn M. Owen**



LETTER D-32

RECEIVED

JAN 9 1991

EIP ASSOCIATES  
SAN FRANCISCO, CA.  
901 Shahr Avenue  
Rt. 2 #90  
Lone Pine, CA 93545  
January 5, 1991

John Davis, Senior Vice President  
EIP Associates  
150 Spear St. Ste. 1500  
San Francisco, CA. 94105

Re: DRAFT EIR WATER FROM OWENS  
VALLEY FOR SECOND AQUEDUCT

Dear Mr. Davis:

As a resident of Lone Pine and a member of the California Native Plant Society, Audubon Society and Sierra Club, I am very concerned about the environmental impact of additional water to be drawn from the Owens Valley for the Second Aqueduct.

I applaud the fact that the cumulative impact of water export on the vegetation of the Owens Valley is being recognized and mitigation has been proposed to compensate for past damage and to prevent further damage in the future.

However, I have major concerns in the following areas:

1. The pre-project description of the environment is incomplete. For example, aerial photos taken prior and since 1970 were available but not included. Also, the 1990 report concerning these photos by Dennis Jacques, which is a valuable data base, was omitted.
2. The inventory of rare and endangered plants is incomplete. Locations of sites of specific plants throughout the valley should have been mapped. They need to be identified, impacts established and habitats that remain need to be protected.
3. Natural springs that are still flowing must be protected and those that have been destroyed must be mitigated satisfactorily. The Lower Owens River project does not compensate for the loss of such rare and unique habitats as natural flowing springs. The EIR should include a spring inventory taken during a normal water year and a management plan. Reinhackle spring in particular must be protected in its natural state including fencing from the impact of cattle grazing. An alternate site should be developed which eliminates the proposed well near this spring.
4. When pumps have been turned off because of effects on soil moisture, both Inyo County and DWP must decide jointly when they should be turned on based on a definite drought recovery policy. It should not be a unilateral decision as it is now.

5. Grazing Management - the pre-project description does not include the cululative impact of grazing. An adequate grazing management plan needs to be written into the EIR.

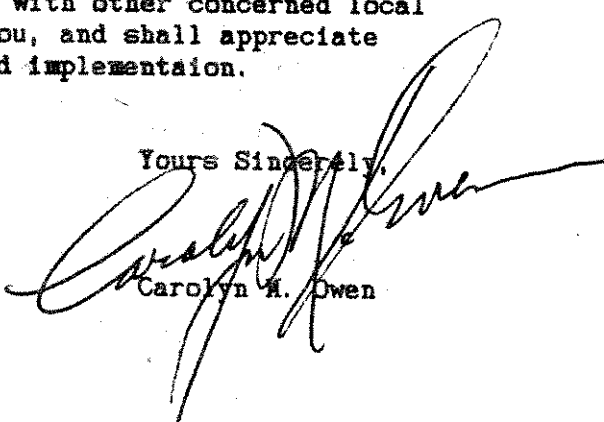
6. Water Resources - (p. 9-7) No mention of Diaz Creek was made. Further information should be developed in the final EIR on the significance of Diaz Creek to regional wildlife, area surface and water resources.

7. Replacement wells (p. 4-13) - Six replacement wells have been constructed and six more will be completed in 1991. At present the pumping capacity is equal to the wells being replaced. In the future, larger pumps may be installed in these replacement wells to increase pumping capacity. This must be addressed in the agreement.

8. If monitoring is the basis for future water management and withdrawals, then monitoring must be long-term and verified by impartial hydrologists and biologists before any change (increase) in withdrawals is allowed. Monitoring which indicates further decline in springs and other surface/groundwater resources should be basis for decreasing pumping rates. Viable long-term monitoring must be the essential element in the management plan.

After considerable study and discussion with other concerned local citizens, I offer these recommendations to you, and shall appreciate your serious consideration of their merit and implementaion.

Yours Sincerely,

  
Carolyn M. Owen

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**RESPONSES TO COMMENTS**  
**LETTER D32**

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**RESPONSE D32-1**

Please see responses to comments D30-1, D30-2, D30-3, D30-4, D30-6, D30-7, D30-9, and D30-10 in Letter D-30.





**Letter D33**

**Bob Hayner**

1. The first part of the document is a list of the names of the people who were present at the meeting.

2. The second part of the document is a list of the topics that were discussed during the meeting.

3. The third part of the document is a list of the actions that were taken during the meeting.

4. The fourth part of the document is a list of the decisions that were made during the meeting.

5. The fifth part of the document is a list of the conclusions that were reached during the meeting.

6. The sixth part of the document is a list of the recommendations that were made during the meeting.

7. The seventh part of the document is a list of the suggestions that were made during the meeting.

8. The eighth part of the document is a list of the proposals that were made during the meeting.

9. The ninth part of the document is a list of the resolutions that were passed during the meeting.

10. The tenth part of the document is a list of the motions that were made during the meeting.

11. The eleventh part of the document is a list of the amendments that were made during the meeting.

12. The twelfth part of the document is a list of the resolutions that were passed during the meeting.

13. The thirteenth part of the document is a list of the motions that were made during the meeting.

14. The fourteenth part of the document is a list of the amendments that were made during the meeting.

15. The fifteenth part of the document is a list of the resolutions that were passed during the meeting.

16. The sixteenth part of the document is a list of the motions that were made during the meeting.

17. The seventeenth part of the document is a list of the amendments that were made during the meeting.

18. The eighteenth part of the document is a list of the resolutions that were passed during the meeting.

19. The nineteenth part of the document is a list of the motions that were made during the meeting.

20. The twentieth part of the document is a list of the amendments that were made during the meeting.

Ref Draft EIR 1170 Co - LADW1

LETTER D-33

RECEIVED

JAN 10 1991

EIP ASSOCIATES  
SAN FRANCISCO, CA

Dear Sir -

Section 5 of the Proposed EIR Dealing with Recreational Use of South or North Hawee Reservoir - Enclosed find Copy of Grant Decree Pertains to upper Hawee Reservoir, and Map of upper Hawee Reservoir.

I would like to know how this can be considered a mitigation project or even be considered in the EIR when the Decree (Signed by the Governor + DWR 2/27/50) already gives the people of the State of Calif the right to fish the upper Reservoir.

Failure to allow recreational use (Fishing) on the upper Hawee Reservoir would be a violation of the State Constitution Sec 25 Article I.

I feel this should be removed from the EIR as a Project.

Thank You  
Bob Hayner  
P.O. Box 933  
Lone Pine, Calif 93545

all or any portion of the above described property, and to sign and execute deeds therefor in her own individual name, and to convey by such deed or deeds a full, perfect and absolute title thereto to the purchaser thereof, and with the right to use the proceeds arising from such sale or sales to her own use, without any liability for her or her estate to account therefor. In case of such revocation being made, it shall be made and can only be made in writing, duly acknowledged and recorded.

In Witness Whereof, said party of the first part has hereunto set her hand the day and year first above written.

Lelia N. Godlove

State of California }  
County of Inyo } ss.

On this 24th day of February 1950 before me the undersigned a Notary Public in and for the said County and State, personally appeared Lelia N. Godlove known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

Mary F. Tinder

Notary Public In and for the said County and State.

Filed for Record at the request of Glenn L. Tinder

6 minutes past 9 o'clock A. M.

Feb 27, 1950

#185 Fee \$1.80

Richard P. Oyler Recorder

By Nellie Fries Deputy Recorder

#### STATE OF CALIFORNIA

To All to whom these Presents shall come, Greeting:

Whereas, Under the provisions of an Act of the Congress of the United States, entitled "An act to provide for the survey of the public lands in California, the granting of preemption rights, therein and for other purposes, approved March third, eighteen hundred and fifty-three" there was granted to the State of California, the sixteenth and thirty-sixth sections of each township in said State and lands selected in lieu thereof under the provisions of said Act and also under the provisions of subsequent Acts of said Congress of the United States; and whereas, the Legislature of the State of California has provided for the sale and conveyance of said lands by statutes enacted from time to time; and whereas, it appears by the certificate of Rufus W. Putnam, Executive officer of the State Lands Commission No. 19329 issued in accordance with the provisions of law, bearing date the 21st day of December 1949 that the tracts of land hereinafter described have been duly and properly located in accordance with law, that the laws in relation thereto have been complied with, that payment

in full has been made, and that City of Los Angeles is entitled to receive a patent therefor;

Now therefore the State of California hereby grants to the said City of Los Angeles the said tracts of land located as aforesaid and which are known and described as follows, to wit: The west thirty-nine and seventy-six-hundredths (39.76) acres of lot two of the fractional northwest quarter (or the northwest quarter of the northwest quarter), lot one of the fractional northwest quarter (or the south half of the northwest quarter) and the southwest one hundred sixty (160) acres (or the southwest quarter of Section three (3) the east thirty-nine and sixty-seven-hundredths (39.67) acres of lot two of the fractional northeast quarter (or the northeast quarter of the northeast quarter) and the east half of lot one of the fractional northeast quarter (or the southeast quarter of the northeast quarter) of fractional Section four (4) the northwest quarter, the southwest quarter of the northeast quarter, the east half of the southwest quarter and the west half of the southeast quarter of Section ten (10) the north half of the northwest quarter, the southwest quarter of the northwest quarter, the northwest quarter of the southwest quarter and the northwest quarter of the northeast quarter of Section fifteen (15) the northeast quarter of the northwest quarter of Section twenty-two (22) the northwest quarter of the northeast quarter, the east half of the northeast quarter, the east half of the southeast quarter, the southwest quarter of the southeast quarter and the southeast quarter of the southwest quarter of Section twenty-seven (27) the northwest quarter of the northeast quarter, the east half of the northeast quarter and the east half of the southeast quarter of Section thirty-four (34) and the southwest quarter of Section thirty-five (35) Township twenty (20) south, Range thirty-seven (37) east Mount Diablo Meridian, reserving to the State of California all oil, gas, oil shale, coal, phosphate, sodium, gold silver, and all other mineral deposits contained in said lands, and further reserving to the State of California, and persons authorized by the State, the right to drill for and extract such deposits of oil and gas, or gas, and to prospect for, mine and remove such deposits of other minerals from said lands, and to occupy and use so much of the surface of said lands as maybe required therefor, upon compliance with the conditions and subject to the provisions and limitations of Chapter 8, Part I. Division 6 of the Public Resources Code, and further reserving in the people the absolute right to fish thereupon as provided by Section 25 of Article I of the Constitution of the State of California, The selection by the State of California of the above described NE 1/4 of NE 1/4 of Section 22, Township 20 South Range 37 East, Mount Diablo Meridian was approved by the Assistant Secretary of the Interior May 2, 1913 and the selection by the State of California of the remainder of the above described lands was approved by the First Assistant Secretary of the Interior June 6, 1917 subject to any valid interfering rights existing at date of selection, but excepting and reserving unto the United States rights of way over and across said selected lands for ditches or canals constructed by their authority all as directed and required by the Act of Congress approved August 30, 1890 (26 Stat., 391) containing one thousand five hundred ninety-nine and forty-three-hundredths (1599.43) acres.

In Testimony Whereof, I Earl Warren Governor of the State of California have caused these letters to be made patent, and the seal of the State of California to be hereunto affixed. Given under my hand at the City of Sacramento this the 23rd day of January in the year of our Lord one thousand nine hundred and fifty.

(S.L.A.L.)

Karl Warren Governor of State

Attest Frank M. Jordan Secretary of State

Countersigned: Rufus W. Putnam  
Executive Officer, State Lands Commission Inyo County S-2589

Be It Resolved, that pursuant to the provisions of Section 1158 of the Civil Code of the State of California, the following officers of the Department of Water and Power, viz., General Manager and Chief Engineer, Chief Electrical Engineer and Deputy General Manager, Chief Engineer of Water Works and Deputy General Manager, Assistant Chief Electrical Engineer, and Assistant Chief Engineer of Water Works, be and they are hereby severally authorized as agents of said Department and of the City of Los Angeles, a municipal corporation to consent to any deed or grant, and to the recordation thereof, whereby a conveyance of real estate, or any interest therein or easements thereon, is made to said City, as Grantee, for public purposes, and is acquired with funds under the control of said Department; and that each such consent shall be evidenced by the written acceptance of one of the aforesaid agents attached to such deed or grant, together with a certified copy of this resolution.

I hereby certify that the foregoing is a full, true and correct copy of Resolution No. 594 adopted by the Board of Water and Power Commissioners of the City of Los Angeles at its meeting held March 20, 1945.

Joseph L. Williams Secretary

The attached conveyance is hereby accepted this 15th day of February 1950 under the authority of the foregoing resolution.

(SHAL)

Laurance E. Golt  
Laurance E. Golt Chief Engineer of Water Works  
and Deputy General Manager.

Approved as to form and legality Ray L. Chesebro City Attorney Feb 3, 1950

By Geo K. Whitworth Geo K. Whitworth Deputy Description Correct P.E. Ritch For Engineering Division Feb 13, 1950.

Filed for Record at the request of Dept of Water & Power

7 minutes past 9 o'clock A. M.

Feb 27, 1950

#186 Fee City

Richard M. Oyler Recorder

By Nellie Fries Deputy Recorder ✓

THIS LIEU FULLY PAID, SATISFIED AND  
DISCHARGED OF RECORD THIS DATE.  
SEPT. 13, 1950

*H. Moore*

MECHANIC'S LIEN

Notice is hereby given: That H. Moore under Chapter II of Title IV of Part III of the California Code of Civil Procedure claims a lien upon the parcel of land situate in the County of Inyo, State of California, and upon the buildings situate thereon, which land is described as follows, to-wit: That portion of Section 6, Township 7 South Range 33 East, and commonly described as Lot 6, Block 2 of the Sierra Tract, the address of said property being corner of Sierra and Costa Streets in the said Sierra Tract.

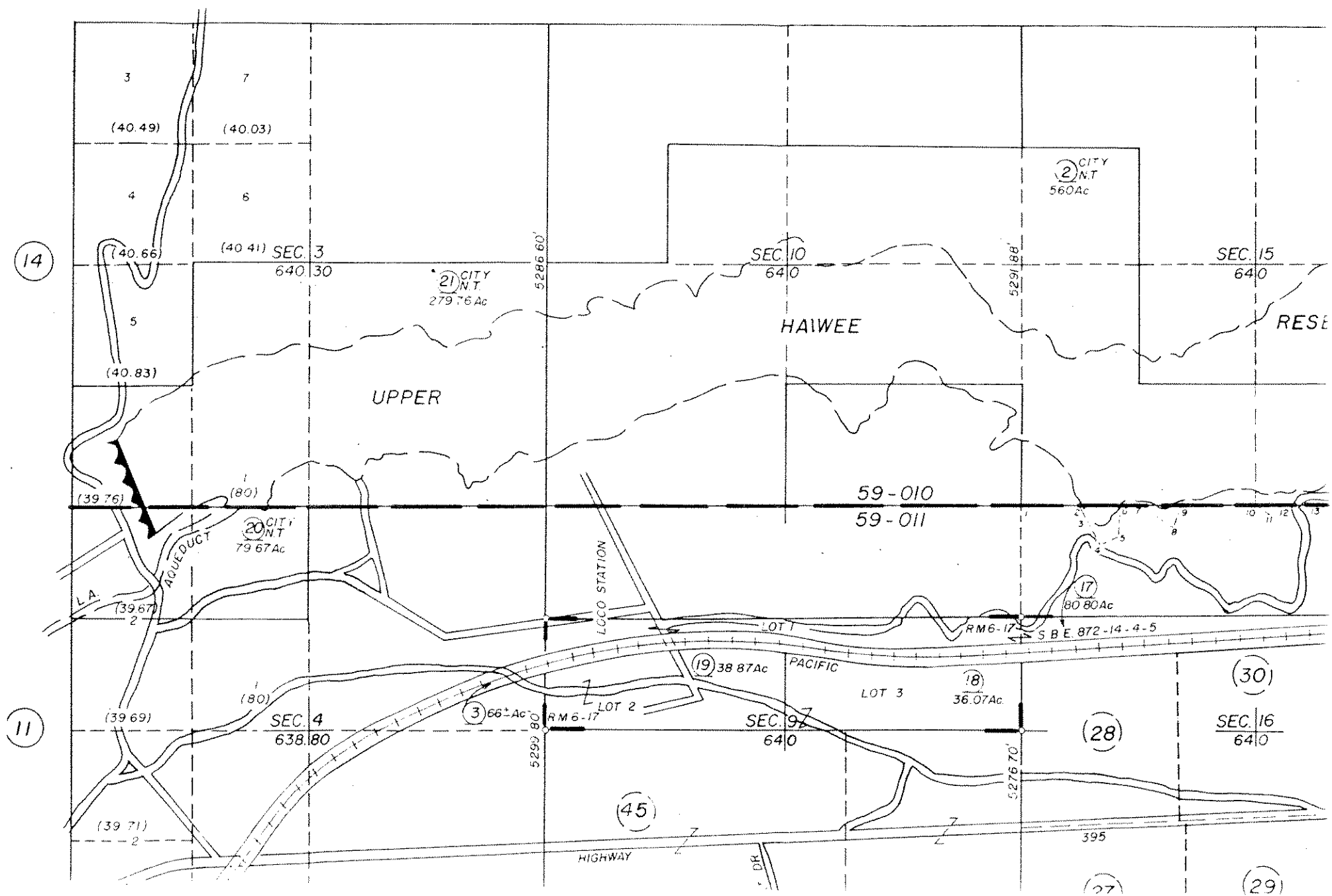
Said lien is claimed for labor and material furnished in the roofing of the building on said premises at the request of George L. Wood Jr., for and used in the construction or work of improvement of said buildings between the 5 day of December 1949 and the 23rd day of December 1949.

That the amount due claimant and unpaid on account of said contract, after deducting all just credits and offsets, is the sum of three hundred and seventy-nine dollars (\$379.00). That George L. Wood Jr., is the reputed owner of said buildings and premises. Dated this 25th day of February 1950.

H. Moore  
H. Moore

State of California }  
County of Inyo } ss.

H. Moore being duly sworn says that he is the claimant named in the foregoing claim of lien, that he has read the same and knows the contents thereof, and that the statements







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**RESPONSES TO COMMENTS**  
**LETTER D33**

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**RESPONSE D33-1**

Please refer to response to master comment PD-16.



Letter D34

Fred Patterson

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## LETTER D-34

January 7, 1990  
767 Rome Drive  
Bishop, California 93514

Mr. John Davis, Senior Vice President  
E.I.P. Associates  
150 Spear Street, Suite 1500  
San Francisco, California 94105

Dear Mr. Davis:

I attended the Bishop hearing concerning the E.I.R. for the Owens Valley Long Term Groundwater Management Plan. I am commenting in this letter instead of an oral comment at the meeting.

The "Hillside Decree" prohibits the LADWP from exporting groundwater from the "Bishop Cone". The E.I.R. "Agreement" states that groundwater pumping by the LADWP shall be in strict adherence to this decree.

However, the agreement then stipulates that the water used on Los Angeles owned lands on the Cone shall be the amount supplied to those lands less any return flow to the aqueduct system. There are two problems resulting from this section of the agreement.

1) Groundwater is being exported from the Cone as stated in the above part of the agreement, "less any return flow to the aqueduct system". The Hillside Decree prohibits exporting groundwater from the Cone. Therefore, no groundwater should be exported for any reason. 2) Except in a few isolated instances, there is no way to measure the amount of water used on City of Los Angeles lands on the Cone and no way to measure the amount returning to the aqueduct system even though this latter activity is illegal.

Several new irrigation ditches within the Cone have been dug, and at least one multi-acre field has been cleared, planted and newly irrigated during the past two years (even though these have been drought years). Most of the water in these ditches flows back into the aqueduct system unmeasured. Therefore, the LADWP could claim that all of the water flowing in ditches across irrigated land (unmeasured) is used on the land instead of flowing into the aqueduct (unmeasured).

### Recommendations

1. No groundwater can be exported from the Cone as is stated in the decree
2. If the County of Inyo and the LADWP refuse to obey the dictates of the court decree in the agreement, then Inyo County must receive just compensation in water from other sources. Furthermore, all water on the Cone from in-valley use must be measured at the point it enters the land for use on the land and at the point it leaves the land to enter the aqueduct system. The results of such measuring devices must be regularly recorded by Inyo County personnel.

4 Recommendations (cont.)

- 3. No new irrigating ditches can be dug where the water originates from a source other than a presently used ditch (which would further invalidate the Hillside Decree).
- 4. All replacement wells must have the same capacity as those wells they replace.

Sincerely,



Fred Patterson

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## RESPONSES TO COMMENTS

### LETTER D34

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#### RESPONSE D34-1

Please refer to response to master comment PD-13 for discussion of groundwater pumping on the Bishop Cone.

#### RESPONSE D34-2

Please refer to response to master comment PD-13 for discussion of groundwater pumping on the Bishop Cone.

#### RESPONSE D34-3

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.

#### RESPONSE D34-4

Comment noted. No further response is required.





Letter D35

Scott Hubbard

1. The first step in the process of the cell cycle is the replication of DNA.

2. The second step is the condensation of the DNA into chromosomes.

3. The third step is the separation of the sister chromatids.

4. The fourth step is the movement of the chromosomes to opposite poles of the cell.

5. The fifth step is the division of the cell into two daughter cells.

6. The sixth step is the reformation of the nuclear envelope.

7. The seventh step is the reformation of the nucleolus.

8. The eighth step is the reformation of the Golgi apparatus.

9. The ninth step is the reformation of the endoplasmic reticulum.

10. The tenth step is the reformation of the cell membrane.

11. The eleventh step is the reformation of the cell wall.

12. The twelfth step is the reformation of the cell cycle.

13. The thirteenth step is the reformation of the cell cycle.

14. The fourteenth step is the reformation of the cell cycle.

15. The fifteenth step is the reformation of the cell cycle.

16. The sixteenth step is the reformation of the cell cycle.

17. The seventeenth step is the reformation of the cell cycle.

18. The eighteenth step is the reformation of the cell cycle.

19. The nineteenth step is the reformation of the cell cycle.

20. The twentieth step is the reformation of the cell cycle.

Comments of Scott Hubbard on the  
Draft Environmental Impact Report for  
Los Angeles's Water Gathering in the Owens Valley and  
the Long-term Groundwater Management Agreement

Based on the stated purpose of the Los Angeles/Owens Valley Water Agreement, "to cause no significant effect on the environment which cannot be acceptably mitigated while providing a reliable supply of water for export", I find the following inadequacies in the draft E.I.R.

1. The baseline period for the agreement currently covers only 1984-1987. It should include the earliest available data, from before water export began if possible.
2. Accurate inventory data on wildlife, plants, springs and wetlands is available for the current baseline period and should be included in the final E.I.R.
3. During drought periods pumping should only be allowed after soil moisture has recovered from drought impact or it can be proven that pumping will not intensify the impact of the drought.
4. An interim upper limit for pumping should be established to be in effect until uncertainties in proposed measurement and methods of management can be eliminated. I suggest the previously court-set maximum limit. Thorough valley-wide monitoring should be established to verify the accuracy (showing changes of 10%) of proposed monitoring before the limit should be removed.
5. The final E.I.R. needs to include an inventory of the cumulative impact of grazing and water export activities.
6. The final E.I.R. should include a more detailed grazing management plan.
7. All remaining natural springs need to be protected from further decline in flow and restored to previous flow if this can be established.
8. Hazardous wind-born air pollution caused by water export needs to be addressed in the final E.I.R.

Thank you for the opportunity to comment.

Sincerely,

*Scott Hubbard*

Scott Hubbard

PO Box 816

Lone Pine, CA 93545



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## RESPONSES TO COMMENTS

### LETTER D35

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#### RESPONSE D35-1

Please see response to comment B13-31 in Letter B-13. Also please refer to response to master comment EA-1 for discussion of pre-project conditions.

#### RESPONSE D35-2

The best available data for vegetation is discussed in detail in Chapter 10; wildlife is discussed in detail in Chapter 11 of the Draft EIR. Please refer to responses to master comments EA-1, VE-6 and WL-6.

#### RESPONSE D35-3

Please refer to response to master comment PD-17 for discussion of the drought recovery policy.

#### RESPONSE D35-4

Please refer to response to master comment PD-17, regarding drought recovery policy.

#### RESPONSE D35-5

Cumulative effects are discussed in Chapter 17, CEQA Considerations, and in response to master comment MT-5.

RESPONSE D35-6

Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.

RESPONSE D35-7

Springs would be protected under the Agreement. Please refer to responses to master comments PD-5 and WA-4.

RESPONSE D35-8

Air quality impacts are discussed in detail in Chapter 12, Air Quality, of the Draft EIR; and further discussed in response to master comment AQ-1.

**Letter D36**

---

**Rob Willis, Miller and Wood Ranch Co.**





Rob Willis, Manager  
Miller and Wood Ranch Co.  
Route 2, 3902 No. Sierra Highway  
Bishop, CA 93514

January 8, 1991

EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA 94105

Attn: John Davis  
Senior Vice President

RE: Environmental Impact  
Report - Groundwater  
Agreement for LADWP  
and Inyo County

Dear Mr. Davis:

These comments are in response to the draft Environmental Impact Report (EIR) prepared by the City of Los Angeles, Department of Water and Power (LADWP) and Inyo County with assistance provided by your company.

Miller and Wood Ranch Co. leases land designated as grazing land from the LADWP in the Owens Valley and Long Valley areas.

We wish to express our support for the draft EIR as it stands.

We do, however, have some concerns with interpretation and application of certain portions of the project plan, as discussed in the EIR.

In Section 5, Page 6, Volume 1, administration of the plan is discussed. The first paragraph states that a "technical group" comprised of Inyo County and LADWP personnel would determine where significant adverse impacts were occurring and what remedial action must be taken.

We feel strongly that when a ranch lease is involved in this type of discussion and determination, the County side of the technical group should include staff members from the University of California Cooperative Extension/Farm Advisor's office and the Agricultural Commissioner's office. While not necessarily participating as an active member of the technical group, it should also be mandatory for the ranch leasee involved to be present at the meetings and have a voice in this matter if he/she so wishes.

Also, at the present time there is no one in the County's technical group qualified to evaluate land utilized in agriculture and no one from the two different County agriculture departments (University of California Cooperative Extension and Inyo/Mono Counties' Agricultural Commissioner) has been asked to participate.

As a leasee, Miller and Wood has experience direct frustration concerning this problem i.e. the 5 Bridges burn area, which is a portion of our lease. We have never been consulted or even contacted indirectly for input at the technical meetings concerning the land we lease and spend time, effort and money in trying to maintain.

In Section 17, Page 5, Volume 1, the EIR states that grazing management is not a part of the proposed project and that is exactly as it should remain in the future.

2

While grazing management can certainly effect vegetation, grazing intensity is directly controlled by the amount of vegetation, which is determined by water management and natural precipitation. No intelligent rancher is going to overgraze on a persistent basis for the simple reason that he would experience a continuing decrease in the land's carrying capacity. Therefore, water management should remain the total focus of the plan and grazing should not be directly addressed.

In Section 17, Page 6, Volume 1, the current 5-point Grazing Plan employed by the LADWP is delineated. This plan has worked successfully for many years and is far superior to grazing plans utilized by the U.S. Forest Service and the Bureau of Land Management. As cattle ranchers, we are constantly inter-acting with these two governmental agencies and find them increasingly bogged down with "red tape" and poorly qualified personnel.

The current LADWP grazing plan does a far more equitable and efficient job of grazing management for all parties involved and embraces multiple use, as it should be.

Thank you for an opportunity to comment on the draft Environmental Impact Report as prepared for Inyo County and the Los Angeles Department of Water and Power.

Sincerely,



Rob Willis  
Manager  
Miller and Wood Ranch Co.

---

**RESPONSES TO COMMENTS**  
**LETTER D36**

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**RESPONSE D36-1**

Please refer to response to master comment PD-7 for discussion of monitoring provisions under the Green Book.

**RESPONSE D36-2**

Comment noted. No further response is required.



Letter D37

Gertrude Saxton



10-8-91

John Davis  
 De Vice Pres  
 E. S. P. Assoc.  
 150 Spear St.  
 San Francisco  
 94105

Mrs. John Davis,

I am disturbed that our local  
 newspaper says people are <sup>on the edge</sup> not responding,  
 not expressing their views. I think  
 if this is true, it is important that  
 E.S.P. associates appreciate the frustra-  
 tion, the anxiety, the dishonesty  
 that the D.H.A. has created over  
 many years. To take a simple current  
 example: a large part of California  
 has been on water rationing for some  
 time. But not the greatest consumers  
 of all H.S. tile just <sup>linking</sup> apart!!  
 This indeed makes people of the  
 Owens Valley <sup>sympathetic</sup> yes we are aware here  
 that a bar company is the largest

consumer. Now, please, should  
a beer company destroy flora, fauna,  
recreation, and delight for a  
larger population?

With these things in mind I  
wish to bring up mitigation  
and think it requires considerably  
more clarification. What is  
mitigation? planting an alfalfa  
field (which takes much water - produces  
a crop sold out of the county) this  
is not natural restoration of a  
once beautiful living desert as the  
wood lot in Long Pine mitigation?  
No. Planted with a water demanding  
tree, the poplar. Non-sense!

The final negotiation decisions  
must be clearer on mitigation, on  
nature of impact, on issues such as  
spreading field, clarification on  
impact, on monitoring, standards  
of grading.

With the density of population



in California today, over and  
above residents, this area must  
be preserved for recreation, education,  
relaxation for our new urban  
sprawls.

One further move: water  
commissioner Scott Kemp  
leaves from D. M. P. So that  
not a conflict of interests? Many  
of us think so - not only his  
ties but long standing family  
ties.

Respectfully submitted

Gertrude Satter

P.O. Box 727

Lone Pine Ca 93545

619-876-4218



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**RESPONSES TO COMMENTS  
LETTER D37**

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**RESPONSE D37-1**

Please refer to response to master comment MT-3 for discussion of mitigation under CEQA.

**RESPONSE D37-2**

This comment expresses a personal opinion unrelated to the content of the Draft EIR. No response is required.



**Letter D38**

**Todd & Lori Tatum**



January 10, 1991

Mr. John Davis, Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, California 94105

Dear Mr. Davis:

Subject: Public Comment on EIR for Long-Term Groundwater  
Management Agreement

I am a lifetime resident of Bishop and feel this groundwater agreement is the most important milestone in the history of the Owens Valley. I am in full support of the work of EIP associates in getting the EIR passed through the court system as swiftly as possible, there has been enough environmental detainments.

My main area of comment and concern is in reference to EIR pp. 17-4 thru 17-6 entitled Livestock Grazing. This should be a water related issue not a grazing issue, and should only briefly be mentioned enough to satisfy CEQA. The current drought has reduced livestock grazing as much as 50% in some areas. Livestock grazing has not adversely impacted vegetation from 1970 to 1990 nor will it in the future if left alone. This subject should be managed entirely between the landlord and the lessee.

Sincerely yours,

Todd & Lori Tatum  
3201 North Sierra Highway  
Bishop, CA  
93514





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**RESPONSES TO COMMENTS  
LETTER D38**

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**RESPONSE D38-1**

Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.

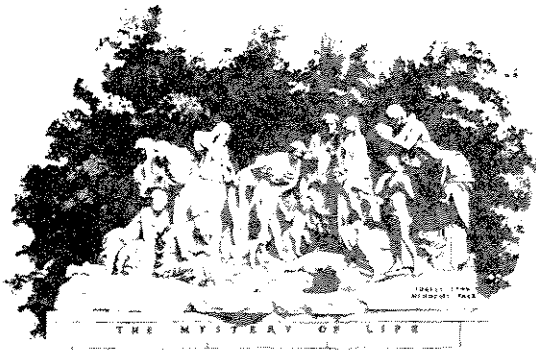


**Letter D39**

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**John S. Clough, Forest Lawn Memorial-Parks and Mortuaries**





*Mystery of Life, Glendale*

# Forest Lawn Memorial-Parks and Mortuaries

GLENDALÉ • HOLLYWOOD HILLS • CYPRESS • COVINA HILLS • SUNNYSIDE

Glendale, California 91209

Telephones:  
Los Angeles (213) 254-3131  
Glendale (818) 241-4151  
Cable Address Hubert, Glendale

January 11, 1990

John Davis, Sr. V.P.  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, California 91405

RECEIVED

JAN 15 1991

EIP ASSOCIATES  
SAN FRANCISCO, CA.

Subject: Draft Environmental Impact Report (DEIR), Inyo County/  
Los Angeles Groundwater Management Plan

Gentlemen,

This letter contains our comments on the draft Environmental Impact Report (DEIR) for the Inyo County/Los Angeles Groundwater Management Plan. We also provided oral testimony at the December 13, 1990, Los Angeles public meeting concerning the DEIR.

Forest Lawn Memorial-Park Association owns and operates cemeteries within the City of Los Angeles which contain substantial acreage of landscaped and irrigated land.

As a major water user in the City of Los Angeles, Forest Lawn is vitally concerned that an adequate supply of this finite resource be supplied to the City. An adequate water supply is vital to sustain human life and to maintain and promote the economic lives of the many industries and businesses in the City of Los Angeles.

The DEIR indicates that the proposed project is an equitable plan that continues to provide water to the City of Los Angeles, substantially benefits Inyo County, and protects the source area's environment by establishing objective operating criteria and controls.

Forest Lawn sincerely hopes the District Court of Appeal accepts the DEIR. Forest Lawn is expending substantial resources to insure that irrigation water is applied without waste at our facilities. Every irrigation system is tested for uniformity of distribution and re-designed and re-built, if necessary, to optimize

COUNCIL OF REGENTS

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PHILIP V. SWAN  
JOHN V. VAUGHN  
NOEL VEDED  
DR. M. NORVEL YOUNG

distribution. Irrigation system controls are being automated. Irrigation frequency and application time length is determined by a computer program that uses many factors, including distribution uniformity, crop factors, evapotranspiration rates (from CIMIS weather station information), and system precipitation rates. The amount of applied irrigation water is compared weekly with the programmed amount to verify actual performance.

In addition to pursuing projects such as the subject of the DEIR, substantial water reuse techniques are being used and are planned in the City of Los Angeles and by Forest Lawn to increase the amount of available potable water. Forest Lawn is involved in cooperative projects with the City of Los Angeles to deliver and use reclaimed wastewater for irrigation purposes at our cemeteries. When completed, these projects will decrease the demand for a like amount of potable water.

The present drought is underscoring in everyone's mind the importance of potable water and its limited availability. Forest Lawn is working diligently with the City of Los Angeles to conserve this finite resource. The acceptance of the DEIR is action complimentary to these objectives. Maintaining adequate supplies of water to the City of Los Angeles is essential to the future of our area, and the livelihood of its citizens.

Very truly yours,

John S. Clough  
Vice President

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**RESPONSES TO COMMENTS**  
**LETTER D39**

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**RESPONSE D39-1**

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.





**Letter D40**

**Barbara Toth**



267 Grandview Road  
Bishop, California 93514  
January 11, 1991

John Davis, Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, California 94105

Subject: Los Angeles Department of Water and Power's Draft  
Environmental Impact Report, "Water from the Owens  
Valley to Supply The Second Los Angeles Aqueduct:  
1970 to 1990 and 1990 Onward, Pursuant to a Long-  
Term Groundwater Management Plan"

Dear Sir:

The following comments are directed toward the construction of five new wells to be pumped within the Bishop Cone, which has been described in volume 1 of the EIR. It is stated on pages 5-15 and 5-16 of the EIR that LADWP will continue to irrigate its lands on the Bishop Cone that were irrigated in 1981-1982, and any other of its lands on the Cone that have been irrigated since 1981-1982. The EIR further states that LADWP has annually provided approximately 27,000 acre feet of water to its lands on the Cone during those years, while extracting an annual amount of 11,500 acre feet from pumped and flowing wells on the Cone. The proposed new wells would increase the total pumping capacity on the Cone by 72% to 32,000 acre feet per year. This is a more than significant increase from the former amount of 11,500 acre feet per year being pumped. My question is, why an additional amount, significantly more, of pumping is proposed for the Bishop Cone when it is not needed, and cannot be exported? Is some kind of change in irrigation practices using surface waters within the Cone being proposed by LADWP? If so, why wasn't this information included in the EIR? If any diversion of surface waters currently being used for irrigation on the Bishop Cone by LADWP will take place under the proposed agreement, a complete and detailed explanation must be provided in the final EIR, and also to me at my request. If no surface waters diversion will take place, please explain why the 72% increase in pumping on the Cone is being proposed in the EIR. I would also like to know how this increased water supply would be used, where it would be used, and where it will go after use.

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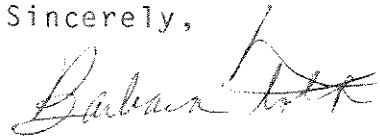
Further, I believe there will be a significant impact on the Bishop Cone due to the proposed increased pumping amount, and I think it is a misquote to state in the EIR on page 16-33 that new pumping wells in the five areas (Bishop, Laws, Big Pine, Independence and Lone Pine) will not result in significant impact. It would be impossible not to have significant impact with the increased amount of groundwater extraction that would take place in these areas, besides the significant impact to private and community wells. I request that you change your statement to "significant impact" over current conditions in these areas.

3

The EIR plainly states the amount of ground water pumping will increase in the Owens Valley with the implementation of the proposed water agreement. I would like to request that the final EIR be developed to include no increased groundwater extraction by LADWP, and include mandatory conservation measures and controlled growth in the Los Angeles area, in order to balance the need for water and to provide more adequate protection for the increasingly fragile environment of the Owens Valley.

I will look forward to hearing from you regarding my comments about your EIR. Thank you for your time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara Toth", with a stylized flourish at the end.

Barbara Toth

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## RESPONSES TO COMMENTS

### LETTER D40

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#### RESPONSE D40-1

For a detailed discussion of groundwater pumping on the Bishop Cone, please refer to response to master comment PD-13 and Appendix A-4 for legal opinions of the Hillside and Chandler Decrees.

#### RESPONSE D40-2

The pumping that would occur under the Agreement would be managed to avoid a significant impact to vegetation. Please refer to response to master comment PD-4 regarding new wells.

#### RESPONSE D40-3

The increase in groundwater pumping referenced in this comment is an increase over pre-1970 average pumping levels of approximately 10,000 acre feet per year. Proposed average annual groundwater pumping will be similar to 1970-1990 levels and will be constrained by the environmental protection provisions of the Agreement. See last paragraph on page 6-3 of the Draft EIR. See also Chapter 9, Water Resources page 9-84, paragraph 3 in the Draft EIR. Water conservation in Los Angeles is addressed in Chapter 3 of the Draft EIR, and an update on Los Angeles' mandatory conservation measures is discussed in response to master comment AI-3.



**Letter D41**

**Business People of San Fernando Valley**





January 14, 1991

Mr. John A. Davis, P. E.  
Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA 94105

Dear Mr. Davis:

The large business community of Los Angeles require a supply of water in order to produce goods and services to support California's economy. That water supply must be reliable in order for businesses to justify selecting Los Angeles for their facility and for making an investment in property and equipment.

We understand from the Owens Valley Pumping EIR that the "Proposed Project" could provide 42,000 acre-feet per year of groundwater. We also understand, however, that if pumping must be reduced in the future for environmental reasons that the 42,000 AF/year of export would be reduced but that the water applied for irrigation of Owens Valley alfalfa would not be reduced.. We believe this is unfair to the business community of Los Angeles and suggest that the water for alfalfa should be reduced before export is reduced.

Business People of  
San Fernando Valley  
(See Attached)

individual

business

Robert Lawrence Jones & Co. Ltd.

San Jose

Colonial & Foreign Insurance

John W. Rickey LeLB  
White Healy Seal Estate Co



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## RESPONSES TO COMMENTS

### LETTER D41

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#### RESPONSE D41-1

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.



Letter D42

Kenneth D. Miller, Miller Livestock Co.





3801 ALLEN RD.  
BAKERSFIELD, CA.  
93312-3444

MILLER LIVESTOCK CO.

January 14, 1991

EIP Associates  
150 Spear St., Suite 1500  
San Francisco, Ca. 94105

Attn: John Davis  
Senior Vice President

RE: Environmental Impact Report  
Groundwater agreement for LADWP and Inyo County

Dear Mr. Davis:

These are comments in response to the draft environmental impact report (EIR) prepared by your company for the city of Los Angeles, Department of water (LADWP) and Inyo County. I lease grazing land from the LADWP in the Owens Valley and Long Valley areas.

In section 17, Page 5, volume 1, the EIR states that grazing management is not a part of the proposed project. This is the way it should remain. The purpose of the EIR is to delineate a plan for groundwater pumping. Inyo County has no business whatsoever becoming involved in grazing lease agreements between LADWP and ranchers who depend on those leases for the stability of their business operation.

In section 17, page 6, volume 1, the current 5-point grazing plan in use by the LADWP is delineated. This plan has worked for both ranchers and the LADWP for many years, and until the past 4-year drought the Owens Valley vegetation was in as good a condition as could be expected for an area that averages less than 6 inches of precipitation and receives very limited irrigation.

Comparison to U.S. Forest Service and BLM grazing plans does not apply, as LADWP grazing lands consist primarily of sub-irrigated river bottom and cattle receive considerable supplementation during the winter season.

4 Most forest service and BLM grounds are brush land and the grazing plans do not take into account supplementation of livestock by ranchers.

In section 5, page 6, volume 1, administration of the plan is discussed. The first paragraph states that a "technical group" comprised of Inyo County and LADWP personnel would determine where significant adverse impacts were occurring due to pumping and/or water management and what steps would be taken to mitigate the damage.

In cases involving grazing leases, the rancher should be invited to participate in these meetings. Secondly, county personnel should consist of at least one individual who is qualified to evaluate agricultural ground and who understands livestock and grazing. Due to personal experience with the present "technical group", I know that the county has no one on the group so qualified.

My lease encompasses the "5-bridges burn" area near Bishop. Neither my ranch manager, my partner, or myself have been allowed to participate in technical group meetings concerning this area. As a result, unqualified county personnel have prevailed in curtailing livestock grazing over a large area, where the most that was necessary would have been non-use of the burn itself until it had received enough time and rainfall to re-vegetate. This course of action has significantly affected our livestock operation at a cost to us that was unnecessary.

As a general agreement, I support the implementation of the draft EIR. I wish to express however, that inyo county and the general public should concern themselves with a pumping agreement. The public has no right to intervene between the LADWP and its' grazing leases. The leases are private agreements between private parties and should not be subject to public control.

Sincerely,

  
Kenneth D. Miller

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## RESPONSES TO COMMENTS

### LETTER D42

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#### RESPONSE D42-1

Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.

#### RESPONSE D42-2

Comment noted. No further response is required.

#### RESPONSE D42-3

Comment noted. No further response is required.

#### RESPONSE D42-4

Comment noted; please refer to response to master comment PD-14 regarding livestock grazing management.



**Letter D43**

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**David E. Wood, Miller and Wood Ranch Co.**



January 14, 1991

EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA 94105

Attn: John Davis  
Senior Vice President

RE: Environmental Impact Report  
Groundwater Agreement for  
LADWP and Inyo County

Dear Mr. Davis:

These comments are in response to the draft Environmental Impact Report (EIR) prepared by the City of Los Angeles, Department of Water and Power (LADWP) and Inyo County with assistance provided by your company.

I lease grazing land from the LADWP in the Owens Valley and Long Valley areas and am a U.S. Forest Service and BLM permittee on land adjoining those leases.

While I support the draft EIR in general, interpretation of the plan is left much too open where livestock grazing is concerned.

In Section 5, Page 6, Volume I, administration of the plan is discussed. The first paragraph states that a "technical group" comprised of Inyo County and LADWP personnel would determine where significant adverse impacts were occurring due to pumping and/or water management, and what remedial action must be taken.

Where there are ranch leases involved, county personnel should include someone qualified to evaluate agricultural ground and the ranch leasee should be invited to technical meetings and have an active voice.

The present Inyo County position of the "technical group" contains absolutely no one capable or qualified to evaluate any type of grazing land, much less decide how to rehabilitate if any damage has occurred.

My lease has already been involved in "technical group" control due to over pumping in the five-bridges area of

Bishop. My ranch manager has been given no chance to address the "technical group" and county personnel have had an unnecessary adverse impact on my business due to their lack of experience and common sense.

In Section 17, Page 5, Volume 1, the draft EIR states that grazing management is not a part of the proposed project. That is exactly as it should remain. Grazing on LADWP ground is a business agreement between ranchers and LADWP. Neither Inyo County or anyone else has the right to dictate how LA or the individual ranchers manage grazing on these leases.

In Section 17, Page 6, Volume 1, the current 5-point Grazing Plan employed by the LADWP is delineated. This plan has worked successfully for many years.

There has been talk of forcing replacement of this plan by one similar to Forest Service or BLM plans. This would be preposterous. First of all, the majority of ground under grazing leases from LADWP is much different in nature than the normally desert brush country grazed by government permittees. Secondly, LADWP land is essentially private ground leased on a private basis and the public has no business dictating grazing practices.

Thank you for the opportunity of commenting on the draft EIR as prepared for Inyo County and the Los Angeles Dept. of Water and Power.

Sincerely,



David E. Wood

Miller + Wood Ranch Co

Rt. 2, 3902 N. Sierra Highway  
Bishop, CA 93514  
DEW/RW/pb



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## **RESPONSES TO COMMENTS LETTER D43**

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### **RESPONSE D43-1**

Comment noted. Please refer to response to master comment PD-7 for discussion of monitoring under the Green Book, and PD-14 for discussion of livestock grazing management.

### **RESPONSE D43-2**

Comment noted. No further response is required.

### **RESPONSE D43-3**

Comment noted. There is no proposal to change the current LADWP grazing program. Please refer to response to master comment PD-14 regarding livestock grazing management.



**Letter D44**

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**Gerald E. Curry, Treiman, Schiffman & Curry**



LETTER D-44

TREIMAN, SCHIFFMAN & CURRY

JAAK TREIMAN  
GERALD E. CURRY

MICHAEL N. COHEN  
SUSAN R. JAEGER

ATTORNEYS AT LAW  
21515 VANOWEN STREET, SUITE 211  
CANOGA PARK, CALIFORNIA 91303-2787

TELEPHONE (818) 884-5850  
FACSIMILE (818) 593-2973

MARK E. SCHIFFMAN  
OF COUNSEL

January 15, 1991

Mr. John A. Davis, P.E.  
Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA 94105

Re: Groundwater Pumping in the Owens Valley

Dear Mr. Davis:

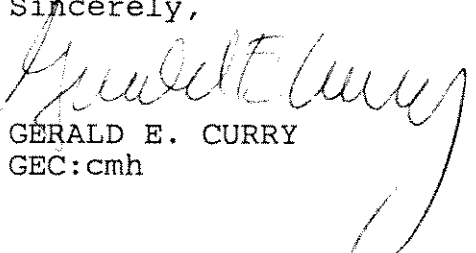
We have reviewed the Draft EIR and the Agreement between the City of Los Angeles and the County of Inyo for a long-term groundwater management plan for the Owens Valley. One area of concern is that it appears Los Angeles will be giving up substantial control over its water operations in the Owens Valley which will have the effect of reducing the reliability of water supply for Los Angeles. We recognize the agreement seeks to strike a balance between environmental protection and water for Los Angeles. However, a reliable water supply is critical to business and industry in Los Angeles.

One area of the agreement of particular concern is the provision that the use of irrigation water on Los Angeles-owned lands can only be reduced in dry years if such reduction is approved by the Inyo County Board of Supervisors. This could result in a situation during a drought where people and businesses in Los Angeles are required to ration water while full irrigation is provided to City lands in the Owens Valley. Typically in California, agricultural water uses are reduced before municipal uses are reduced. This issue warrants further consideration and possible modification.

The proposed project in the Draft EIR appears reasonable but it results in only a moderate increase in water supply compared to the no-project alternative. To be of benefit to the business and industry community in Los Angeles, a project would increase both the quantity and reliability of water supply for Los Angeles. We urge you to keep both in mind when the final selection is made.

Thank you for the opportunity to comment on the Draft EIR.

Sincerely,

  
GERALD E. CURRY  
GEC:cmh



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## **RESPONSES TO COMMENTS LETTER D44**

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### **RESPONSE D44-1**

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.





**Letter D45**

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**Stan Haye**

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SAN FRANCISCO, CA

Dear Sir:

I really apologize for these comments - the water agreement and the draft EIR are so long, and the issue so complex, I can't even hardly get started. However, I support the agreement, and the EIR, and what I hear from the Board of Supervisors is encouraging; they seem to be going in the right direction.

Some strengths of the agreement, that ought to be retained, and improved if possible:

An innovative plan, based on actual physical measurements, to prevent declines in vegetation from the 1984 - 1987 baseline conditions.

A plan to turn off wells if the vegetation is not being protected, giving Inyo County a voice in this decision, and clearly defined and expedited dispute resolution procedures.

Restores the lower Owens River.

Reaffirms the Hillside Decree and gives protection for Indian lands water supplies.

Provides funds so that Inyo County can independently gather scientific facts and fully participate in groundwater management.

Some weaknesses of the agreement, that need to be addressed:

One very major shortcoming in the EIR is that there is little or no discussion of the cumulative impacts of livestock grazing. Since grazing may be a major contributor to vegetation changes in composition and amount, and to dust, grazing needs a very through discussion. Also, alfalfa, grown for livestock, is one of the highest water use crops. Consideration should be given to replacing alfalfa with a crop that uses much less water. Even subdividing the alfalfa fields and building houses would use less water than alfalfa. Ranching is not a very important part of the economy, nationally or even locally, and should not be given special protection.

Provisions which give the DWP unilateral authority to turn on pumps must be deleted. This kind of authority smacks of the old (and new?) dictatorial DWP, and is totally in opposition to the spirit and intent of the Agreement and the safeguards provided by the Technical Group and Standing Committee.

Irrigated native pasture should not be allowed to be converted to alfalfa. For one thing, as stated above, alfalfa takes too much water.

No land should be divested for any use unless a firm source of water for the development is identified. This source should not be groundwater, since it is already fully committed and overdrawn. The only source of water for new development can be from reduction in the amount exported,

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or savings in valley use, such as converting alfalfa to less water intensive crops. There is no water to spare - how can land possibly be sold for development given this constraint?

"Significant" impact must be better defined in the Agreement. This definition must specify that any measurable decrease in ground cover in the base period, due to pumping, must be considered significant, and be required to be dealt with. A valley wide monitoring program, capable of detecting these changes, must be established. Until the safe yield in compliance with the Agreement is determined, pumping should be conservative, not to the max.

A better pre project description needs to be included in the EIR. This is the foundation of the entire document. There is more information available than was included in the draft EIR, and all information available should be included and given its proper evaluation, whether or not it is detrimental to the position of the DWP or County. The EIR must be factual, not political.

The lower Owens River project, although beneficial in itself as stated above, should not be considered as mitigation for other, totally unrelated, damage done by pumping. Rewatering the river is simply reclamation of damage done, and only that. I have a problem with the whole concept of mitigation - what should be done is reclamation of damaged areas, not spurious "mitigation" in totally unrelated areas, and of totally different types of damage. As an example, how can reestablishment of a riparian area "mitigate" for the loss of natural springs and the natural meadows associated with them?

Since there can be no mitigation for thier loss, the few remaining springs, especially Reinhackle, must be preserved in their natural state, unimpaired. This means no wells drilled above Reinhackle, or near any other of the few remaining springs. I remember, 20 years ago, when the artesian well near the Aqueduct on Mazourka Canyon Road was still flowing with the best water in the Valley. For me, this will be the acid test of the Agreement - when that well flows again, then all is well (no pun intended).

I hope that these, and other matters, will be corrected in the final EIR and Agreement. Persevere.

Stan Haye  
P. O. Drawer W  
Independence, Ca 93526

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## **RESPONSES TO COMMENTS LETTER D45**

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### **RESPONSE D45-1**

Comment noted; Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.

### **RESPONSE D45-2**

Please refer to response to master comment PD-6 regarding the issue of unilateral well turn/off.

### **RESPONSE D45-3**

Please refer to response to master comment VE-1 regarding allowable vegetation changes under the Agreement.

### **RESPONSE D45-4**

The release of Los Angeles-owned lands under the Agreement would be consistent with local general plans for development. Water supply would be one of several issues evaluated in a separate CEQA review. Please refer to response to master comment PD-15.

### **RESPONSE D45-5**

The criteria for identifying significant effects are described in the introductory statements in each environmental analysis section of Chapters 8 through 16 of the Draft EIR. The standards are based on CEQA Guidelines (Appendix G in CEQA, titled Significant Effects) unless indicated otherwise. The Agreement contains a detailed description of significant effects in Section IV.B

(pages B-22 through B-24). Please refer to response to master comment PD-18 regarding the use of the term "significant" in the Agreement. Also, see response to master comment MT-7.

RESPONSE D45-6

Please refer to response to comment EA-1 for discussion of pre-project conditions and VE-5 concerning aerial photos.

RESPONSE D45-7

The Lower Owens River Project is acceptable mitigation. Please see response to master comment MT-6. Please refer to response to master comment MT-3 for allowable mitigation under CEQA; Appendix C-2 also presents a description of the goals and elements of the Lower Owens River Project. As allowed under CEQA, upon finalization of the project description, a separate environmental review will be conducted.

RESPONSE D45-8

Springs and seeps would be protected under the Agreement. Please refer to response to master comment PD-5 regarding the protection of remaining springs and seeps; and WA-4 regarding protection of Reinhackle Spring.

**Letter D46**

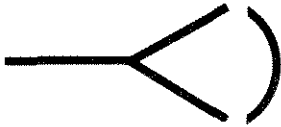
**Ron L. Yribarren**





# YRIBARREN RANCH

LETTER D-46



P.O. Box 477, Bishop, CA 93515  
619-873-6204

January 17, 1991

Mr. Davis,

I have lived in the Owens Valley on a ranch with my family for the past eighteen years and in reading the EIR report I would like to make a few comments.

First in section 17-5 it is stated that grazing management is not a part of the proposed project. I think that the majority of the ranchers in this area know that if it is a dry year or years that they need to decrease their herd so as not to over graze the land especially in the recent years with so many people being against the cattle buisness.

I would like to see the grazing management kept to a minimum and all the people concerned work together to reach a happy medium.

Second, in section 5-6 a technical group was brought up to make decisions concerning water, soil and vegetation changes. If there is to be such a group I would like to see the Farm Advisor in our area included in this group and also a rancher that leases from DWP.

Thank you for your concideration in these matters,

Ron L. Yribarren

*Ron L. Yribarren*  
P.O. Box 477

Bishop, Calif 93515



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## **RESPONSES TO COMMENTS**

### **LETTER D46**

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#### **RESPONSE D46-1**

Comment noted. Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.



Letter D47

Fred Camphausen

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## Green Book: a Technical Review

Fred ("Campy") Camphausen, 2765 Sierra Vista Way, Bishop CA 93514, (619) 872-2338

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The management goals are well stated in the draft EIR but the technical followthrough described within the Green Book is deficient. Conceptual difficulties are found in the water resource management protocol and procedures. Some important imperatives have been overlooked. The 1969-89 recharge data are shown to be invalid and probably have been falsified. The stream recharge model has been corrected. Groundwater monitoring implementation is deficient and a revised monitoring network concept is proposed. The groundwater flow simulation should be further developed.

This investigator is a resident of Inyo County, a physicist who believes that a water agreement should be signed between LADWP and Inyo. It should be the very best agreement that can be obtained, both technically and fiscally. I examined the Green Book but did not study the contained references to verify the accuracy of their citation or their validity within the reviewed work.

### I. VEGETATION MANAGEMENT

#### Significance

[Reference: Green Book p. 1]

*The overall goal of managing the water resources within Inyo County is to avoid certain described decreases and changes in vegetation and to cause no significant effect on the environment which cannot be acceptably mitigated...*

**Inyo County officials have stated that the term *significant* can be interpreted without further definition in the language of legal proceedings. However, from a scientific viewpoint, this notion is not sustained.**

Tolerable plant loss might be zero on a property which is privately owned, close to zero for a crusty, long-time Owens Valley resident, or somewhat greater in the case of a land manager having fiscal as well as property maintenance responsibilities.

Volume I pp. 10-49 and 10-73 summarize several of the factors used for determining vegetation impact significance, but these are incomplete. A ranking of the key tasks in determining impact significance begins with the earliest planning phase and continues through the formulation a mitigation plan:

(a) research and document, within a conditional mitigation plan, specie-specific environmental risk matrices of water, soil, and atmospheric conditions versus growth time of year,

(b) establish thresholds of unacceptable loss density per specie and location prior to an actual impact event,

(c) establish a unified, Valley-wide monitoring network to collect data used for pre-event water resource management and post-event scenario reconstruction,

(d) develop and periodically update measures of effectiveness (MOEs) to be sought for the selected mitigation response in case of an impact event,

(e) accept and agree that a long time period may follow an initially undetected impact event during which its significance and attributability may later be recognized,

(f) detect possible vegetation change,

(g) measure specie loss densities and extent,

(h) reconstruct environmental scenario leading to impact event and revise risk matrices for each affected specie if required,

(i) immediately terminate pumping and/or surface water management procedures suspected of participating in the impact event, and assure that monitoring is vigilantly maintained within other similar resource management areas,

(j) formulate a mitigation plan based upon previously established response plans (a) through (e) along with current imperatives (g) through (i).

Among these, items (a), (b), (d), (g), and (h) are quantifiable criteria which the Agreement has resisted putting numbers to, and would become the minimum set used to quantify the term *significant*.

Volume I estimates that Owens Valley has suffered a five percent vegetation loss during recent drought periods. This estimate may suggest that, under ideal conditions perhaps, a five percent change is measurable. If this is true, five percent may well serve as a candidate loss threshold to use as a basis for mitigation action.

**The planning criteria of vegetation change thresholds and measures of effectiveness to be sought in a mitigation action for each vegetation type should be quantified and stated within a conditional mitigation plan before any vegetation impact has actually occurred.**

**If a vegetation change occurs, post-event specie-specific vegetation loss densities and recorded ambient conditions should be convolved with the above determinations for the final promulgation of the conditional mitigation plan.**

### **Mitigating Management Type B Vegetation**

In the quotation from p. 1 given above, *acceptably mitigated* might lead to the untrue inference that, in the specific case of type B vegetation, proven and effective methods of mitigation exist. Previous use of the same mitigation techniques that are described in the Green Book has had a relatively poor record of success when applied to the very important Management type B vegetation within Owens Valley.

**The relative practicability of mitigating the losses to important vegetation classes should be specified.**

### **Data Configuration**

[Reference: Green Book p. 4]

*The soil water monitoring sites have been chosen to provide advance warning of plant water deficit in the area of influence from the linked wells. ... hydrologic analyses will be used to determine what land areas lie within the potential zone of influence from either individual wells or well fields.*

Discussion of data within the Green Book has the dual purpose of defining the data configuration planned under the future Agreement, while also presenting twenty years of data on Owens Valley recharge, pumping, and groundwater flow. Conceptual shortfalls continue to yield sub-optimum management information. The planned configuration is troubled by data production limitations at many of the monitoring sites. These deficiency areas constitute the bulk of discussion within this paper and are briefly summarized below.

Depth to water (DTW) should be the primary measurement variable for responsive and accurate detection of changing water availability. Soil moisture monitoring, as currently configured, is costly and labor intensive, yields largely sterile and unproductive data, and involves time delays which may be critical in detecting impending vegetation changes. Soil moisture is useful as an *analytical* variable for understanding vegetation needs, but its role is secondary to DTW as a *management* variable for providing an advanced warning function within a Valley-wide setting. These and other concerns are discussed within the analyses of the later *VEGETATION MANAGEMENT* section.

There are too few diversely and remotely located monitoring sites able to statistically confirm resource and soil moisture status. In the design of the proposed soil moisture site, a single measurement string is equipped with triply redundant sensors for data fidelity. However, low confidence will result as such data does not broadly represent the inhomogeneous field. A *MULTIFUNCTION DATA NETWORK* section of this paper presents design elements for a simplified system to measure field-averaged soil moisture by way of a distributed sensor array. Monitored vegetation and DTW status are included within the site data ensemble.

The backbone function of a data acquisition system is to accurately and rapidly convert field measurements into management insight. Within the *HYDROLOGIC MANAGEMENT* section of this paper it is shown that comparisons made between measured water levels and levels predicted by current groundwater flow simulation cannot possibly agree for important coverage areas of the Owens Valley. The recharge data, used both to formulate the recharge models (the "regression equations"), and are input to groundwater flow analyses, have been falsified. The simple and inaccurate recharge models, depending on these data, are influential in setting future pumping levels.

Contrary to a statement in the Green Book, calculation of recharge by LADWP/Inyo is not a detailed and rigorous exercise. While sizeable errors are known to be present within the recharge equations, even these would pass unnoticed when the results are utilized within an insensitive 20-year moving average decision tool. No advantage is seen in applying the 20-year moving average to set pumping goals. A modern interpretation of Owens Valley recharge data, along with pumping decisions extending back to 1971, reveals that overdraft has been inadequately contained.

Conservative water resource management requires analysis and simulation capabilities which are not yet in planning. Water resource management tools that are described within the Green Book are underdeveloped and, in part ill chosen, particularly when input with demonstrably "cooked" data, and these tools would place at risk the vegetation within Owens Valley.

[Reference: Green Book p. 20]

*... A significant decrease or change or other significant effect on the environment will be mitigated if it is measurable, attributable to groundwater pumping or surface water management practices, and significant.*



The word *significant* redundantly appears in the above, and the last one probably should be removed.

### Delayed Vegetation Impact

A vegetation change may not be noticed immediately. Its discovery could occur when new imagery or vegetation measurement data are compared with data recorded previously. Vegetation impacts are usually cumulative and may slowly unfold, but still would be measurable, *significant*, and attributable, even after considerable time has passed.

**The EIR and Agreement should address a mitigation protocol to be followed when the detection of vegetations changes is delayed.**

### New Growth-Available Soil Water

[Reference: Green Book p. 9]

*.... The plant-required water will be compared to the plant-available soil water ...*

**No consideration is given to critical water needs of new vegetation, in which additional moisture is required within the near surface nutrient zone for the survival of delicate new or offspring plants.** Water needs of new growth is typically inconsistent with the moisture to be maintained at the deeper root zones of mature plants, in terms of the criteria:

- (a) supplied amount,
- (b) availability durations and times of year,
- (c) moisture distribution with depth in soil.

Unless mitigated by the chance intervention of rainfall or artificial mitigation effort, the success of the proposed management plan per Section III will be uncertain at best, but probably debilitating to vegetation over the long term.

### Vegetation Parameters

[Reference: Green Book pp. 8-9]

*Soil-to-plant water balance projections for July 1 will be based on the soil water and leaf area monitoring data collected during late June of that year.*

The use of a precisely defined seasonal period for measuring vegetation parameters is not consistent with the plant growth factors of:

- (a) specie-specific variations in the time periods of seasonal climax of growth and dormancy,

(b) year-to-year variations in climate and rainfall, both localized and Valley-wide,

(c) human intervention, including well field operation changes and mitigation efforts.

It is common practice among orchardists to set their tree maintenance schedules by the occurrence of a specific event, such as bud break, and to not adhere to a specific month and day.

**Further studies should be performed to confirm the validity of the late June timing of the vegetation and soil surveys.**

### Mitigation

[Reference: Green Book p. 13]

*... the need and value of the mitigation is greater than the impacts ... and that any such impacts will be avoided ...*

The written use of *impacts*, both as a certain outcome and as a forbidden one, is either circular or self-contradictory.

[Reference: Green Book p. 31]

*If no such [mitigation] alternative exists, a new mitigation goal will be developed and implemented for the affected area.*

Developing a new mitigation goal when no mitigation alternative exists appears to be logically inconsistent

[Reference: Green Book PP. 12 and 16]

*If a significant vegetation decrease and/or change has occurred, and a well has been turned off, the well may be turned on by DWP, if necessary, to supply water to avoid additional decreases or changes, and/or to supply water to mitigate such impacts.*

The above statement contains an inadvertent administrative inconsistency. The DWP should be replaced by *Technical Group*.

[Reference: Green Book p. 29]

*Generally, compensatory mitigation ... would not be a preferred goal of a mitigation plan.*

Compensatory mitigation includes trading across specie lines, a deplorable mitigation practice which LADWP/Inyo has resorted to in mitigating Management type B vegetation losses.

**Losses to management type B vegetation reported on in Volume I appear to have not been mitigated successfully.** Plots formerly containing this vegetation type were traded in specie,

usually to irrigated woodlots, alfalfa, or native pastures. In most of the cases reported on in Volume I, pumping or surface water management contributed to the vegetation impacts.

**Any reference to a need for mitigation as an aftermath of continued water extraction from a location should be made in the context that a catastrophe has occurred, one which may not respond to mitigation efforts, and one in which defective water resource management has played a key role.**

[Reference: Green Book p. 30]

*Surface water application to repair, rehabilitate, and/or restore the impacts will be considered as an alternative.*

Mitigating impacts via water extracted from the soil beneath the impacted area is an example of an unstable control system inviting incipient to runaway:

- (a) evaporative losses,
- (b) increased water level depth,
- (c) inappropriate soil water distribution in depth,
- (d) inordinate electrical energy expenditures,
- (e) disturbances to future interpretation of on-going soil moisture monitoring data.

These, and other disappointments, may occur during a time frame which is least favorable to maintaining a stable surface water and pumping management plan. Note is made of the example of incomplete mitigation in the Five Bridges area. The Green Book suggests that second thoughts would now be given to continued pumping for water application if a potential exists for further adverse environmental impacts.

**Water spreading over a damaged site should be the very last resort, and one which would be rendered almost totally unnecessary through exercise of conservative, vegetation-safe yield water resource management.**

## II. VEGETATION INVENTORY

### Privately Owned and Indian Reservation Lands

[Reference: Green Book p. 34]

*The dominant vegetation of a total of 227,160 acres of Los Angeles-owned land in Owens Valley was inventoried and mapped by LADWP between 1984 and 1987.*

Evidently, no inventory has been made of vegetation on privately owned and Indian lands

lying within or adjacent to Los Angeles-owned lands. The Agreement provides mitigation to correct LADWP impacts to privately owned water wells but no protection or mitigation is planned for privately owned trees and shrubs.

**The Agreement and the Green Book are unresponsive concerning possible vegetation impacts occurring on private and Indian lands in the vicinity of LADWP well field and surface water management areas.**

**An inventory should be made of vegetation types existing on adjacent and enclosed private and Indian lands to guide water resource management efforts toward safeguarding this vegetation.**

### Vegetation Stress on the Bishop Cone

The water table of the Bishop cone is believed to have declined over the past several years:

- (a) a ten-foot drop in the water table occurred between the installation of gasoline tanks at the Manor Market on West line Street in 1972 and their removal and replacement in 1990,
- (b) a stand of Lombardy trees located in the vicinity of Reata and Watterson Roads are dead,
- (c) several acres of black locust trees located immediately east across State Route 395 from the Bishop Golf Course are dying,
- (d) replacement of a 50-foot well by a 100-foot well was needed in 1987 on my property located on west Sierra Vista Way,
- (e) 6 Poplar, Lombardy, and Cottonwood trees were recently lost at the above property and loss is pending for several other trees.

The observations given above strongly suggest, but do not prove, that a general lowering of the water table on the Bishop cone has already occurred. If the water table has indeed declined, this would be due to a combination of:

- (a) a recent string of dry years,
- (b) water extraction by privately owned wells,
- (c) water extraction by LADWP wells for irrigating alfalfa leases,
- (d) eleven uncapped LADWP artesian wells which have been freely flowing into the Owens River since the 1920s decade.

Most of the suspected water table decline would be from cause (a). Some responsibility

should be apportioned between causes (b) and (c). Cause (d) would be controversial if an evaluator were to assert that water withdrawn from the aquifer cannot deplete that part of the aquifer above the point of withdrawal. This assertion relates to the discussion in the section marked *Remote Monitoring Data Base* below, and would be false. A leaking aquifer is depleted everywhere within its connectivity.

Many deep rooting, mature trees are sustained by a water level which has formerly been as shallow as three feet. The current water table is lower than three feet and, on my property, is ten feet. An added ten feet of water table change, as examined by the Bishop vegetation management map in Volume II, would be sufficient to kill a portion of those trees which are now under stress. Such vegetation changes would impact property values, probably to a greater degree than would occur from damage to water wells.

**There is no evidence that LADWP/Inyo intend to preserve deep rooting mature trees growing on privately owned and Indian reservation lands located on the Bishop cone.**

**There is no discussion within the Green Book of protective measures or mitigation to be considered if LADWP/Inyo water extraction impacts these trees.**

### III. VEGETATION MONITORING

#### Remote Monitoring Data Base

[Reference: Green Book p. 46]

*Monitoring intensity will be greatest within well fields and will lessen with distance away from the pumping wells.*

In several remote areas of the Valley, periodic visual surveys are the only planned data collection effort. Remote water table drawdown due to pumping is less pronounced than that occurring closer to the well fields, but vegetation may still be placed at risk in the event of a gradual, unexpected water table decline.

It turns out that, in a steady state fluid flow within homogeneous, retarding media, the pressure at any point will be less than that of the static case. This means that operating a pump anywhere within a basin will, to a varying degree and beginning at appropriately differing times, reduce the water table at all locations which are in communication with the pump. Technically, vegetation impacts can occur due to a lowered water table ultimately at great distances from major pumping areas. Areas within an aquifer that are "uphill" from a well field are susceptible to the effects of pumping-induced depletion also.

Changes occurring at a remote water table due to pumping are seldom rapid and may initially pass unnoticed. The water level would continue to decline for a time after the extraction has ceased. Following discovery, the timing and the extent of maximum drop would be difficult to predict. Restoration of the original water table level could require several recharge seasons.

**The number and locations of DTW and vegetation monitoring sites should be expanded dimensionally to include valley areas not yet covered. Data obtained from sites that are located remotely from well fields should be considered to be as significant as data obtained at the well fields.**

#### Psychrometry in Water Resource Management

Vegetation management is discussed within the Green Book and Volume I has having the dual vegetation and soil moisture monitoring goals of:

- (a) detecting water management-caused problems before impacts occur,
- (b) determining whether a vegetation decrease, change, or other environmental effect has occurred.

To accomplish these goals, the proposed project soil moisture measurement is via utilization of psychrometers to project soil-to-plant water balance at key points within the management areas. More emphasis appears to be devoted to soil moisture measurement data than to water level data.

**It should be understood by all evaluators that the use of psychrometry for valley-wide water resource management has never been done before. It is an experimental and qualified approach, except within relatively less significant and smaller applications.**

Prior actual use of psychrometers has been limited to the relatively restricted purposes of basic studies, watering system control at nurseries, and, notably since the 1940s, on some irrigated farms in the California Central Valley.

[Reference: Green Book p. 63]

*Water potential measurements are being taken at one representative location within the soil of each monitoring site.*

A farmer knows that subsurface water content may vary by a factor of two over a ten-foot horizontal distance. Interpretation of data obtained from a single implanted sensor string

would be hampered by doubts that the data are truly representative of the measurement field.

**Soil inhomogeneities modify the soil moisture distribution in both plan and depth, invalidating the soil water calculations obtained from a single measurement string of distributed sensors. Whether any chosen location within a monitoring site is representative of the site as a whole would not be known unless additional measurements are made at other locations within the site.**

The customary method used for establishing a useful analytical profile within an inhomogeneous field is to compute the average of several measurement strings within an array consisting of similar strings placed at widely distributed locations within the field.

#### **Depth to Water Parameter is Primary**

The best measurement parameter for monitoring plant communities within a valley-wide system would be one that most closely satisfies both operational and analytical goals. From a vegetation point of view, the fundamental parameter relates to moisture reaching the root structure. Although soil moisture is useful as an *analytical* variable for understanding vegetation needs, its role should be secondary to DTW as a water extraction *management* variable.

**Soil moisture is not a fundamental parameter in the views of the water resource administrator and the water commission having oversight responsibility. Soil moisture is a phenomenon which varies spatially and temporally under influences which are not under system control.**

(a) moisture distributions are specific and frequently unique, with strong location dependence because of the intervening variables of geologic blocking structures, leakage, and evaporation which interrelate in complex ways,

(b) steady state DTW dictates a steady state soil moisture distribution; changing DTW induces a new soil moisture distribution, but only after a time delay,

(c) DTW is easy to measure in real time; soil moisture measurements are expensive, labor intensive, and cannot be performed in real time,

(d) by real-time monitoring of DTW, pumping wells can be phased in and out of service quickly and efficiently, hopefully before a major change in soil moisture distribution can occur,

(e) experiments conducted within water management areas may correlate soil moisture distribu-

tions with associated water table levels, and ultimately to vegetation health.

The draft EIR and the Green Book recognize the primacy of water table levels in its many references to data originating with well reports and the assertion of the availability of approximately 700 DTW measurement-capable wells.

In contrast with the above, the management of water extraction using soil moisture as the fundamental variable may suffer from:

(a) fewer than 30 monitoring sites available for projecting soil-to-plant moisture balance,

(b) degraded interpretation of measurement data due to soil inhomogeneities, which would limit confidence in extrapolating data over the area of the site,

(c) time delays which may be critical in predicting vegetation changes,

(d) loss of oversight by the water commission or other interested parties who may be unable to receive commonly understood data concerning underground water change,

(e) fiscal implications of the data collection and analysis effort, which implicitly include:

- fabrication, calibration, and installation of the psychrometer strings, which are expensive and impermanent because of significant associated transducer failure rate,

- expanded staffing by technician-level personnel to accomplish the proposed routine data collection program at the intervals of once each month,

- cost burden, which is apparently unrealized in the Agreement, will likely be adjudged excessive at a future time of water sufficiency, possibly leading to effort cutback or abandonment.

The manual tasks of measuring and analyzing data, which are triply redundant as an error detection scheme, are mundane and repetitive, and would not be helpful to the performing technician in terms of his or her career satisfaction and development.

**Historical vegetation changes occurring near monitoring sites with available DTW records confirm that frequently measured DTW and ambient weather conditions furnish the earliest warning of possible vegetation damage.**

**The Proposed Project should establish depth to water as the fundamental measured parameter for early detection of vegetation**

## changes and for water resource management and analysis.

[Reference: Green Book p. 83 FIGURE III.G.4.a]

A Logarithmic Scale legend is missing for the root density axis (example: *Log Root Density*).

## IV. HYDROLOGIC MANAGEMENT

### Privately Owned and Indian Reservation Lands

[Reference: Green Book pp. 94-95]

*Hydrologic analyses will be conducted to determine whether the lowering of the water level in a private well is attributable to groundwater pumping by LADWP.*

As discussed within Section II above, groundwater levels on the Bishop Cone are probably in decline. Mature, deep-rooting trees have succumbed to this water table drop. Significant additional pumping, whether from locations above or below the private residential and Indian reservation lands, will impact trees located thereon.

**The proposed additional pumping on the Bishop Cone will likely damage deep rooting mature trees on privately owned and Indian lands on the Bishop Cone, in addition to the damage occurring to water wells.**

### Rationale for Development of the Bishop Cone

**Plans by LADWP/Inyo to expand water extraction from the Bishop Cone may be in support of "the letter but not the intent" of the Hillside Decree.**

Apparently, LADWP/Inyo have identified for diversion some of the water flowing within streams and ditches which is currently used to flood-irrigate leased grazing lands. Pastures would be supplied with pumped groundwater, as leased crop lands are currently, with the resulting tail water also eventually flowing into the aqueducts and ultimately to Los Angeles.

In the 1940 Hillside Decree, the idea had not yet occurred of an eventual second aqueduct leading to Los Angeles, much less that water would rationally be pumped out of the ground adjacent to running creeks merely to irrigate stock land.

The electrical power expended for pumping the Bishop Cone, on the order of 1/5 MWH/AF, would be more than offset by anticipated additional power generated by the pumped water

during its fall to Los Angeles. The LADWP/Inyo position is that energy considerations are excludable from the EIR since the electrical budget is net negative. Accordingly, this would not be a CEQA consideration.

A scientist's notion is that relevant factors should be exposed to aid proper judgment. This notion may differ from the legal viewpoint that silence may be kept for those factors not technically qualifying as CEQA considerations.

**If it is the intent of LADWP/Inyo to supply pumped groundwater to irrigate leased Bishop Cone grazing lands in order to export irrigation tail water along with the saved runoff from flowing streams, this intent should be stated within the EIR.**

**If the above intent is affirmed, the Hillside Decree should be examined to determine whether the additional water extracted for this purpose was foreseen by that Decree.**

**It should further be determined whether this extraction falls within the CEQA considerations of significant environmental effects as these pertain to water level changes affecting mature trees on privately owned and Indian reservation lands, and growth-inducing impacts of the proposed action as applying to the Los Angeles basin.**

### Recharge Model Simplicity

[Reference: Green Book p. 114]

*... the calculation of recharge is a detailed and rigorous exercise.*

The underground recharge model is used to analyze recharge and pumping effects on the water table. It is an extremely simple model (see Demonstration 1 below).

**Simplicity in a model often represents elegance, but sometimes it only means that the answers it provides will be untrustworthy.**

Demonstration 1: Show underlying simplicity of recharge model used in green book.

Express recharge components in terms of year-dependent variables and year-independent constants (the subscript  $j$  is suppressed on the recharge components and constants  $k$ ):

Streams:	$R_s = k_1 * RO_j - k_2$
UIMS:	$R_m = k_3 * RO_j$
Canals:	$R_c = k_4 * SGD_{i,j}$
GWR:	$R_g = k_5 * LADWP_{i,j}$ Note 1

Indian Lands:	$R_i = k_6 * LADWP_{i,j}$
Underflow:	$R_u = k_7$
Irrig/Livestock:	$R_L = k_8$
Precip:	$R_p = k_9$
Lake/Reservoir:	$R_r = k_{10}$

Note 1:  $R_g = 0$  when  $RO_j \leq 1.0$

Total recharge from the above sources during year  $j$  is given as a general summation:

$$R_j = \sum [(K_{1i} * RO_j + K_{2i} * SGD_{i,j} + K_{3i} * LADWP_{i,j}) + K_{4i}]$$

where:

$K_{ni}$  = constants which are independent of year

$RO_j$  = ratio of annual Valley-wide runoff to long term average Valley-wide runoff for year  $j$

$SGD_{i,j}$  = discharge at spillgate  $i$  in year  $j$

$LADWP_{i,j}$  = total water allocation for recharge area  $i$  during year  $j$

The above equation is the formula for the recharge model used in Owens Valley. Only three variables require annual measurement; the four constants comprise parameters which have been measured only once or with values which are averaged or merely assumed.

**Contrary to the quotation of p. 114 given above, calculation of recharge by LADWP/Inyo is not a detailed and rigorous exercise.**

### Recharge Calculations are Critical

[Reference: Green Book p. 104]

*Eight sources are considered when calculating recharge in the Owens Valley. These are: streams, ungaged intermountain slopes, canals, groundwater recharge, underflow, irrigation and livestock, precipitation, and lakes and reservoirs.*

According to Table 13 in Appendix B of the Green Book, covering the 1989 water year, streams and canals were the dominant recharge sources while that from lakes and reservoirs was almost ignorable. Streams and canals were responsible for two-thirds of the total recharge in 1989.

**For one-third of the computed annual recharge, flow values are postulated but have not been measured. For the remaining two-thirds of the computed annual recharge, only three variables are measured, one for each water source.**

One of the measured variables, the Valley-wide run-off parameter  $RO$ , is the independent variable used in the recharge models (the "regression equations"). The Green Book (page 115) recognizes that further study may identify "the need for distribution of percent average runoff".

### Regional Runoff Correction Factor

In the foregoing it was noted that the regression equations used in estimating future groundwater recharge depend on the annual percent average Valley-wide runoff parameter  $RO$ . Any errors in measuring  $RO$  would lead to scale errors in calculating what the future pumping limits should be. Because of regional differences in runoff for any given year, a single-valued  $RO$  introduced to each region's regression equation will introduce two error sources:

(a) measurement error in  $RO$ , as described above,

(b) error due to regional variances from the Valley-wide average used to define  $RO$ .

Demonstration 2 given below is a summary of two changes which have been made to refine the expression for stream recharge: a correction to include stream length within the evaporation loss parameter  $SET$ , and inclusion of the regional runoff factor  $ROF$ .

Demonstration 2: rewrite the stream recharge formula (Green Book p. 105 eq. (1)) to include regional runoff and evaporation corrections; give an example of the use of the revised formula and compare results with values calculated in the Green Book.

Correcting stream recharge formula and using physical notation:

$$R_s = \left(1 + \frac{\Delta L}{L}\right) \left(\frac{r}{r_a} SET - kL\right)$$

where:

$L$  = stream length

$\Delta L$  = increase in stream length

$r$  = current year valley-wide runoff

$r_a$  = average annual valley-wide runoff

$f$  = correction for specific runoff area

$\ell$  = stream loss to infiltration

$k$  = unit stream evaporation

In Green Book format, with tabulated values and units for each stream and year as given in Table 1 (runoff area factor to be supplied):

$$R_s = (1 + SRA + SRB)(724 \cdot BOM \cdot ROF \cdot SRR - 1.35 \cdot SL \cdot 10^{-3})$$

where:

SRA = fractional stream length increase above station

SRB = fractional stream length increase below station

BOM = average flow at base of mountain station

ROF = runoff factor corrected for specific runoff region

SRR = ratio of stream loss to BOM

SL = stream length

Consider the use of  $R_s$  in a specific example.

"A recent year established the following: Sierra snow pack is 55% of normal in the northern part of the Sierra (affecting Laws and Bishop areas) while it is 70% of normal in the southern part (Independence and Lone Pine areas)."

Data: RO = 0.64 (GB App. B Table 2)  
 ROF (north) = 0.55  
 ROF (south) = 0.70

Other parameter values are obtained from the tables of Appendix B.

Only streams, intermountain slopes, and groundwater recharge components are affected by ROF. Assume further that the ROFs for the snow pack in the White and Inyo Mountains compare with those for the Sierra. Compute northern area recharge and compare with Green Book values:

	<u>Corrected</u>	<u>Green Book</u>
Stream totals	10927	12711
UMS totals	2369	2756
GWR totals	6495	7558
Subtotal:	19791	23025

Error: 16.3%

The evaporation correction had very small affect on this result (except for Rawson Creek, SRA and SRB were zero), thus, the dominant error is

caused by delta ROF, which differs from the value given in the Green Book by 16.4%.

The example within the above demonstration is realistic. It refers to water year 1989.

**Because of the single error introduced by not quantifying the regional basis for recharge during 1989, the Bishop-Laws well field areas were allowed to pump 16% above the intended limit. In the southern part of Owens Valley, the pumping limits were set 9% lower than intended.**

### Error Budget for Recharge Models

Figure 1 at the end of this paper presents bar graphs showing estimated recharge and historic pumping within four water management areas. The solid recharge bars are paired with crosshatched pumping bars for ease of inter-comparison. Note that the bar graphs portray the large overdrafts occurring during 1987-89 and earlier periods.

The Green Book has not furnished the error limits with any of its data; these errors are presumed to have been ignored. Well field pumping levels would be set too high if the recharge equations contain a significant positive error.

Errors found in a cursory examination of the equation for stream recharge include:

- use of long-term average rather than annually gaged stream flow values,
- acceptance of Valley-wide vice region-specific runoff,
- inability to quantify snow melt annual carry-over,
- inability to input annual and regional variations in evapotranspiration,
- misuse of evaporation term (see Demonstration 2 above),
- assumed constant widths of stream vegetation zones, vegetation fractional areas within these zones, and annual evaporation within vegetation zones, which are also erroneously taken to be the same for all streams,
- measurement errors for average flow, stream lengths, and delta stream lengths,
- assumed ratio of stream loss to average flow.

Analogous error sources may be derived for the remaining recharge components.



Decimal values for the input parameters of the Appendix B tables are retained for computation, but suggest levels of precision which do not exist for these parameters.

**Error limits should be furnished for the measured values of input variables used within the recharge equations. Postulated values for unmeasured variables should include reasonable analytical range limits. An error budget compiling these errors for each recharge component should be developed.**

**Sensitivity analyses should compute best, worst, and most probable case recharge scenarios within a current water year error budget. Pumping limits should be set which rationally emphasize the scenario conditions trending toward the worst case.**

### Synthesized Recharge Data

Synthesized data are data which are calculated rather than measured. They may also be data that are falsified, either to convincingly support an analysis conclusion, or to yield a different analysis conclusion than would otherwise be obtained. Synthesized data of the first kind, i.e., calculated data, are not what we are concerned with here.

A college professor's leading indication that a physics student has falsified results from a lab experiment is that the "curve-fit is too good"; i.e., the individual data points all fall nicely along a piecewise regular response curve for the physical system being examined. The student should normally be aware that errors are present in any experiment, and the small number of individual measurements will scatter data about, but very rarely precisely along, a curve.

The Independence-Symmes-Bairs area recharge graph of Figure 5 in Appendix B is the clue. This figure is reproduced in this paper as Figure 2. This particular well field area appears to have received the primary and, perhaps, initial synthesis interest. The recharge data tracks the runoff factor linearly over a broad annual runoff range, which is mildly surprising. (This linearity stems from further analysis deficiencies: ignoring annual runoff carryover and albedo-dependent variations in net evaporation and sublimation between "wet" and "dry" years, along with other real world features.) However, the data points fall almost entirely along the line, which is very surprising. This phenomenon is repeated almost as impressively in the recharge graphs for Taboose-Thiebaut, Lone Pine, and Bishop, Figures 3 - 5.

It is recalled that the plotted values are not observed data as indicated on the published

figures, but calculated values. The regression equation curves represent a best fit of the plotted data using first or second degree polynomial approximations.

Back-calculation was most likely made using altered values for the individual recharge source components until their plotted points aligned with a reasonable looking curve. This can be accomplished to almost any desired degree of precision via numerical optimization routine on a computer. The resulting data are then approximated by a polynomial which becomes the regression equation for the particular recharge area considered. When this synthesis is completed, it is very difficult to reconstruct the particular selected variables thus altered.

Demonstration 3: analyze the effects of altered data and/or calculation errors on the recharge values for a candidate well field area.

Figure 6 depicts the effect on recharge for the Bishop well field area of ten and 25 percent limiting errors included with the runoff in the recharge equation. Considering separately both fixed and random errors of a modest ten percent value, the following interpretations are allowed:

- (a) If a plus ten percent error is included in the value for runoff (the measurement of RO is 10 percent too high), and the runoff is near normal for those years, then the calculated recharge will amount to about 3000 acre-feet more than actually occurred. If the runoff is about 200 percent of normal, the calculated amount will be 7000 acre-feet too high.
- (b) If the runoff contains a normally distributed error of ten percent three sigma, then the most probable runoff is the same as the original value, but could be as much as 3000 acre-feet in error either on the high or low side, in the case of a near normal runoff year. If the runoff is 200 percent of normal, the calculated amount could be 6000 acre-feet above or 7000 acre-feet below the actual.

Figure 7 portrays the effect on the Bishop well field area recharge produced by ten and 25 percent limiting errors contained within the measured and assumed values for non-runoff components of the recharge equation. This figure allows the following interpretations:

- (a) If a plus ten percent error is contained within all measured and calculated values other than RO, then the calculated recharge will amount to about 4000 acre-feet more than actually occurred during a



normal runoff year. If RO is 200 percent of normal, the calculated amount will be 7000 acre-feet too high.

(b) if the non-runoff variables are assumed or measured with normally distributed errors of ten percent three sigma, then the calculated probable runoff will be the same as the original value, but could be almost 5000 acre-feet in error on the high or low side, for a normal runoff year. If the runoff is 200 percent of normal, the calculated amount could be 8000 acre-feet either above or below the actual.

The foregoing analysis reveals calculated recharge errors ranging variously between five and ten percent resulting from the assumed ten percent input errors. Much larger errors for the input parameters are anticipated, and these are exercised within highly idealized recharge models. Probable errors as large as 100 percent are anticipated, and data points would then cover the majority of the areas enclosed by Figures 6 or 7.

**Examination of the several known error components within each recharge source reveals that these are both random and systematic in type. It is conjectured that these may total as much as 100 percent error in the calculated recharge for any subject area. Any errors exceeding roughly ten percent would cause Figures 1 through 6 of the Green Book Appendix B to be invalid.**

### **Recharge Models and Simulation Assessment**

**The LADWP/Inyo recharge models and simulation are developmentally immature, are devoid of any recognition of the errors they contain, and can only modestly approach the capabilities needed in definition and reliability.**

**The analytical models utilize assumed but not measured data (only Valley-wide runoff and stream and canal flows are measured), they admit no annual runoff carryover or annual variations in other important losses and gains, and the simulations are insufficiently dynamic, having only four degrees of freedom when seven are necessary. Further, it is readily apparent that input data have been falsified.**

**Comparisons of data from both measurements and numerical simulation would not yield satisfactory agreement within important areas of the Owens Valley. Conservative water resource management would require analysis and simulation capabilities which are not yet in being. In summary, water resource management using the tools that are proposed and described within the**

**Green Book would place at risk to injury the vegetation within Owens Valley.**

### **Twenty-Year Moving Average**

[Reference: Green Book p. 115]

*The actual pumping from the previous 19 1/2 years is then subtracted from the 20-year recharge to arrive at the pumping limit for the next six months.*

The 20-year moving average does not appear to be ideal for assisting quantitative pumping decisions. A moving average is a proportional control system which, for long durations, has high stability but very low gain. It is analogous to a committee of decision makers which takes action, not decisively by majority vote, but measured action which is proportional to the number of votes cast.

Figure 8 of this paper exhibits the characteristic lack of timeliness and response built into the moving average taken over actual 20-year Owens Valley data. A second, somewhat artificial demonstration to illustrate an extreme example, is provided as Figure 9. Note in the figure that an "error" of 25 percent has been introduced. The moving average smears this error into such a small effect as to be barely perceptible.

Demonstration 4: compare 20-year moving average of Owens Valley recharge with 20-year raw average in terms of percentage differences.

See Table 1 of this paper, "Owens Vly 20-Yr MA Data".

Reference to the last column of Table 1 discloses the percentage difference between the 20-year moving average and the raw average of Owens Valley recharge from 1970 through 1989. The largest difference occurs in 1984, and is only minus four percent. This is well within the anticipated errors contained within the data. In 1984, recharge declined 32 percent from the prior year.

It was noted earlier that the recharge equations contain sizeable errors. However, these would pass unnoticed when used with the insensitive 20-year moving average model. No advantage is seen in applying the 20-year moving average model to set pumping goals. Replacing the twenty-year moving average with a twenty-year simple average would have minimum effect on the calculation of pumping limits.

**The 20-year moving average model is incapable of the decisiveness needed to adjust**

### **pumping limits to realities in being within the Owens Valley setting.**

An example of a current reality is the extended drought period, which has now called for abandonment of the proposed method in favor of a pumping halt.

### **PHILOSOPHY AND RECOMMENDATIONS**

The fundamental area of concern is data adequacy; how data is economically obtained and how data is used multi-dimensionally for early detection of out-of-tolerance soil and vegetation conditions, while also supplying guidance for resource management and analysis.

**The Agreement, and the Green Book on p. 20, assert that the determination of vegetation impact depends upon observing effects which have already begun to make vegetation look unhealthy, if not totally dead. If the resource management program is unable to detect an impending vegetation change prior to this sad outcome, and all the while mitigation remains as uncertain as it has been in the past, then much of the acquired data is not productive, the goals are not met, and the proposed project would be unwarranted.**

Historically, the LADWP/Inyo resource management has taken a "hands on" approach for looking at and solving problems. In those instances wherein vegetation had been given priority, a certain water yield penalty was accepted and this manual approach worked quite well. New on the scene (since the early 1980s, perhaps) has been a growing acceptance by LADWP/Inyo of "science", along with its certain mysticisms. This late-stage conversion is reflected in the technically weak concepts within the Green Book's data production and analysis core.

**This investigator's study of the Green Book has led to the opinion that the formulators have not enjoyed the appreciation that technical maturity brings of the difficulties in transforming a small scale, "brassboard" concept into a broad, scientifically based program.**

The focus of this investigator's analysis has been toward the goal of *management-to-safe-yield*. This calls for a water extraction program that detects and remedies vegetation impacts truly before they occur, by accessing the earliest data predicting the impacts. There are only two corporate and collective actions open to selection for this goal:

(a) abandon the defective methodologies supporting the proposed project as being helplessly beyond effective and economical repair,

(b) repair the defective methodologies.

With the first choice, prudence could call for a return to practices which forego high water export in favor of gradually restoring the water level cushion needed to handle an extended drought. This would be to "just say no" to an unproven endeavor, and select procedures that will return the Valley to the expectation of water levels existing prior to 1970.

The second choice promises that much work would have to be done if the Green Book's data production and analysis concepts are to be modified for proper functioning with the same safe yield goal. These concepts interpret *early detection of vegetation impact* as being on a one-month data cycle followed by a one-year reaction.

It is inconceivable that LADWP/Inyo would step backward in time. This investigator does not intend to scuttle these concepts, but they need to be revised upward in capability while downward in data cost.

### **Vegetation Impact Decision Paths**

Current protocol for finding whether an effect on the environment is measurable, attributable to groundwater pumping or surface water management, and significant, is in accordance with the summary given below:

#### **Measurable Vegetation Change?**

- > no, then do nothing.
- > yes, it's measurable, and when compared with another similar area:

#### **Is There Any Difference?**

- > no, then do nothing.
- > yes, it's attributable, and after introducing various criteria:

#### **Has There Been a Significant Change?**

- > no, then do nothing.
- > yes, it's significant, and it calls for a mitigation plan.

These decision paths implicitly harbor a failure to address the situation of a generalized drought affecting vegetation everywhere. At this time, water shortages within the LADWP revenue areas may encourage their continued water extraction from Owens Valley. If groundwater pumping were to continue, then this pumping must accrue a certain level of responsibility for all vegetation impacts. Both management areas and others set aside as control areas would possibly be impacted, and after a time, it would be difficult to identify water policy as being a significant factor.

An elaboration on the foregoing decision pathway would be in better keeping with the vegetation-safe yield goal:

Is There Any Difference?

--> yes, it's attributable, go to Significance.

--> no, but is this because:

Both Areas are Impacted by a Drought?

--> no, so do nothing.

--> yes, both areas are damaged, but did

LADWP Continue Pumping During this Drought?

--> no, so now do nothing.

--> yes, so LADWP pumping is partially responsible for the impacts. Now go to Significance, Mitigation Plans, etc.

### Multifunction Data Network

A "straw man" data acquisition network is proposed which is based in part upon the proposed LADWP/Inyo project. The proposed implementation is extended technically to bring it within shouting distance of the current state of the art.

The envisioned unified data network would manage the water extraction within a basin while providing backup verification of soil moisture adequacy. The network will comprise about 70 active, frequently reporting DTW sites along with 30 or more co-located soil moisture sites and up to 30 co-located sites for vegetation monitoring. The key word here is *co-located*, with emphasis placed on collecting three kinds of data on a regular, variably scheduled basis.

Psychrometric soil moisture measurement data are collected on an optimized schedule determined by site-specific soil moisture depth distribution vs. precipitation and DTW fluctuations. Frequent analyses of valley-wide flow patterns utilize real-time DTW data exercised within an improved flow model and simulation, with DTW mean value, statistical, and periodicity elements used in the analyses. A future goal will be the development of site-specific and time-of-year-specific DTW vs. soil moisture vs. vegetation response matrices.

### DTW Sites

The 70 DTW sites would be apportioned within four generic systems approximately as follows:

(a) an array of 20 *well field sites* apportioned two to five per water management area as they are currently, which will anticipate rapid and large DTW response to changes in well field pumping, and at least several are instrumented for inter-

rogative data telemetry with a daily data collection rotation.

(b) a second array of at least 24 *boundary sites* which are located at angular intervals in the vicinity of the two- to three-month response margins of the well fields, such that their measurements will anticipate slower and smaller DTW variations; twice-monthly data collection,

(c) an ad hoc complement of paired *research sites* with each pair positioned within a high-interest vegetation zone, within a single drainage basin, roughly perpendicular to a presumed DTW contour, one to three miles apart, and with some pairs instrumented for interrogative data telemetry; twice-monthly or more frequent data collection,

(d) a fourth complement of *control sites* which are diversely located and capable of supplying manually acquired DTW data from valley areas which are currently unreported; twice monthly data collection.

Shallow and deep DTW data are collected manually in general, but with the phased implementation at several wells for interrogated data relay via real-time transmission to the water management facility. When a DTW site is instrumented for telemetry, then the associated soil moisture site will also relay its data via use of a commutator. The vegetation parameter data are collected at co-located monitoring sites via best available means for the specific species and location.

### Soil Moisture Sites

Approximately 30 psychrometric soil moisture monitoring sites are located along with shallow or deep DTW sites. These sites are configured differently than those described following page 63 within the Green Book. Each sensor string measures nominally two soil levels vice four, with individual sensors placed at one meter and three meters depth. The two-meter spacing allows scalar data to be taken of moisture depth profiles which are idealized analytically. Enhanced statistical confidence is gained by emplacing several additional sensor strings within the local field.

The typical site will comprise four *standard* sensor strings which are emplaced at considered, but not necessarily random or otherwise regulated locations. The distances between the sensor strings may be set as small as ten meters or as large as 100 meters, depending upon knowledge accumulated for the particular measurement field. The strings are suitably identified and marked for correlating their data with ground location.

A research sensor string constructed with five transducers spaced at one-meter increments will measure depth distributions within locations where additional data are desired. A research string may be emplaced along with standard strings within a designated new moisture site to gather initial, detailed depth data. In some instances, a location may be chosen which is distant from any DTW site.

When associated with a DTW site, data rotation will be the same as that of the DTW site. If the DTW site is instrumented for interrogative data telemetry, a commutator will poll each moisture transducer located at that site. Independent research string data is collected at nominal twice monthly intervals, but may be at varied time intervals as conditions warrant.

Individual vice triply redundant transducers are employed for each string. Data redundancy introduces unappreciated, sterile data, which are of value only for failure detection. Individual transducer failures are tolerated and a site remains operative until up to half of the measurements obtained at a soil moisture site are deemed invalid. Thus, a single measurement at a particular string yields useful information as long as other nearby strings are operative.

A matrix is given below which reflects the permissible transducer casualties for a four-string site. String identifications are arbitrary. At least one string must remain fully operative. Additional transducer casualties within any column would signal a data shutdown for the site.

#### Failed Sensor Combinations for Site Shutdown

String 1				
Upper	X	X	X	X
Lower	X	X	X	X
String 2				
Upper	X	X		X
Lower	X		X	
String 3				
Upper		X		
Lower			X	X
String 4				
Upper				
Lower				

Presumed in the table is that failures are cumulative and that depth distributions have been determined from prior successful operation of at least three strings at the site.

A protocol for replacing inoperative sensor strings may be that such replacement can be delayed during normal precipitation years until the above matrix decrees data shutdown. In a more sensitive year, the strings would be replaced individually upon either single- or double sensor failure. Abandonment of any sensor string shall

require that the string be physically removed from the soil.

It was noted above that an idealization of the moisture depth distributions is used. Data taken from a two-transducer string can scale an idealized moisture distribution at any previously studied site and still provide effective warning of moisture deficit. The measured distribution may be related empirically to the actual plant-available soil water content.

The approximately thirty moisture sites may be either increased or decreased in number in response to successful and economical operating experience.

#### Vegetation Sites

Vegetation monitoring sites shall normally be associated with soil moisture sites and are co-located, except when an ad hoc location is selected for special study. Vegetation site design has not been studied.

#### Data Telemetry

Design of the data transmission system will require a post-mounted telemetry pack and omnidirectional antenna at each telemetry equipped site. A single repeater which will be line-of-sight to the water management facility may be sited at approximately 6,000 feet in the Inyo Mountains, perhaps in the vicinity of the road west of Hunter Mountain.

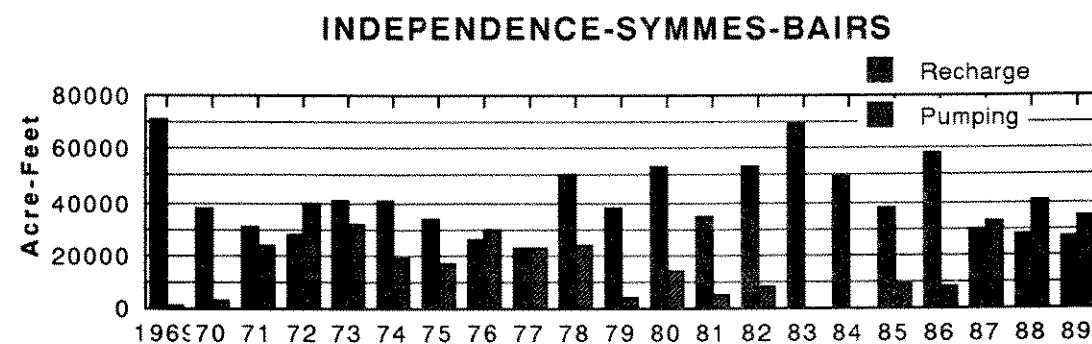
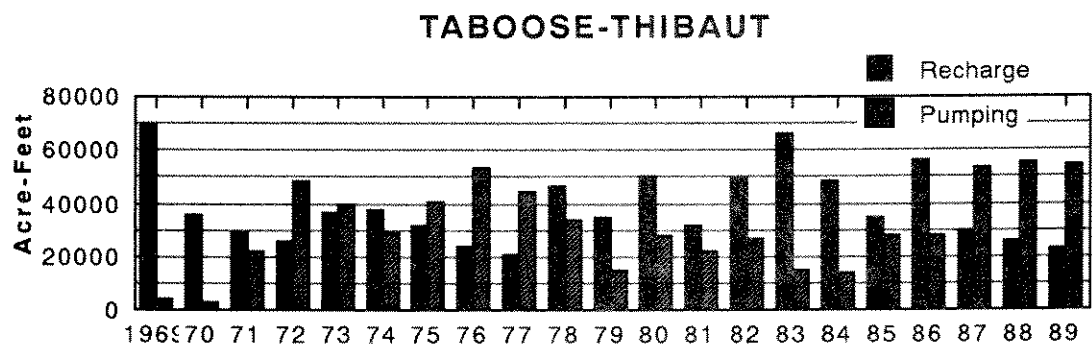
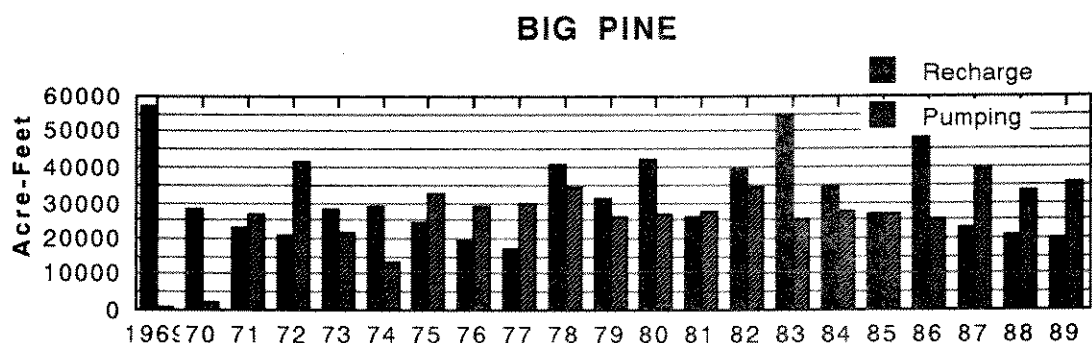
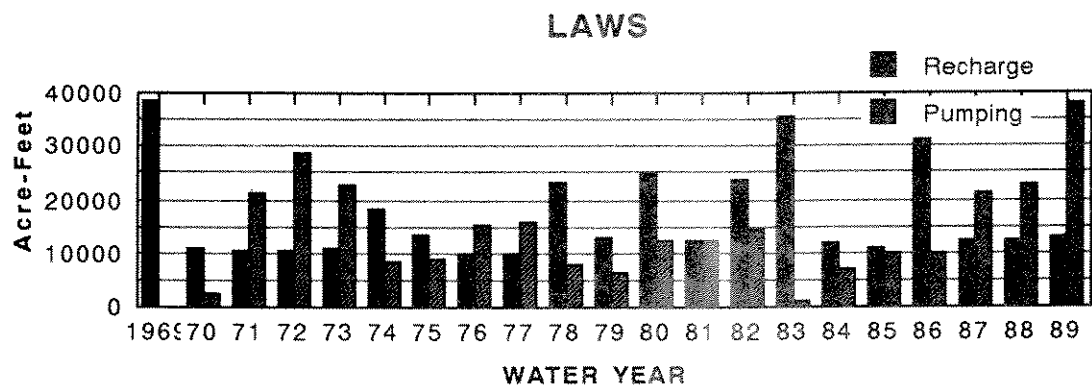
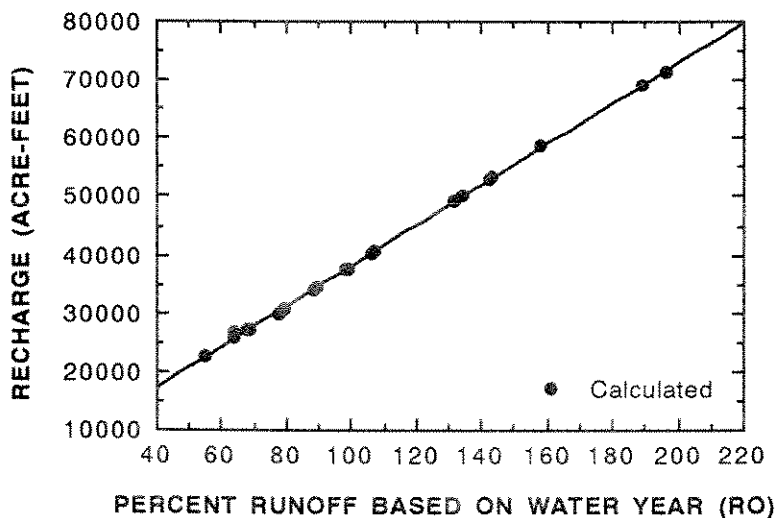


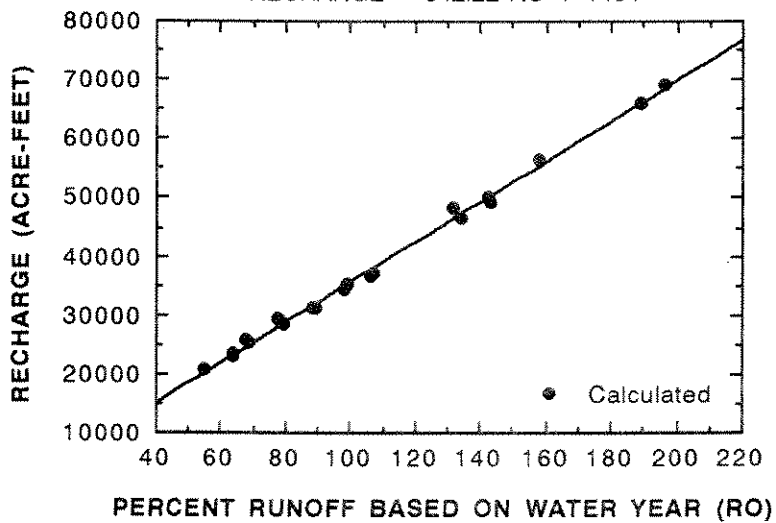
FIGURE 1

**FIGURE 2. IND-SYM-BAIRS AREA RECHARGE**

$$\text{RECHARGE} = 347.63 \cdot \text{RO} + 3473.6$$

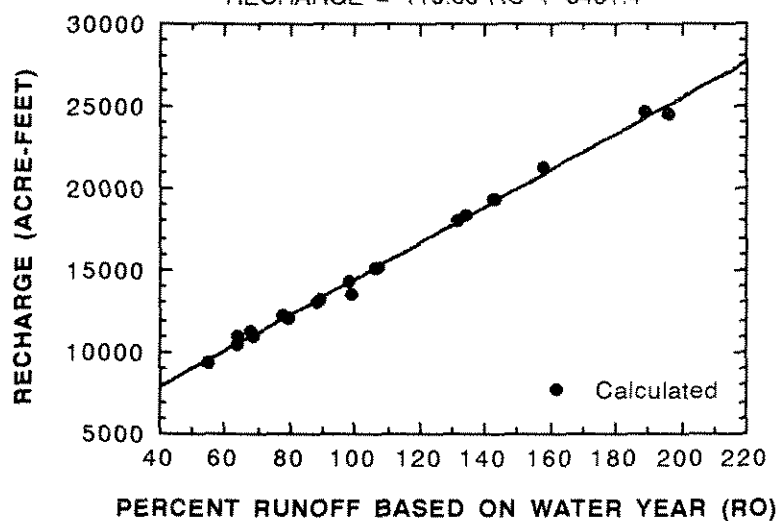
**FIGURE 3. TABOOSE-THIBAUT AREA RECHARGE**

$$\text{RECHARGE} = 342.22 \cdot \text{RO} + 1464$$

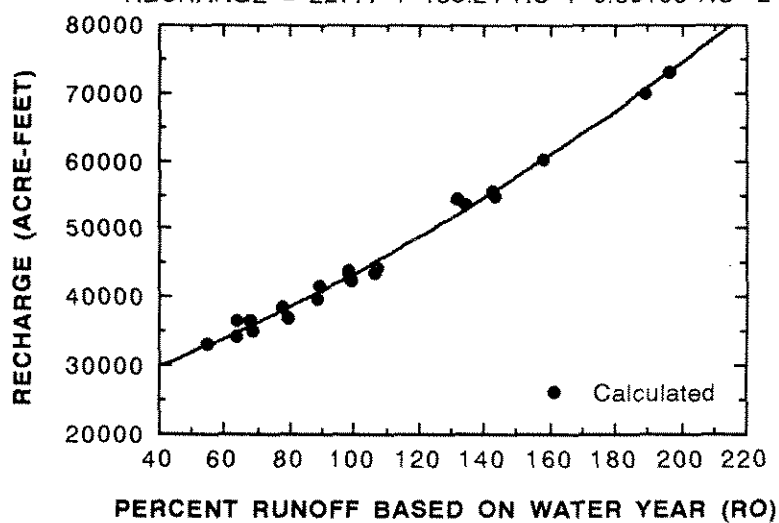


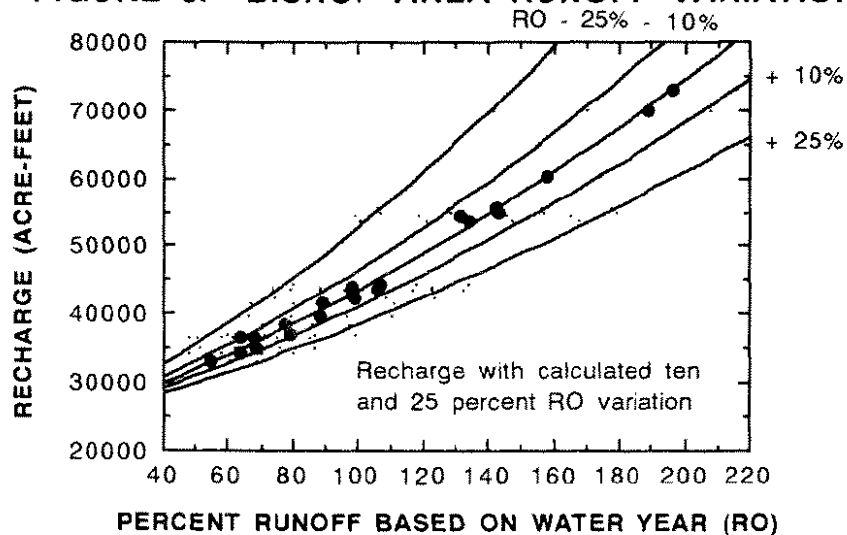
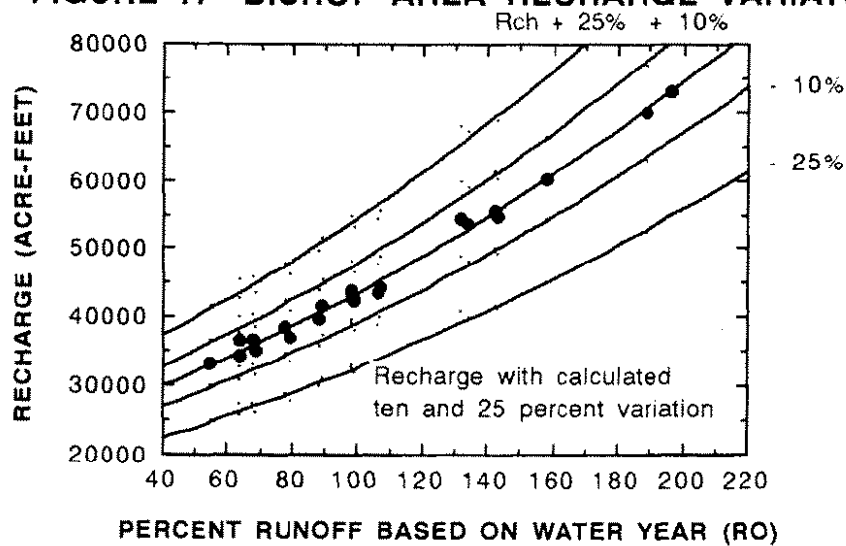
**FIGURE 4. LONE PINE AREA RECHARGE**

$$\text{RECHARGE} = 110.06 \cdot \text{RO} + 3491.4$$

**FIGURE 5. BISHOP AREA RECHARGE**

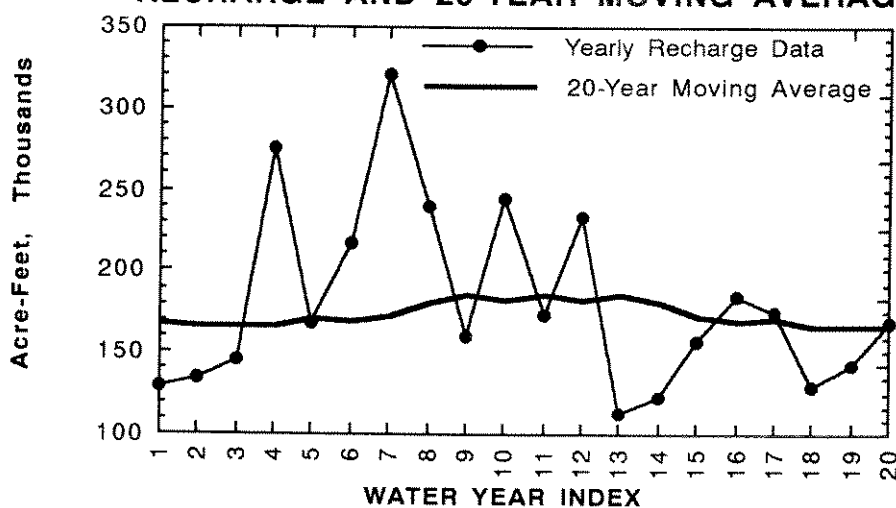
$$\text{RECHARGE} = 22777 + 158.24 \cdot \text{RO} + 0.50158 \cdot \text{RO}^2$$



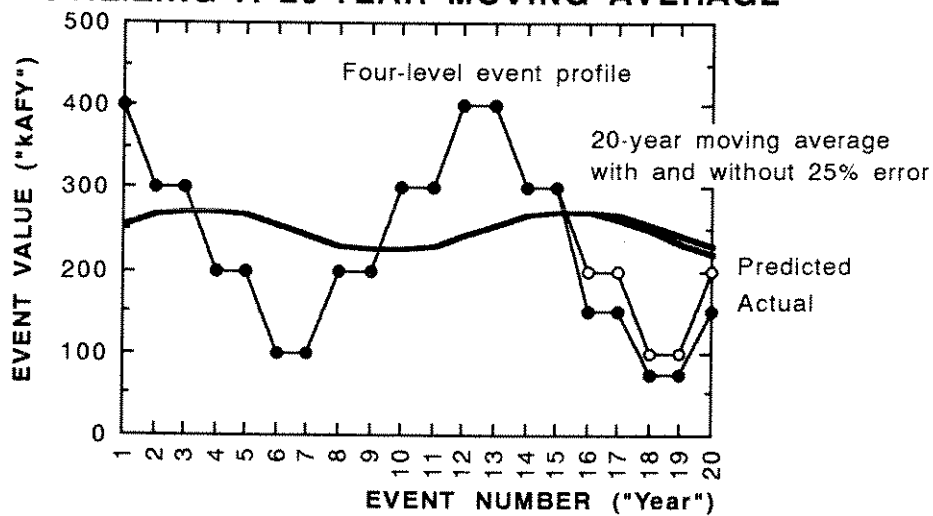
**FIGURE 6. BISHOP AREA RUNOFF VARIATION****FIGURE 7. BISHOP AREA RECHARGE VARIATION**



**FIGURE 8. TYPICAL OWENS VALLEY YEARLY RECHARGE AND 20-YEAR MOVING AVERAGE**



**FIGURE 9. CONTROL SYSTEM ERROR UTILIZING A 20-YEAR MOVING AVERAGE**



## Owens Vly 20-Yr MA Data

Tue, Jan 11, 2011 4:02 PM

	Year	Rch / 1000	1-der C2	Rch MA/1000	Raw Av/1000	MA-Raw	Percent
1	70	167.592	0.000	184.214	181.496	2.718	1.5%
2	71	141.479	-26.113	182.227	181.496	0.731	0.4%
3	72	129.070	-12.409	183.602	181.496	2.106	1.2%
4	73	174.515	45.445	184.255	181.496	2.759	1.5%
5	74	184.583	10.068	181.863	181.496	0.367	0.2%
6	75	156.105	-28.478	181.333	181.496	-0.163	-0.1%
7	76	123.453	-32.652	182.832	181.496	1.336	0.7%
8	77	113.255	-10.198	184.551	181.496	3.055	1.7%
9	78	232.529	119.274	185.087	181.496	3.591	2.0%
10	79	173.353	-59.176	178.810	181.496	-2.686	-1.5%
11	80	244.749	71.396	181.924	181.496	0.428	0.2%
12	81	159.449	-85.300	178.167	181.496	-3.329	-1.8%
13	82	239.867	80.418	182.656	181.496	1.160	0.6%
14	83	320.450	80.583	178.423	181.496	-3.073	-1.7%
15	84	216.279	-104.171	174.182	181.496	-7.314	-4.0%
16	85	167.696	-48.583	179.665	181.496	-1.831	-1.0%
17	86	275.904	108.208	182.222	181.496	0.726	0.4%
18	87	145.468	-130.436	176.527	181.496	-4.969	-2.7%
19	88	134.271	-11.197	183.392	181.496	1.896	1.0%
20	89	129.846	-4.425	183.981	181.496	2.485	1.4%

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## RESPONSES TO COMMENTS

### LETTER D47

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#### RESPONSE D47-1

Los Angeles and Inyo County thank the author of this unsolicited submittal Greenbook: A Technical Review. It is acknowledged that there may be more than one theoretical approach to monitoring of vegetation and groundwater components in the Valley, and that there may be opportunity to refine some technical procedures that are presented in the Green Book. As a result, this submittal will be retained as a technical reference by the Technical Group; however, no substantive alterations to Green Book will be implemented at this time in response to comments contained in this submittal (Letter D-47). This does not preclude possible refinements to procedures in the Green Book along the lines proposed in some elements of Letter D-47; however, such refinements would occur as described in page ii and Section V, Further Studies, of the Green Book.



**Letter D48**

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**Jo A. & Thomas S. Heindel**



# LETTER D-48

18 January 1991

RECEIVED

JAN 28 1991

EIP ASSOCIATES,  
SAN FRANCISCO, CA

John Davis  
EIP Associates, Suite 1500  
150 Spear St.  
San Francisco, CA 94105

Dear Mr. Davis,

My husband spoke during the comment period at Big Pine but as 5 minutes is too short to cover the many ornithological errors I'm writing to correct those of which we are aware. If there were only a few this wouldn't be necessary but to ignore them is to allow this document to stand as correct and probably referenced to in the future and we can't allow that. Your response that CEQA doesn't require in depth research is understandable but whoever was hired lacks even a rudimentary understanding of current taxonomy, status and distribution, and failed to perform even a perfunctory literature search. When my husband began his comment he prefaced it with the opening that everything he was going to say dealt with the ornithology section. Later he stated that there was no bibliography. The gentleman seated next to you opened up the document and showed you that there was, in fact, a bibliography. Yes, there is one but not one item is an ornithological reference which is the area to which my husband limited himself.

Page	Statement	Comment
11-4	"historic data...not available"	See GRINNELL & MILLER, 1944
11-5	"Wheeler Expedition"	See 1891 A.K. Fisher Expedition
11-5	"spoonbills"	No record ever published. See AMERICAN BIRDS & GARRETT & DUNN

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	1981.
11-5 "insufficient records"	See GRINNELL & MILLER, & GARRETT & DUNN
11-7 "five categories"	reflects economic divisions not environmental or scientific categories
11-7 "1 spp loon"	3 spp loon
11-7 "3 spp grebes"	6 spp grebes
11-7 "1 sp crested cormorant"	omit word "crested" as there are many cormorants only one of which is crested
11-7 "3 spp terns & gulls"	8 spp gulls & 5 spp terns
11-7 "25 spp waterfowl"	31 spp waterfowl
11-8 "not important as game birds...no importance as game birds"	The E in EIR stands for environmental not economical.
11-8 "4 spp of gulls and at least 3 spp of terns"	this conflicts with what was just said on p 11-7
11-8 "gulls...uncommon or rarely seen"	totally wrong, see AMERICAN BIRDS, GARRETT & DUNN
11-8 "while the Canada, white-fronted, snow, & Ross' geese are common, rare, and accidental migrants, respectively"	4 birds and 3 statuses, how are these matched up "respectively"
11-9 "of the 38 spp."	50 spp.
11-10 "green & black-crowned"	green night herons are not



night herons"	known to the scientific world
11-10 "yellow rail...rare"	no record of yellow rail in all of Inyo county
11-10 "24 spp shorebirds"	27 spp shorebirds
11-10 "...shorebirds...rarely seen, but may appear to be more abundant due to the numbers of various species seen together"	the logic of this statement escapes us--they are rarely seen but you may see abundant numbers. This is a non se quitor.
11-10 "little direct economic importance...not prized as gamebirds"	has no place in an ENVIRONMENTAL impact report
11-11 "18 spp hawk & allies"	20 spp of hawk and hawk allies
11-11 "sharp-shinned hawks"	do not reside in the valley in the summer
11-11 "rough-legged hawk is common during winter... ferruginous hawk is uncommon winter resident"	needs modifier "may be" as the status can be reversed, as it was this last winter
11-11 "osprey...uncommon"	3 breeding pairs on Tinnemaha raising 5 young requires a designation other than "uncommon"
11-12 "pigeon hawk...rare"	The Merlin, no longer called pigeon hawk, is seen too often to be classified as rare
11-12 "screech owl...only in riparian areas"	found in towns and pinyon juniper in nearby mountains
11-12 "burrowing owl..."	we saw the start of their decline in the mid 70's and know of no

recent reports

11-12 "pygmy & saw-whet owls are rarely seen migrants"	both are summer breeders in the mountains not the valley
11-12 "California quail"	serious population decline as drought continues. Brood size of 25 yrs ago far above today's
11-13 "white-winged dove an accidental migrant"	migrant implies a range north of here-there is none.
11-13 "74 spp...remainder are migratory spp"	Totally wrong and we don't have the time to go through and clean it up.
11-14 "not uncommon...road- runner perched atop telephone pole"	If "not uncommon" can mean never seen then OK but all the ornith- ologists we've asked say they've never seen nor read of road- runners perching on top of tele- phone poles. This statement does not belong in an EIR.
11-14 "Hummingbirds...feed almost entirely on nectar"	50-90% of diet are insects
11-14 "Anna's hummingbirds... higher elevations"	at lower elevations
11-15 "two spp sapsuckers"	3 spp sapsuckers
11-15 "sapsuckers"	The author(s) is not familiar the status of sapsuckers. See GARRETT & DUNN, AMERICAN BIRDS, THE AUK
11-15 "acorn woodpecker an accidental migrant"	no

11-15 "downey (sic) wood- pecker...higher elev- ation"	downy woodpecker is at lower elevations than hairy though there is very slight overlap
11-15 "Nuttall's rarely seen"	wrong-5 in 1 1/2 hrs is not rare
11-15 "Seven species of fly- catchers"	Nineteen spp flycatchers. It's obvious by this and the statement that follows that the author(s) did not take or failed to pass Ornithology 1A. All genera in the family Tyrannidae are fly- catchers.
11-15 "ash-throated flycatcher only spp common"	Western kingbird is even more common than the ash-throated
11-15 "eastern kingbird is an odddity"	May have nested at Tinnemaha (See GARRETT & DUNN)-considered a fall transient
11-15 "range limited to the east of the Rocky Mts"	wrong-See BIRDS OF NORTH AMER- ICA by Nat. Geo. Society p.276
11-16 "yellow-rumped, or myrtle warbler is common resident species"	myrtle warbler is the northern and eastern form that is here uncommonly in winter
11-16 "black-throated blue, golden-winged and blue-winged warblers..."	no records for these in the valley
11-16 "...their cousins..."	the ovenbird, waterthrush and redstart belong to the same subfamily Parulinae and there- fore are warblers not "cousins"
11-16 "meadowlark...greatest numbers in late spring	greatest numbers are in October when all young are out of nest.

	and early summer"	In serious decline
11-16	"fox & white-throated sparrows..."	white-throated sparrow is a fall transient and shouldn't be included as a commonly seen bird
11-16	"chipping sparrow... a permanent resident"	leaves the valley in winter
11-16	"white-crowned sparrow ...a permanent resident"	leaves valley in summer
11-29	"Brown pelican, Roseate spoonbill"	no published records for Inyo county
11-29	"Barrow's goldeneye, Parula warbler, McCown's longspur"	no published records for Owens Valley
11-29	"Greater scaup"	many records prior to 1970
11-29	"Gray-headed junco"	hasn't been considered a separate species for a decade See GARRETT & DUNN
11-29	"Pelicanus, Beucephala, parusiticus, Vermillion, Procephalus, Pumetella, Myradestes"	all misspellings
11-29	"Sanderling...Semipalmated Sandpiper"	put in different genus a decade ago (Calidris)

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The bird list in Appendix C reflects a lack of knowledge of current ornithological practice. It doesn't follow the proper taxonomic order which made working with it practically impossible. The nomenclature used is long out of date. Both of these errors are easily corrected by using and following THE AOU CHECK-LIST OF

NORTH AMERICAN BIRDS, 6th ed. (1983). There are birds listed that have never been recorded in Inyo county while others which have been published as found in the Owens Valley are not included. The 48 spelling mistakes reflect sloppy editing.

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When one doesn't have any expertise in a field it is easy to be impressed with a lengthy document. While the ornithology section may "look" good it doesn't stand up to any scrutiny. I'm sure you recognize the time it took us to go through this section and correct the errors we found. It's probably also obvious to you that our commitment is to the birds of Inyo not to people, companies, or organizations. It is our hope that this information, freely given, will be used to improve the ornithology section of the EIR.

Sincerely,

*Jo A. Heindel*

Jo A. Heindel

*Thomas S. Heindel*

Thomas S. Heindel

PB Box 400

Big Pine, CA 93513



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## **RESPONSES TO COMMENTS LETTER D48**

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### **RESPONSE D48-1**

The authors wish to thank the commentors for the information provided. In response to this comment, text corrections have been made in Chapter 3, Revisions to the Agreement and Draft EIR, and the List of Birds has been updated and is presented in Appendix C-1 to this Response to Comments document.

### **RESPONSE D48-2**

Comment noted. No further response is required.

### **RESPONSE D48-3**

Comment noted. No further response is required.





**Letter D49**

**Jeff Topp, Yribarren Ranch**

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## LETTER D-49

January 18, 1991

Dear Mr. Davis,

I regards to the Enviromental Impact Report concerning the Owens Valley, I would like to comment on section 5-6 Management Procedures and 17-5 Management Plan.

In section 5-6 a technical group was talked about making decisions concerning water, soil and vegetation changes. The technical group is comprised of Inyo County and the Los Angeles staff. Shouldn't this include the Farm advisor and a DWP lease holder? I think that the rancher and the Farm Advisor are a big part of the Owens Valley and should be involved in these studies to the fullest.

In section 17-5 it is stated that grazing management is not a part of the proposed project. These ranchers have managed their cattle for generations and in my opinion, don't need anyone telling them how to run their herds now. These ranchers know when it is a wet or dry year and they know when vegetation is abundant or scarce. So lets try and keep the grazing managent to a minimum, and keep working together to please everyone this concerns.

Sincerely,

  
Jeff Topp

Foreman, Yribarren Ranch

P.O. Box 477

Bishop, CAlif 93515



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## **RESPONSES TO COMMENTS LETTER D49**

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### **RESPONSE D49-1**

Comment noted; please refer to response to master comment PD-7 regarding monitoring under the Green Book.

### **RESPONSE D49-2**

Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.



**Letter D50**

**Jack Tatum**

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January 19, 1991

John Davis, Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, California 94105

Dear Mr. Davis:

Subject: Comments on EIR, Inyo County

First I will introduce myself and my qualifications. I am a third generation native of the Bishop area and third generation in ranching and agriculture in the Owens Valley. My father (now deceased) and I have been DWP leasees since the mid 1930's in Round Valley in the north to the Aberdeen, Independence area in south Owens Valley.

I will make my comments in four parts. My first comment will be that I support and endorse this EIR completely and feel it is a strong, well written document and especially good for Inyo County. My criticism is that number one, no one in the Owens Valley knows the vegetation and environment better than I and a few of my fellow ranchers who work within that environment seven days a week, year end and year out and have the only investment in the environment in the valley. We are also the only protectors and green keepers in the valley since we are the major water users. I have dealt with and have paid rent on this land to DWP for over 50 years and will be here, hopefully, a few more. In my opinion it is sad and wrong that in the writing of this document not one of the ranchers or leasees were consulted for input referring to Chapter 18 (Authors and Persons Consulted).

My second comment deals with Chapter 10 (Vegetation in the Owens Valley). No one knows the vegetation better than the individual rancher or farmer on his particular area or ranch in the Owens Valley since he makes his livelihood from that vegetation or lack of. I feel very strongly that as a part of the final EIR any and all impacts or mitigation procedures should include the rancher himself along with Supervisors, Standing Committee members or DWP staff. Neither agency or department has anyone qualified in range management or agricultural practices. Unfortunately Inyo County does not even use or consult with their own department in agriculture referring to the Farm Advisory office, Agriculture Commissions office and staff, who we use frequently. They should be utilized.

Comments on EIR, Inyo County  
January 19, 1991  
Page 2

My third comment deals with Chapter 17-6 (Land Management). I would recommend that the system we now have on livestock grazing has work very well for ALL of my life with no significant problems on the environment. I think it should be left as is without changes.

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My fourth comment is on Mitigation, Chapter 10. Since no one in the Inyo or DWP staff knows how to, or is capable of actual water spreading to mitigate damaged areas the rancher and green keepers himself should be a prime part of the engineering and development of a mitigation project on his ranch and lease. DWP nor the County knows where all the old ditches and headgates were prior to the second aqueduct. When this happened most of the damage to the vegetation occurred. These 20,000 or so acres should be mitigated as in prior to the second aqueduct years by the process used then. Flooding and spreading excess water on above or normal years just during the peak of the runoff, May and part of June through July 1st cutoff. Under normal circumstances this will raise the water table back to the rootzone and restore vegetation to the impacted areas that were permanently dried up to fill the second aqueduct in 1970.

Nothing can be done during a devastating drought we are now in. It is the worst of times to do an Environmental Impact Report on the Owens Valley.

Thank you for the opportunity to comment on your document.

Sincerely yours,

Jack Tatum

514 10-11-91

Bishop, CA

93514

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## **RESPONSES TO COMMENTS LETTER D50**

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### **RESPONSE D50-1**

Comment noted; please refer to response to master comment PD-7 regarding monitoring and PD-14 regarding livestock grazing management. LADWP will continue to include lessees in grazing management.

### **RESPONSE D50-2**

Comment noted. Mitigation efforts will include lessees in the planning and implementation phases.



**Letter D51**

**Jeff Matteson**



Mr. John Davis  
Senior Vice President  
E.P.I. Associates  
150 Spear St. Suite 1500  
San Francisco, CA 94104

Jan. 20, 1991

Dear Sir:

This letter is in response to the Draft Environmental Impact Report, the Green Book and the proposed agreement between the Los Angeles Department of Water and Power and Inyo County.

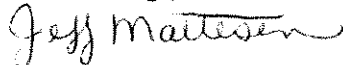
Before I ask my specific questions I would like to state that I am not satisfied with these documents. The documents are vague and lack definition and detail. I am specifically dissatisfied with the lack of definitive protection of the environment of Inyo County and the lack of water conservation by the city of Los Angeles NOT included in these documents.

1. Why would the feeding of the Owens River be by well?
2. What would happen if said well ran dry? (no provision)
3. Why not use the well as an auxilliary source of water for dry years?
4. Why not use aqueduct water to feed the Owens River during normal and heavy runoff years?
5. Why does the county and L.A.D.W.P. have the power to shut down the lower Owens projecct at any time?
6. Why does the county and L.A.D.W.P. have the right to abandon any project at any time?
7. Why does the county have to come up with 3 million dollars for the pumpback station, when L.A. will be the beneficiary of the water?
8. Why is there nothing in these documents to stop the ground water pumping during normal and heavy runoff years?
9. Why are there no written specific water conservation measures for drought conditions?
10. Why are there no written provisions for recharging the wells and ground water tables during normal and heavy runoff years?

11. In reference to the Draft Environmental Impact Report Figure S-2: We already have a mitigation project for so many cfs to be put in the lower Owens river in exchange for new and now existing wells....so how can #2 on the bottom even exist? It is my claim that if item #2 is to become law then these wells must be abandoned.
12. If the lower Owens river project is to become a reality, why is there no specifics on who will make the environmental decisions?

In closing I would like to say that it is ashame that the Lower Owens River Project is an exchange for all of the other environmental destruction within our valley.

Sincerely,



Jeff Matteson  
P.O. Box 273  
Lone Pine, CA 93545



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## RESPONSES TO COMMENTS

### LETTER D51

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#### RESPONSE D51-1

Items 1 through 7 critique various elements of the project -- no response is required. Groundwater pumping would be governed by the specific environmental protection criteria in the Agreement and Green Book. Please refer to responses to master comments AL-3, regarding an update on conservation efforts by Los Angeles, and PD-17 for discussion of the drought recovery policy. Recharge of the groundwater basin normally occurs in normal, above normal, and wet years. Please refer to responses to master comments MT-6 and PD-11 regarding the Lower Owens River Project. As allowed by CEQA, upon finalization of the project description, a separate environmental review will be conducted.



**Letter D52**

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**John & Ros Gorham**



COMMENTS ON THE EIR, PROPOSED AGREEMENT AND GREENBOOK

from

John and Ros Gorham  
P.O. Box 637  
Big Pine, CA 93513

Dated: 1/21/91

Mailed: 1/22/91 to Mr. John A. Davis, P.E.

EIP Associates

150 Spear St., Suite 1500

San Francisco, CA 94105

Copy to: Inyo County Water Department

## COMMENTS ON THE EIR & AGREEMENT

### IMPACTS & MITIGATION MEASURES

This chapter in the EIR is for the most part a list of less than significant impacts on the environment of the Owens Valley, from LADWP's point of view. Many Owens Valley residents view them as significant and that they require mitigation.

1 8-1. LADWP is lowering water levels in the Valley groundwater table so how can they unequivocally state that subsidence won't occur? In the EIR geology section, the valley floor substructure is described as a series of overlapping clay, sand, gravel and volcanics formations. In the area of some wells, such as Well #224 near Fish Springs (see EIR, pr 9-75 graph) water tables have fallen substantially. At well #224, water the water level has dropped 80' since 1930. By the deep pumping of a confined aquifer, consolidation of the aquifer and aquitard can cause subsidence. This could be avoided by establishing<sup>a</sup> baseline water table which may not be exceeded.

2 9-10. This section should say: no DETECTABLE loss of groundwater storage capacity has occurred due to subsidence.

9-12. Increased pumping between 1970 and 1990 caused greater fluctuations in groundwater levels with SIGNIFICANT impact. As a result of increased groundwater pumping, all major flowing springs in the Owens Valley dried up with the exception of Reinhackle Spring. Calvert Slough dried up and BC&D vegetation was killed throughout the Valley. Water levels at Fish Springs well #224 have fallen 80' since 1930. At Blackrock Spring well #339, water levels have fallen 34' since 1980. (see pg 9-75 & 9-76, EIR). Mitigation can only be accomplished by letting the water tables recover in order for these areas to return to their natural states.

3 9-13. SIGNIFICANT impacts have occurred at Fish Springs in that the natural spring has been dried up, natural vegetation killed, the water table lowered to 80' so far and an unsightly and expensive fish hatchery erected in its place. The fish hatcheries at Fish Springs and Black Rock should be relocated to areas that utilize surface

water from streams rather than pumping expensive ground water.

9-16. Increased pumping caused the cessation of flow in all the major springs in the Valley save one, Reinhackle Spring. A proposed new production well is to be located nearby. This should not be allowed to happen. Further, the other dried up springs must not be mitigated with pumped surface water. This will only aggravate the problem of decreased natural spring flow. This is SIGNIFICANT and should be mitigated by allowing the closed aquifers to recover so that natural spring flow may resume. If the old spring vents have become plugged, new ones may be drilled. Also, no production wells should be located and pumped within the projected cone of depression of said wells.

9-17. Reduction in vegetation resulting from increased ground-water pumping and reduced recharge is SIGNIFICANT and should be mitigated. Depletion of groundwater storage as a response to high and continuous pumping at Blackrock Fish Hatchery, Fish Springs and Laws is synonymous with short term groundwater mining.

10-7. Fluctuations in levels of Tinnemaha Reservoir can cause a significant impact in air quality. Exposure of lake bottom soil fines can cause degradation of air quality when winds transport the soil particles up and down the valley.

10-11. Compensatory mitigation or the planting of irrigated pasture or alfalfa as on site mitigation is not good mitigation for the die off of vegetation due to groundwater pumping. Irrigated agriculture <sup>uses</sup> many times the amount of water as native vegetation. (see Greenbook, pg 148). Revegetation with native vegetation should be implemented with water tables restored to the rooting zones.

10-14. The CDFG fish hatcheries at Blackrock and Fish Springs are not acceptable mitigation for drying up the springs at those locations. We trade a beautiful, natural ecosystem for a collection of buildings and tanks with pumped water. These two fish hatcheries should be closed and relocated on flowing streams and the springs allowed to recover to their natural state.

10-15. By 1984-87, most springs were already dry. Under the

Agreement, LADWP must only maintain that vegetation which was present at that time. All springs must be restored to their pre-1970 state by allowing groundwater levels to recover. This section has significant impact.

The EIR states that the area of Big and Little Seely Springs is presently being mitigated by pumping well#349 into a pond of approximately 1 acre in size with riparian vegetation establishing itself around the pond. When I visited the area in November, 1990, the well was turned off, the pond was dry and the riparian vegetation was dead or dying. This is not mitigation.

10-16. This area should be mitigated by replanting native vegetation, not alfalfa or irrigated pasture which are water intensive uses.

10-19. The Big Pine well field needs additional mitigation in the area of well #218 and well #206. Dead locust trees as well as areas of B and C vegetation are present. Revegetation is needed and restoration of the water table to the rooting zone.

The pre-project description of the Vegetation Section should include the ECOSAT Geobotanical Surveys Inc. report of 6-8-90 concerning the Field and Aerial Photo Interpretation of Owens Valley vegetation. This report has many pertinent facts and figures which are not included in the EIR or Agreement.

16-1. All recharge facilities should be of the buried trench type to eliminate the dust from dry recharge basins and to sharply reduce evaporation from the basins.

## WATER RESOURCES

Pg 9-42, Vadose zone. The EIR states that no quantitative water budget is possible for pre-1970 because of a complete lack of data. Surely LADWP kept records of well water levels in those days and could therefore interpolate data for the vadose zone.

The last paragraph of this section, pg 9-45 is very much to the point. It says groundwater pumping that causes lowering of the



water table can remove an adequate supply of water to the rooting zone. Obviously, the deeper the water table, the less water can be drawn into the roots by various plants. A maximum depth to water table should be established for all BCD vegetation. Under the present Agreement, water tables can be pumped below the critical zone for an indeterminate length of time while providing surface or compensatory mitigation. This is not the goal of the Agreement and is not acceptable.

#### GREEN BOOK

We must define the word "significant" in terms of a minimum percent loss of vegetation or a minimum measured vertical fall of water tables, regardless of the cause of the significant change, man caused or drought caused. Otherwise, Owens Valley vegetation and underground water resources will not be protected fully.

On pg 5-3 of the EIR, 66% of the mapped area (227,200 acres) is shown to be type A vegetation. The vegetation surveys to determine the percentages of ABCDE vegetation were conducted by LADWP in 1984-1987. Since type A vegetation are presumed to not depend on the water table for survival, they are exempted from monitoring and mitigation. The more plants classified as type A, the less to manage and mitigate. Why should we trust these percentages? Inyo County should independently determine these percentages. Also, do these percentages include the Indian reservations? Overpumping outside the borders of the reservation can affect water tables and vegetation within the reservation.

Since 66%, 149,925 acres of type A vegetation will not be monitored or mitigated, that leaves 34%, comprised of type B 5%, type C 19%, type D 2% and type E 8%. This last type E is predominantly irrigated land, 18172 acres. What remains to be monitored/mitigated is approximately 58,000 acres out of 227,000 of BC and D vegetation. Of these 58,000 acres, there may areas where on site mitigation may judged as impractical and be mitigated

offsite (in the Lower Owens River, for instance). This leaves substantially less than 58,000 acres to be mitigated, and these in sometimes widely separated pieces. Under the Agreement as now written, LADWP could pump at a high rate under the type A vegetation lands and unmitigable sites as long as they didn't exceed the hypothetical long term 20 year recharge rate (in which no plant evapotranspiration use figures occur). This kind of pumping could eventually impact the entire valley over time.

The Agreement is based on a concept of the Owens Valley as a big reservoir of underground water to be utilized for the use of LADWP, the principle overlying land owner. LADWP has stated that it intends to extract, over a 20 year period, no more water than is recharged back into the reservoir. However, inside the 20 year time frame, they may exceed or fall below this 20 year figure. If there is a drought or shortfall in supply to LA, the pumping may far exceed the 20 year figure, causing water tables to drop far below the rooting zones of BC and D vegetation. The EIR states that studies of groundwater dependent vegetation suggest that water tables may decline below the rooting zone of such vegetation for from one to several years (pg 6-11). I do not believe that statement! Type A vegetation can exist for years with no groundwater in the rooting zone but not BC and D vegetation. Also, LADWP is counting on some big winters in between the little ones to recharge the groundwater they overpumped. What if those winters fail to materialize? Will LADWP pay us back? HA! The intent is clearly there in the Agreement to permit LADWP to groundwater mine over the short term. One of the stated goals of the Agreement is to avoid long term groundwater mining in the Owens Valley (pg B12 Agreement). This statement should be changed to "short term and long term groundwater mining." And to go on, "managing annual groundwater pumping so that the total pumping from any well field over a 2 year period does not exceed the total recharge minus vegetative evapotranspirational use to the same well field area over the same 2 year period."

An important and large component of water use that has not been included in the groundwater mining definition and recharge and

pumping calculations is evapotranspiration by overlying soil/vegetation throughout the Valley. Types ABCD and E vegetation and different soils use varying quantities of groundwater during ET (see Greenbook, pg 148 for sample) and this quantity of groundwater used must be subtracted from the recharge figures before pumping limits can be established. The graph on pg 170 of the Greenbook is therefore very inaccurate and should be recalculated. These figures are the foundation of the pumping estimates for each year and are totally wrong. In the years 1969 to 1990, this graph shows recharge exceeding pumping by 1,541,234 acre ft of water. This is incorrect. The Owens Valley has not had the benefit of such recharge.

Using the Greenbook, pg 148 as a random sample, Rush/Sedge Meadow uses approximately 1.19 acft per acre/year; alkali meadow uses approximately 1.43 acft per acre/year; cotton/willow riparian uses approximately 3.64 acft per acre/year; irrigated agriculture uses approximately 3.22 acft per acre/year. From these random samples of ET figures, one can readily see that the groundwater useage must add up to a considerable sum for the entire valley. Even using a conservative average ET use for 77,000 acres of BCD and E types of vegetation of 1.50 acft per acre/year, this still adds up to 115,500 acft per year ET use or 2,310,000 acft per 20 years. Comparing this figure with the previous figure of surplus (from the graph on pg 170) of 1,541,234, one can calculate a deficit of 768,766 acft for 20 years or 38438 acft per year of overdraft.

These figures do not take into account valley wide ET loss of type A vegetation. The per acre per year figure however small would add up to a considerable sum as type A vegetation constitutes 66% of the total mapped vegetation. There are also vast acreages of BLM and Forest Service lands on the alluvial fans to be considered.

The Agreement places strong reliance on vegetative monitoring which depends upon some unproven, experimental methodology and techniques. Present proposed strategy of vegetative management will allow water tables to be lowered below the rooting zone for an unspecified length of time while the plants are being monitored for signs of stress. When the limiting soil water content is reached

for the particular species concerned, the well or wells will be turned off. However, if water tables do not recover in time to prevent vegetation die off due to lack of water, mitigation will be effected from the surface, ie irrigation to restore soil moisture, if possible. This will be almost inevitable in some areas of slow recharge or perhaps in a drought. In this scenario, plants will be kept in a perpetual state of stress while LADWP is utilizing every bit of groundwater that normally would keep a plant healthy.

21 The safeguarding of vegetation is one of the main goals of the Agreement as is the prevention of groundwater mining. Both of these goals can be attained by the detailed and careful measurement of groundwater levels in a scientifically designed grid of monitoring wells on the valley floor. In the BCD vegetation zones, a maximum depth to groundwater should be established, ie that depth to groundwater below which a specific species cannot obtain sufficient soil water. Pumps should be shut off when groundwater is projected to reach or has reached this level, regardless of the cause of the decline in the water table. Under areas of A vegetation, a pre-1970 depth to groundwater must be established and baseline water tables created to prevent overpumping of these areas.

22 On pg 102 of the Greenbook is stated that many of the definitions groundwater mining include the use of actual groundwater level data. "While it is not explicitly stated in the proposed agreement, the monitoring and interpretation of groundwater level data in all wells is an important aspect of protection of vegetation and the groundwater resource." If the proposed agreement does not explicitly state this, then it should so state and also suggest implementtion of the aforementioned plan.

23 Greenbook, pg 12 and Agreement, pg B26, well turn on and turn off. A well that has been turned off because of a projected soil water deficit may be turned on by DWP to increase the available soil water in the monitoring site. This statement should be changed. A well that has been turned off, as above, should remain off until the soil moisture is restored to the rooting zone by the water table.

Also, the Technical Group should make any decisions regarding well turn on and turn off, not DWP. Last, a well or wells causing a soil water deficit or drop in the water table should not be allowed to mitigate their own impacts. Surface water should be diverted to the site to restore soil moisture until the water table can recover. Only when the water table has recovered to the rooting zone of the particular species may the pump or pumps be turned back on.

Pre-project water tables were measured as far back as 1912 and 1921 by Lee (1912) and Conkling (1921). They documented the shallow depths to groundwater which occurred throughout the valley at those times. They found that depth to groundwater on the valley floor (northern and southern valley) as measured for the BCD vegetation communities varied from 1.19 meters (3.9 feet) to 2.26 meters (7.4 feet). Type A vegetation which was found mostly on alluvial fans depth to water table was approximately 51 feet.

Pg 11, Greenbook. Exempt wells. Well #354 in Laws is named as exempt from turn on and turn off provisions. Why?

Well #118 at Tinnemaha Reservoir is also named as exempt from turn on and turn off provision. Why?

Well #237? on Dixon Lane is located very close to a residential area and residents are complaining of a lowering water table caused by the pumping of this production well, necessitating the drilling of new, deeper domestic wells in the neighborhood. Any DWP production wells located near residential areas using wells for domestic water supply should be shut down permanently.

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## **RESPONSES TO COMMENTS LETTER D52**

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### **RESPONSE D52-1**

Please refer to response to master comment G-1 for a discussion of subsidence.

### **RESPONSE D52-2**

Please refer to responses to master comments MT-3, MT-5, MT-7, and MT-8 for a discussion of mitigation.

### **RESPONSE D52-3**

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.

### **RESPONSE D52-4**

Reinhackle Spring would be protected under the Agreement; please refer to response to master comments WA-4 and PD-5.

### **RESPONSE D52-5**

Significant impacts to vegetation are discussed in Chapter 10, Vegetation, of the Draft EIR. See also response to master comment WA-1.

RESPONSE D52-6

Comment noted. There have been no changes in operations at Tinemaha Reservoir due to the project which could have resulted in significant air quality impacts. Please also see response to comment A4-64.

RESPONSE D52-7

Revegetation would be conducted as described in response to master comment MT-2. Also please refer to response to master comment MT-3 regarding compensatory mitigation and to response to comment D22-30 in Letter D-22.

RESPONSE D52-8

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. Please see response to comment C11-34.

RESPONSE D52-9

Comment noted. Please refer to responses to master comments PD-5, WA-4 and MT-3.

RESPONSE D52-10

Comment noted. Please see response to master comment MT-8 concerning options for mitigation.

RESPONSE D52-11

Please refer to response to master comment VE-5 and Appendix B-2 for a discussion of aerial photo interpretation. Also see responses to master comments VE-2 and VE-3.

RESPONSE D52-12

Comment noted. No further response is required.



RESPONSE D52-13

While records do exist for the amounts of water pumped and exported, adequate records do not exist for other portions of the water budget; however, an estimate was made based on the interpolation of existing data, and is presented in Chapter 9, Water Resources, Tables 9-2 and 9-6 of the Draft EIR. Comment regarding page 9-45 is noted.

RESPONSE D52-14

The criteria for identifying significant effects are described in the introductory statements in each environmental analysis section of Chapters 8 through 16 of the Draft EIR. The standards are based on CEQA Guidelines (Appendix G in CEQA, titled Significant Effects) unless indicated otherwise. The Agreement contains a detailed description of significant effects in Section IV.B (pages B-22 through B-24). Please refer to response to master comment PD-18 regarding the use of the term "significant" in the Agreement. Also, see response to master comment MT-7.

RESPONSE D52-15

Comment noted. Please see response to comment B13-43 in Letter B-13 regarding Indian lands.

RESPONSE D52-16

This comment contains speculation of possible outcomes of groundwater pumping. Please refer to response to master comment PD-12 regarding groundwater mining.

RESPONSE D52-17

Comment noted; the Agreement prohibits long-term groundwater mining. Please refer to responses to master comments PD-4 and PD-12 for additional discussion of lowered water levels and groundwater mining.

RESPONSE D52-18

Evapotranspiration by different vegetation types has been taken into account in the determination of a groundwater budget (see Table 9-11) in Chapter 9 of the Draft EIR; and description of how vegetation management categories were established can be found in Chapter 5, pages 5-3 through

5-5 of the Draft EIR. Concerning Table 14 (page 170) of the Green Book, please see Appendix A-3.

RESPONSE D52-19

Evapotranspiration has been estimated at 72,000 AF/year for the 1970-1984 period (see Table 9-11) in Chapter 9 of the Draft EIR.

RESPONSE D52-20

The experimental aspects of the Green Book are acknowledged. Please refer to response to master comment PD-17.

RESPONSE D52-21

Comment noted. No further response is required.

RESPONSE D52-22

Comment noted. No further response is required.

RESPONSE D52-23

Please refer to response to master comment PD-6 regarding the issue of unilateral well turn on/off.

RESPONSE D52-24

The Technical Group would participate in well turn on/off decisions as described in response to master comment PD-6.

RESPONSE D52-25

Comment noted; these sources were cited in the preparation of Chapter 9, Water Resources, of the Draft EIR.

RESPONSE D52-26

Well #354 is the sole source of supply for the Town of Laws. Operation of well #118 does not impact areas with groundwater-dependent vegetation.

RESPONSE D52-27

The Agreement prohibits adverse effects to private wells of the type described in this comment. Please refer to response to master comment PD-4.



**Letter D53**

**Derham Guiliani**



Derham Giuliani  
PO Box 265  
Big Pine, CA 93513

21 January 1991

EIP Associates  
San Francisco, CA 94105

Dear Sirs:

My comments on the draft EIR are much briefer than I'd have wanted. With 3 other environmental documents to go through with similar deadline dates, there was only time to look over a few items of special interest to me. Nor was there time to visit more than 1 or 2 of the many sites referred to.

A few of the general problems I found in reading the EIR:

1. Words with no real definition are used repeatedly: "reasonable", "significant", "minimal", "acceptably", etc, etc.
2. "Runoff year" needs to be defined. I think it means that, for example, "runoff year 1970" is the period from April 1969 to March 1970, and so the precipitation that caused it fell during the 1968-69 period. But I am not certain, and I can't get "water year" to fit into this meaningfully.
3. I found a tendency throughout the document to use understatement in a way that made environmental damage due to DWP activities seem less severe than it actually was.
4. Page 1-9 is confusing as to which is Volume One and Volume Two (5th paragraph). The volumes are labeled opposite to this I think. Same on Pg.2-18.
5. There is a tendency throughout the EIR to eliminate or ignore specific features by using averages or overall considerations.
6. Many undocumented statements, such as that on Pg.9-50 ("It is believed that...") are present.
7. There are many errors in the Tables. Of the Tables in Volume I that contained some checkable parts, I chose a dozen at random--and found 7 with errors. The errors had magnitudes of up to over 200%. How many errors are present in the larger number of Tables with no crosschecking portions (such as when Totals are given)? Because of this I could not rely on the Tables when attempting to analyze statements made in the text. I had especially wanted to review Table 9-4 concerning spring flow.

8. Other errors were also present. A few are:

- a) Pg.B-16: I should think "a" should be changed to "no" at line 21.
- b) Pg.B-18 is missing and was not among the errata sheets.
- c) ~~XX~~ Appendix E: Is a page E-6 missing? No map of diverted streams north of Goodale Creek is given.
- d) Pg.E-24: I see nothing indicated on the map of Lone Pine Regreening.
- e) Pg.8-3 top: It says faults are indicated in Fig.8-1 but I don't see them.
- f) Pg.10-59 near top: "Figure 10-8F" should read "Figure 10-8I".

9. I found the wording often unclear in statements about the Bishop Cone.

10. An exact definition of "water resources" is needed. Some portions of the EIR refer to springs as not being water resources yet others indicate that they are.

As a biological field worker and amateur entomological researcher I am especially concerned about the effects on certain restricted habitats such as springs and seeps. A few of the concerns and questions I have are as follows:

1. There is too much equating quantitative with qualitative changes throughout the EIR. The Southern Owens River Project, for example, is suggested as mitigation for a host of impacts of a kind quite different from the type the project would create. The riparian vegetation beside springs has little relation to what is in the water (aquatic insects, crustaceans, etc, and such things as algae and watercress, none of which is mentioned anywhere in the EIR). The only meaningful mitigation to the loss of 1969 springs and seeps is the complete protection in their natural state of the very few remaining springs and seeps (including fencing of their sources against cattle). The spreading of water to these will not preserve the organisms unique to that habitat but will change it to another far less diverse habitat (as was described fairly well in the discussion of the diversion ditch to the pond at Little Blackrock Spring).

Reinhackle Spring has a population of a recently described water snail in it, and other aquatic organisms as yet unstudied are probably there--the 3 proposed new pumps should not be placed there. (The document actually states that destructive pumps will be used to "mitigate" the damage they are causing!). How this spring (and a couple of others further to the north) are handled will determine for me just how meaningful the Agreement is.

Not mentioned in the EIR is the fact that the cumulative



~~XXXXXX~~ effect of the loss of a single one of the remaining springs would be a very significant impact now that over 90% of the pre-1970 springs have been destroyed.

2. The document states that "no significant adverse impacts were caused by the changes in the ponds and lakes", yet the total destruction of a 6-acre pond (the only natural pond in the entire area) was certainly a significant impact. Creation of manmade ponds in no way compensates for the loss.
3. Most of the mitigation for loss of vegetation of Types B, C, and D involve spreading of water which creates a Type E situation. I do not call that meaningful mitigation.
4. None of the red areas on the maps in Appendix B, depicting the Type D vegetation has a monitoring site in it. And there are vast areas with isolated important vegetation types that have no monitoring site even though wells are nearby. Most areas listed as Type E vegetation contain many other plant species and small patches of Type B, C, and D and I found no mention of this on maps or text.
5. The geological review (Chap.8) is excellent. I wish the wildlife section had been done in a similar style. Some mammals listed do not occur here, and several that are not do. Several more reptiles could have been mentioned. Many, many more groups of invertebrates exist here; for example: only 15 out of at least 38 families of Coleoptera are listed, 2 out of 9 families of butterflies and moths, 5 out of over 25 families of Hemiptera, the family of springsnails (new species recently described from the area) is not present.

I would need a lot more time to describe the many additional concerns I have. Thank you for the opportunity to comment on ~~XXXXXXXXXXXX~~ this EIR.

Sincerely,

*Derham Guileani*



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## **RESPONSES TO COMMENTS LETTER D53**

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### **RESPONSE D53-1**

Most of the items in this comment are expressions of personal opinion. No response is required. The errors indicated in Item 4 and 8 of this comment are noted. Text in the Agreement on line 21 is correct; page B-18 has been corrected (see Chapter 3, Revisions); pagination for Appendix E is incorrect as noted; a correct figure for the Lone Pine Regreening project is presented at the back of Chapter 3, Revisions to the Agreement and Draft EIR; text corrections in items (e) and (f) of this comment are noted.

### **RESPONSE D53-2**

Please refer to response to master comment PD-13, regarding the Bishop Cone.

### **RESPONSE D53-3**

The term "water resources" includes the surface waters and groundwater of the Owens Valley.

### **RESPONSE D53-4**

The Lower Owens River Project is acceptable mitigation. Please see response to master comment MT-6. Please refer to response to master comment MT-3 for allowable mitigation under CEQA; Appendix C-2 also presents a description of the goals and elements of the Lower Owens River Project. As allowed under CEQA, upon finalization of the project description, a separate environmental review will be conducted. Please refer to responses to master comments PD-5 and WA-4.

RESPONSE D53-5

Please refer to response to master comment WA-4 for discussion of Reinhackle Spring.

RESPONSE D53-6

Springs and seeps would be protected under the Agreement. Please refer to response to master comment PD-5.

RESPONSE D53-7

Comment noted.

RESPONSE D53-8

Please refer to responses to master comments MT-3 and MT-8. Also please refer to response to comment D22-30 in Letter D-22.

RESPONSE D53-9

See response to comment D77-75.

RESPONSE D53-10

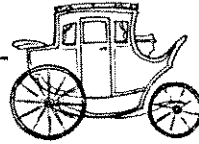
Comment noted. Wildlife tables have been updated and included in Appendices C-1 and C-4 to the Response to Comments document.

**Letter D54**

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**E.H. & Kathryn A. Henderson, Coach & Camper Service, Inc.**



**Coach & Camper Service, Inc.**110 MANDICH ST.  
BISHOP, CALIFORNIA 93514

January 21, 1991

To: John Davis, Senior Vice President  
EIP Associates  
150 Spear St. Suite 1500  
San Francisco, Ca. 94105

From: E. F. and Kathryn A. Henderson  
110 Mandich Lane  
Bishop, Ca. 93514

Subject: Comments on Draft EIR Concerning Owens Valley Water  
Management.

A problem area identified as having habitat alteration and/or depletion due to ground water pumping, should not be mitigated by further ground water pumping. All habitat restoration should be accomplished with surface water, and the practice of pumping as replacement, be eliminated. This would reduce the total amount of water available for export, but the present system just borrows "from Peter to pay Paul", and puts pressure on another area from ground water pumping. If surface water is used for habitat restoration, it would likely result in careful monitoring to eliminate habitat depletion.

Water mining should be defined as pumping water that cannot be replaced, and should not be allowed. Spreading water during years of surplus is intended to replenish the deep aquifers that have been pumped, but there is little evidence to prove it accomplishes the desired results. It should not be accepted in an EIR until proven in field tests over a designated numbers of years.

Respectfully,

Kathryn A. Henderson

cc  
Inyo County Water Commission  
Inyo County Board of Supervisors





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**RESPONSES TO COMMENTS**  
**LETTER D54**

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**RESPONSE D54-1**

Comment noted. No further response is required.

**RESPONSE D54-2**

There exists considerable evidence that spreading surface water recharges the groundwater basin. This practice has been implemented by LADWP and other water agencies throughout the country for many years with demonstrable results.



**Letter D55**

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**William W. Hayes**



LETTER D-55

1495 Argyle Ln.  
Bishop, CA 93514  
January 21, 1991

Mr. John A. Davis  
EIP Associates  
150 Spear St., Suite 1500  
San Francisco, CA 94105

Ref: L. A.-Inyo Co. Water Agreement

Dear Mr. Davis;

The draft EIR fails to convince me that the L.A.-Inyo Co. Agreement will limit ground water pumping to a level less than that set in Project Alternative #7 (Fill both Aqueducts).

The Agreement requires both parties to agree to shut down a well when soil moisture falls to a unspecified level. It even gives DWP the unilateral right to turn the well back on for "mitigation".

A CHP officer stops a motorist for speeding. Before a citation may be issued, the officer and the motorist must agree on both what the speed limit is and if it has been exceeded. This is exactly the problem that the draft EIR has not addressed.

An agreement must be based on specific, verifiable, and non-experimental limits such as may be provided in Project Alternatives #3 and #4. The Proposed Project and the Alternatives should be reviewed by legal experts, and their findings should be part of the EIR.

Sincerely,

*William W. Hayes*  
William W. Hayes

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**RESPONSES TO COMMENTS**  
**LETTER D55**

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**RESPONSE D55-1**

Comment noted; please refer to response to master comment PD-6, regarding well turn/off; and PD-7 regarding monitoring provisions under the Green Book.





**Letter D56**

**Scott Hetzler**



Scott Hetzler  
P.O. Box 1144  
Bishop, CA 93515  
Jan. 22, 1991

Mr. John A. Davis, P.E.  
Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA 94105

Dear Mr. Davis,

Here are some comments I have on the DEIR for "Water from the Owens Valley to Supply the Second Los Angeles Aqueduct".

(1) In chapter 9, you state that flow in the Owens River between Pleasant Valley and the Intake will be less than it was from 1970-1990, yet you say that this will not affect riparian vegetation. It appears that some areas near Laws have experienced some die-off. How do you account for this apparent loss of willows and grasses? If it is not due to changes in river flows, is it due to pumping in the Laws area? Perhaps there are other areas along the Owens River that were mapped during the vegetation inventory when river flows were high. How can we be sure that this vegetation will not be lost?

(2) Your handling of the "plant species of concern" is inadequate. They are listed and we are told what their legal status is, but nothing is presented on the pre-project and interim status of the various populations. Without this baseline information, we have no assurance that they will be properly inventoried and managed in the future. It is not clear whether the project will affect these plants in some way.

(3) The Lower Owens River Project is proposed as compensatory mitigation for innumerable pumping-caused habitat alterations. I do not agree that this project can replace the various wetlands and other habitats we have lost. Each of the impacts which are being mitigated by this project should be re-evaluated and proper mitigation must be proposed. It is a crime that springs such as Big and Little Seeley, Hines, and Big and Little Blackrock have been dried up due to increased pumping, and I believe every effort should be made to restore natural flows in them.

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(4) New wells in the Independence-Symmes-Bairs area will likely dry up Reinhackle Spring, if past performance is any indication of DWP's pumping. This cannot be allowed, since this is essentially the only remaining natural spring on the valley floor. Providing water after the spring has been dried up cannot replace this unique community.

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(5) The policy for management during the current drought is quoted in chapter 10. It does not give a clear description of how the valley will be managed and should be re-worded to guarantee that the vegetation of the valley will be protected from further pumping.

Thank you for your attention to my comments. I look forward to the final Environmental Impact Report.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott Hetzler", written in dark ink.

Scott Hetzler

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## RESPONSES TO COMMENTS

### LETTER D56

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#### RESPONSE D56-1

A number of factors are involved in vegetation changes in the Laws area, including grazing, fire, water spreading, and past agricultural uses. For a specific discussion of the Laws area, please see response to master comment VE-8. Vegetation loss in the Five Bridges area was due directly to pumping from an E&M well agreed upon by both the County and LADWP. It is the purpose of the Agreement and the Green Book to protect the vegetation of the Valley and to prevent the losses such as occurred in the Five Bridges area. It is felt that the provisions of the Agreement and the procedures in the Green Book provide monitors with the tools needed to protect Valley vegetation. Also, please refer to response to master comment PD-4 regarding provisions for installation of new wells. The Technical Group along with scientific assistance from others is currently developing better methods to monitor Type D vegetation.

#### RESPONSE D56-2

Please refer to responses to master comments EA-1 and VE-6 regarding pre-project conditions and plant species of concern.

#### RESPONSE D56-3

The Lower Owens River Project is acceptable mitigation. Please see response to master comment MT-6. Please refer to response to master comment MT-3 for allowable mitigation under CEQA; Appendix C-2 also presents a description of the goals and elements of the Lower Owens River Project. As allowed under CEQA, upon finalization of the project description, a separate environmental review will be conducted.

RESPONSE D56-4

Reinhackle Spring would be protected under the Agreement. Please refer to response to master comment WA-4.

RESPONSE D56-5

Please refer to response to master comment PD-17 regarding the drought recovery policy.

**Letter D57**

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**Bill & Barbara Manning**

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LETTER D-57

Bill & Barbara Manning  
P.O. Box 513  
Big Pine, CA 93513  
January 22, 1991

Mr. John Davis, Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA 94105

Dear Sir:

Attached for your consideration are our comments on the  
draft EIR and attendant documents.

Bill & Barbara Manning

cc: Inyo County Board of Supervisors - Mr. Robert Campbell  
Inyo County Water Commission - Mr. Harry Holgate  
Inyo County Water Department - Mr. Greg James  
Inyo County C.A.O. - Mr. C. Brent Wallace  
LADWP - Mr. Duane Bucholtz

Attachment I . . . Comments on Vol. II  
Attachment II . . . Comments on Vol. I  
Attachment III . . . Comments on the Green Book  
Attachment IV . . . Map of the Bishop cone

ATTACHMENT IMajor concerns about the agreement as presented in Volume II -- Appendices  
Environmental Impact Report

Prepared by Bill and Barbara Manning, January 22, 1991 (2 pages)

1. The plan for groundwater management as presented in the Green Book is grand in theory but is based on a very limited data base. The hoped for results may or may not be attained, but until such results are observed and documented and are acceptable to the public, we must proceed with caution.

1 — We would suggest that the following be incorporated into the agreement: A yearly status report discussing accomplishments, problems, etc. will be prepared by the Inyo County Water Department. This report will be open for public review and approval.

- 2 —
2. No new wells should be drilled in areas already heavily impacted by groundwater pumping, namely Laws, Big Pine and the area south and east of Independence stretching to the Alabama Gate. It is suggested that new wells operated under the terms of the agreement could possibly be drilled in Round Valley and Pleasant Valley.

- 3 —
3. The Lower Owens River Valley Project must not be allowed to be a coverup for all damage done to the valley -- notably seeps and springs that have been completely dried up due to pumping. If the Lower Owens River Project is to proceed, it must stand on its own merit.

- 4 —
4. More mitigation should be undertaken in the areas of dried up springs. As an example, Well 349 (Ref. Figure 10-4) currently pumps into a pond at Seely Springs and then empties into the aqueduct. An 8" pipe could easily be run from this well North and West of Charlie's Butte which would empty into what is called Little Seely Springs -- this water would then run directly into the aqueduct (about 1/4 mile). Losses would only be those associated with evaporation and percolating, and a great waterfowl habitat would be provided.

Also, having visited the dried up Fish Springs and Fish Springs Ponds, the following recommendation is offered: Discharge water from the hatchery should be returned to Fish Springs Pond from which it would then flow down its abandoned natural channel to the Big Pine Canal. All this water could then and should be used to irrigate the Fish Springs alfalfa fields and/or spread in the badly impacted area surrounding the hatchery.

5. During several field trips to most parts of the valley floor, the effect of overgrazing is evident. A grazing control plan (similar to those attendant to Forest Service and BLM lands) must be prepared and effected. This can be done with little or no economic harm to the lessees, but would require stricter vigilance and planning on their part. As an offset, the DWP should extend grazing permits to 10 years which should provide the lessees more management flexibility.
6. As part of the agreement, LADWP must accept the responsibility for revegetation of burned-over areas such as those in the vicinity of Aberdeen. This is common practice in Southern California.

ATTACHMENT II

Detail Comments on the Draft Environmental Impact Report  
Submitted by Bill and Barbara Manning, January 22, 1991 (4 paages)

7 Chapter 2 - History of Water Development in the Owens Valley

1. Population charts from 1900 through 2020 (projected) should be shown for Los Angeles and Inyo Counties.
2. Table 2-1 -- The Los Angeles Tax Case and the Superior Court ruling on the Groundwater Management Ordinance should be included.
3. Page 2-10 -- "The six decisions emanating etc." should be numerically identified.
4. Page 2-18 -- The agreement is Vol. II.
5. Page 2-7 -- Indians were hunters? What did they hunt? See pp 11-14 that states, "There were very few species, etc."

8 Chapter 3 - Water Supply for Los Angeles

1. The data on Tables 3-1, 3-5 and 3-6 does not correlate. Error in arithmetic?
2. Page 3-5, Table 3-3 -- See comment No.1, Chapter 2.
3. Page 3-7 -- When it rains in Los Angeles, vast amounts of water run into the ocean. Why is there no effort directed toward salvaging this asset?
4. Page 3-25 -- Why is no effort projected toward reduction of 80,000 AF conveyance loss?

9 Chapter 4 - Water Management in Owens Valley

1. Page 4-3, Fig. 4-1 -- Is the scale in the center miles?
2. Figure 4-3 -- If Mono County is to be included, it should be separated out.
3. Figure 4-5 -- Is the average (25,600 AF) the average of years when pumping was above 0?
4. Data on Fig. 4-6 and 4-10 does not correlate.
5. Maps should be presented to show location of mitigation projects.

Chapter 5 - Proposed Project

1. General comment -- Efforts should be made to rewrite this chapter in such a way as to make it more easily understandable.
2. Figures 5-2, 5-3 and 4-9 are very difficult to interpret and correlate. There must be a better way to present these data.
3. Table 5-1 -- Are these true averages? Break down other Owens Valley uses and losses.
4. Page 5-14 -- Text of Paragraph, "Wells constructed and operated prior to 1970", needs clarification.
5. Page 5-15 -- Break down how 27,000 AF is used and describe how it benefits the Bishop Cone.
6. Table 5-2 -- The project listed as Seely Springs should be Little Seely Springs -- Big Seely Springs and Charlie's Butte seep has had no mitigation.
7. The table presented on pp 9-35 (Table 9-4) showing the extent of damage to the valley springs since 1970 should also be shown and discussed here.

11

Chapter 6 - Alternatives to the Proposed Project

1. This is a difficult chapter to analyze and understand. It should be rewritten for simplicity and clarity.
2. Table 6-1 should add a column showing water for export for each alternative.
3. Page 6-40, Table 6-4 -- This chart shows no intent to salvage run-off rainwater in the Los Angeles basin. See Comment 3, Chapter 3.

12

Chapter 7 - Impact Assessment Method and Summary

1. Table 7-1, Item 9-5. -- Not true. Tinnemaha Creek has been diverted into a 10" pipe below the confluence of Birch and Tinnemaha. This was done about 1985 and water is being used to irrigate Fish Springs alfalfa fields.

13

Chapter 8 - Geology, Soils and Seismicity

1. This chapter must have a list of definitions that those not having a Ph.D can understand.

14

Chapter 9 - Water Resources

1. When was Tinnemaha Reservoir/Dam really constructed? Pp 10-29 says 1928, pp 99 says 1969, Graph 1969 leans toward 1945.
2. Page 9-12, "Runoff occurs naturally etc.". -- Not true. Pp 9-9 states that between 1913 and 1970, portions of Goodale, Sawmill, Thibaut and Division Creeks have been deviated into lined channels or pipelines. Also see Comment 1, Chapter 7.
3. Table 9-2 -- Show breakdown of uses and losses.
4. Fig. 9-7 -- Can approximate depths be estimated and shown?
5. Table 9-11 -- Show 1985 - 1990 data.
6. Figs. 9-10, 9-24, 9-25, 9-28 -- Simplify these charts by showing depth of water table instead of altitude.
7. Page 9-53 -- Not true! See comment re Table 7-1, Item 9-5.
8. If Tinnemaha Reservoir is reduced in size or dried up, DWP must describe how the dry lake bed will be mitigated -- this is in truth a small version of Owens Lake.

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Chapter 10 - Vegetation

1. General -- This entire chapter ignores pre-project data that is readily available (i.e. aerial photos 1968). Further, it ignores the Jaques Report.
2. The maps in this chapter are so small and of such poor quality as to not be understandable. (Same for Green Book maps)

16

Chapter 11 - Wildlife

1. General -- The statement on Page 11-4, "Few species of wildlife were found in abundance", throws doubt as to the credibility of the entire chapter.
2. Here, as in Chapter 10, pre-project data has been ignored.

Chapter 12 - Air Quality

No comment.

Chapter 13 - Energy

No comment.

Chapter 14 - Land Use and Economic Development

1. Page 14-2 -- Use 1990 census data.
2. Figure 14-1 -- Separate Mono County out or delete it.
3. Figures 14-3 and 14-4 -- Should use 1990 census data.
4. Figure 14-2 and 14-5 -- What is FIRE TCV in hole?
5. Figures 14-3 and 14-6 -- What is included in the line indicated thus ◇? Why a scale of miles on this graph?
6. Page 14-24 -- Maps of properties to be released should be included in EIR as well as the agreement (Vol. II).

18

Chapter 16 - Ancillary Facilities

1. Page 16-4 -- New wells. If new wells are to be drilled, they should not be in Laws, Big Pine or Reinhackle Springs.
2. Page 16-21 -- Please discuss how increased pumping benefits the Bishop Cone.
3. Page 16-32 -- States that new wells have been drilled on the Bishop Cone. Cite the authority for these actions.
4. Page 16-3 -- Protection for the Reinhackle Springs area must be more clearly defined.
5. General comment: In the entire document there is no map showing the extent of the Bishop Cone/Hillside Decree area. Such a map is included (prepared by the Inyo County Water Department) for inclusion in the EIR.

19

Chapter 17 - CEQUA Considerations

1. Page 17-2 -- This page should be rewritten for clarity.
2. Page 17-5 -- A schedule for the preparation of the grazing plan, including time for public review, should be included. The Agency/s preparing the plan should be identified.
3. Page 17-11 -- This page states that Los Angeles will grow, but goes on to state that less water will be available from Mono Lake and the Delta. It also presents a pessimistic outlook on any benefits that might be derived from conservation, reclamation or desalinization. Where is the water to sustain growth coming from?

Chapter 18 - EIR Authors, Organizations and Persons Contacted

No comment.

20

Chapter 19 - Bibliography

1. Must be expanded to include all words and terms not readily understood by the average reader.

III.1

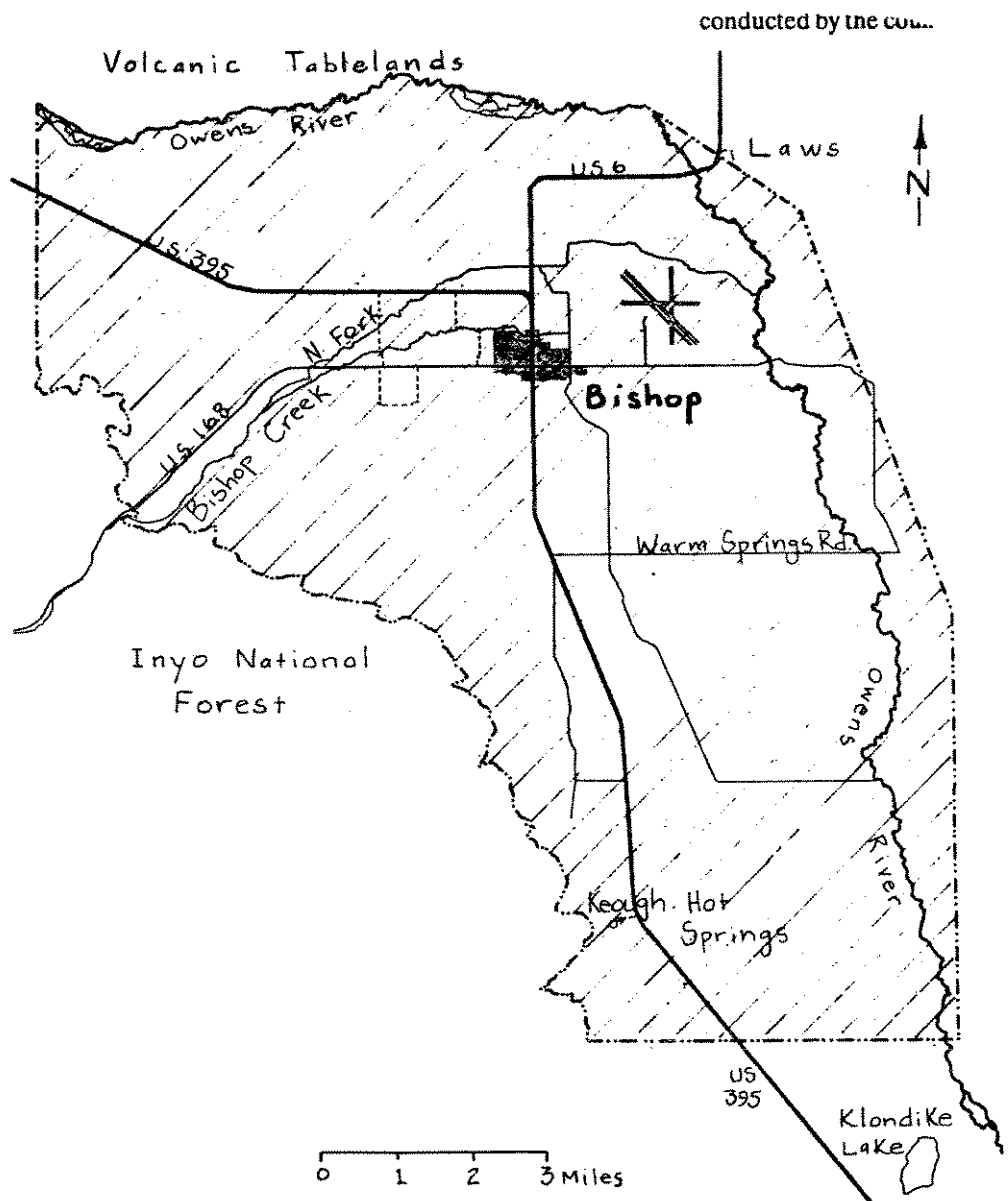
ATTACHMENT III

Comments on the Green Book

Prepared by Bill and Barbara Manning, January 22, 1991 (1 page)

The maps in this volume are very small. Maps 11"x17" would be easier to follow.





conducted by the cou...

The Bishop Cone forest protection research project: L. Yamashita/B. Cashore

ATTACHMENT IV



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## **RESPONSES TO COMMENTS**

### **LETTER D57**

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#### **RESPONSE D57-1**

This suggestion is noteworthy and may be adopted by the Inyo County Water Dept. The Technical Group already reports regularly to the Standing Committee, and will continue to do so in the future.

#### **RESPONSE D57-2**

Please refer to responses to master comments PD-4 and AF-2 regarding new wells and effects on water levels. Comment regarding Round Valley and Pleasant Valley is noted.

#### **RESPONSE D57-3**

The Lower Owens River Project is acceptable mitigation. Please see response to master comment MT-6. Please refer to response to master comment MT-3 for allowable mitigation under CEQA; Appendix C-2 also presents a description of the goals and elements of the Lower Owens River Project. As allowed under CEQA, upon finalization of the project description, a separate environmental review will be conducted.

#### **RESPONSE D57-4**

Comment concerning Seeley Springs is noted. Regarding Fish Springs, please see response to comment C11-34 in letter C11.

RESPONSE D57-5

Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.

RESPONSE D57-6

This comment expresses a personal opinion unrelated to the content of the Draft EIR. No response is required.

RESPONSE D57-7

- (1) The population information presented in the Draft EIR is adequate.
- (2) The cases referenced are available at the Inyo County Water Department and LADWP offices.
- (3) The information presented is adequately presented in Chapter 2 of the Draft EIR.
- (4) Text correction is noted, and included in Chapter 3, Revisions to the Agreement and Draft EIR. The Agreement is in Volume II (page 2-18).
- (5) Comment noted.

RESPONSE D57-8

- (1) Please refer to response to D21-9 in letter D-21. Text correction is noted, and included in Chapter 3, Revisions to the Agreement and Draft EIR.
- (2) Comment noted.
- (3) Please refer to Chapter 3, page 3-16 of the Draft EIR.
- (4) Please refer to the correction to page 3-25 in Letter B-12.

RESPONSE D57-9

- (1) The horizontal scale is in 100s of feet.
- (2) Data for Inyo County alone were not available prior to 1968; that is why the data for Inyo and Mono Counties are combined.
- (3) The average pumping level from 1960 to 1970 was 25,600 AFY, with a range from zero to 110,000 AFY.
- (4) The data point was inadvertently omitted from Figure 4-10; however, this does not alter the trend of the curve.
- (5) Please refer to response D21-10 in Letter D-21

RESPONSE D57-10

- (1) No specific suggestion is made. Comment noted.
- (2) No specific suggestion is made. Comment noted.
- (3) Please see Figure 5-1 and Footnote 3 of Table 5-1 in the Draft EIR.
- (4) No specific suggestion is made. Comment noted.
- (5) Please refer to response to master comment PD-13. Also, please see Section 16.4 (pages 16-41 through 16-43) of Chapter 16 in the Draft EIR.
- (6) Comment noted.
- (7) Comment noted.

RESPONSE D57-11

- (1) No specific suggestion is made. Comment noted.
- (2) An estimate of water export under each alternative is given in the discussion of each alternative.
- (3) Comment noted.

RESPONSE D57-12

The comment is correct in that a 10" pipe was installed. However, it was not installed by LADWP or under LADWP permit. The pipe was installed by a LADWP lessee.

RESPONSE D57-13

Comment noted. The EIR authors regret the need to use technical language.

RESPONSE D57-14

- (1) Text correction is noted, and included in Chapter 3, Revisions to the Agreement and Draft EIR. Paragraph 3 (single sentence) on page 9-9 is revised to read: "Storage in Tinemaha Reservoir from 1945 to 1989 is depicted in Figure 9-3."

Tinemaha Dam was constructed in 1923.

- (2) Comment noted. The EIR authors acknowledge the existence of reservoirs on Bishop Creek and Owens River.
- (3) See response D57-10(3) above.
- (4) Figure 9-7 is an idealized, conceptualized illustration of the Owens Valley and no scale is provided. It is meant to illustrate concepts described in the text.

- (5) The data presented in Table 9-11 was prepared by USGS and was the most recent data available at the time of the computation of the groundwater budget.
- (6) These graphs would be essentially the same if the data were plotted against depth to water; the report authors chose to plot the data against elevation.
- (7) See response to master comment D57-12.
- (8) Please see response to C11-20 in Letter C-11.

RESPONSE D57-15

- (1) Please refer to response to master comment EA-1. The Jaques report is cited in the Draft EIR. In addition, please refer to response to master comment VE-5 for more on this report.
- (2) Larger scale project maps, soils maps, and vegetation maps are available from LADWP. It is difficult to reduce most of these and still be able to resolve sufficient detail to be useful. They are available on request.

RESPONSE D57-16

- (1) Please refer to response to master comment WL-2.
- (2) Please refer to response to master comment EA-1.

RESPONSE D57-17

- (1) 1990 census data were not available during preparation of this EIR.
- (2) Please see response to D57-9(2) above.
- (3) See #1 above.

- (4) "FIRE" stands for "Finance, Insurance, and Real Estate." "TCU" stands for Transportation, Communication, and Utilities.
- (5) The diamonds in the Legends of Figures 14-3 and 14-6 pertain to auto-related sales. Text correction is noted, and included in Chapter 3, Revisions to the Agreement and Draft EIR.
- (6) Please see Appendix B of the Draft EIR.

RESPONSE D57-18

- (1) Please refer to response to master comment AF-2 and WA-4.
- (2) No such statement was made on page 16-21 of the Draft EIR.
- (3) The "new wells" referenced on page 16-32 are those proposed in the EIR.
- (4) Please refer to response to master comment WA-4.
- (5) A map of the Bishop Cone has been included in Chapter 3, Revisions to the Agreement and Draft EIR.

RESPONSE D57-19

- (1) No specific suggestions are made. Comment noted.
- (2) Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.
- (3) Please see Chapter 6, page 6-46, paragraph 1, of the Draft EIR.

RESPONSE D57-20

Comment noted.



**Letter D58**

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**David Oldenburg, Indian Creek Mutual Water Company**



INDIAN CREEK MUTUAL WATER COMPANY  
3035 MORNINGSIDE DRIVE, BISHOP, CA.

13514

John Davis, Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA. 94105

January 22, 1991

re: Los Angeles Department of Water and Power's Draft  
Environmental Impact Report, "Water From the Owens Valley to  
Supply The Second Los Angeles Aqueduct: 1970 to 1990 and 1990  
Onward, Pursuant to a Long-Term Groundwater Management Plan"

Dear Sir:

We, the board members of the Indian Creek Mutual Water Company, a private utility, have strong reservations about the proposal to construct five new wells to extract up to 13,400 AF/yr of additional water from the Bishop Cone area of the Owens Valley.

It appears to us that the "Long Term Water Management Plan" has been developed with the main objective being to sustain the vegetation in the Owens Valley. As board members of a public water company with the responsibility to provide water for 204 service connections, we are more concerned with protection of the groundwater resource to sustain our four production wells.

We are concerned that the five DWP wells proposed on the Bishop Cone would affect the water table and as a result adversely affect our wells requiring pumping from deeper levels, and/or reducing the capacity of our wells, and/or requiring new replacement wells, and/or changing the water quality.

The recharge areas will be around Laws and south of Big Pine. Our wells are up on the Bishop Cone about 2.5 miles west of the valley floor, so the artificial recharge areas would appear to only benefit the DWP pumping areas on the valley floor, but not our wells.

We believe that the definition of "private" wells should not lump all non DWP wells together. Water company wells that pump thousands of gallons/day are much different than a small private well serving, for example, one dwelling. Adverse impacts such as lowering the water table would certainly be more significant to a local public water system well serving 600 or 700 people than it would to an individual domestic well.

In addition we are concerned about the definition of a "significant impact". Who determines what a "significant impact" is? How great a degree of change must take place for an impact to become "significant" compared to "non-significant"? What if we happen to disagree with the determining party? Who will be our arbitrator? We are skeptical about the level of "trust" between the "impactor" and the "impacted". How can "significant impact"

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to public water system wells be measured without locating monitoring wells close to each production well? What assurances will we have that the monitoring wells would be measuring the same strata that our wells are pumping from? What if a "significant impact" is predicted such as declining groundwater levels, would the DWP wells be temporarily shut down? In such case there may subsequently be a time lag before groundwater levels recover, and in the interim period our wells could nevertheless be affected.

The mitigation measures discuss deepening wells and lowering pump settings. The characteristics of larger production type wells are not amenable to such oversimplified "fixit" measures. Potential problems could include one or more of the following: location of well screens not uniform throughout well casing thereby reducing the flexibility for changing the pump setting; affinity for sand in newly developed strata; difficulty in gravel packing the deepened portion; deepening may require smaller casing; disruption of well service during modification; potential for change in water quality; probable reduced production capacity; increased pumping costs; and additional series of water quality analyses to monitor any changes in water quality.

Who is going to monitor our wells? Will it be the County Water Department, or DWP, or will we have to be burdened with the extra time and expense ourselves?

In summary we object to any additional pumping on the Bishop Cone because we don't want the groundwater resource to be jeopardized. We are skeptical of the monitoring and mitigation procedures. They would entail time, effort, expense and inconvenience thus making it more difficult for us to insure a dependable water supply to our 204 shareholders. We do not desire to be burdened with more problems in addition to the normal ones we already have. We do not wish to be confronted with any impacts that could adversely affect our water quality or quantity in any way, as we are mandated to insure a safe, dependable water supply to our 204 shareholders pursuant to all of the regulatory requirements of the State of California. Our position as water company Board members is that we do not want any artificial disruption of the Bishop Cone groundwater resource that is now available for domestic water supply.

Very Truly Yours,

*David Oldenburg*  
David Oldenburg, President

*Barbara Toth*  
Barbara Toth, Board Member

*Luis Elias*  
Luis Elias, Vice President

*Don Buser*  
Don Buser, Board Member

Jim Pursell, Board Member

*J. L. Pursell*

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## **RESPONSES TO COMMENTS LETTER D58**

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### **RESPONSE D58-1**

Please see responses to master comments PD-4, PD-12, PD-13 and WA-5.

### **RESPONSE D58-2**

Comment noted. Groundwater pumping on the Bishop Cone would be in accordance with the Hillside Decree. Please refer to response to master comment PD-13 regarding pumping on the Bishop Cone. Please see also responses to comments contained in letter B-7.

### **RESPONSE D58-3**

Comment noted. No further response is required.

### **RESPONSE D58-4**

Comment noted. Management of groundwater pumping will consider the various types and uses of private wells.

### **RESPONSE D58-5**

The criteria for identifying significant effects are described in the introductory statements in each environmental analysis section of Chapters 8 through 16 of the Draft EIR. The standards are based on CEQA Guidelines (Appendix G in CEQA, titled Significant Effects) unless indicated otherwise. The Agreement contains a detailed description of significant effects in Section IV.B (pages B-22 through B-24). Please refer to response to master comment PD-18 regarding the use of the term "significant" in the Agreement. Also, see response to master comment PD-4.

RESPONSE D58-6

Comment noted; please refer to responses to master comments PD-7 regarding monitoring and PD-4 regarding new wells.

**Letter D59**

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**Elizabeth G. Tenney**





2825 Underwood Lane  
Bishop, CA 983514  
January 22, 1991

John Davis, Senior Vice-President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA 94105

RECEIVED  
JAN 23 1991  
2:42 PM

Dear Mr. Davis:

As a horticulturist, junior high school science teacher and resident of Bishop who is very concerned about the Owens Valley of the future, I have some serious reservations about some of the language and intent of the EIR and Long-term Water Agreement.

1) At every public hearing in the valley, the impreciseness and ambiguity of "significant" and "significant effect on the environment" was questioned, yet this language still remains. By the time a "significant adverse effect" on the valley's vegetation (which, by the way, was not adequately described in the pre-project description of the affected environment) is noted, mitigating measures will be too late. Rather than trying to gauge "significant" environmental impact, pumping should not be permitted until soil moisture recovers to levels that will support the native vegetation that was so carefully mapped from 1984-1987. There is a common misconception that roots will "grow toward water". Roots grow where water *is* and if the water level drops below the root zone, the plant will die, no matter how deeply rooted or drought tolerant the plant may be. *Please give our valley a chance to recover from the damage of this prolonged drought and all the previous pumping by the City of Los Angeles.*

2) A very legitimate question from either Owens Valley residents or any objective observer is, before any more water is pumped out of our valley, *why hasn't more been done to conserve water in Los Angeles?* DWP's office building alone wastes huge quantities of water in fountains and unrepaired

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leaks. The "drought-busters" program has been more a PR sop than really effective water conservation. Lawns are still watered automatically, winter and summer, rain or shine in the middle of the night. Drive around El Segundo near LAX to see just a few examples. Residents of Los Angeles don't even perceive a water shortage and drought as real problems. They are oblivious even though opening day of fishing season on Crowley Lake, DWP's main reservoir, was more crowded than ever this year with Southern California fishermen, not because there were more people fishing but because the water level had dropped so greatly they were crowded together. There needs to be serious conservation efforts in Los Angeles before more water is pumped out of our valley.

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3) Tourism is the main industry of the Eastern Sierra and the Owens Valley with most tourists coming from Southern California. *As more groundwater is pumped*, vegetation dies or isn't given a chance to recover from the drought and springs are dried up, *what will there be here for tourists to visit?* To ask Southern California residents to conserve water in order that the Owens Valley and Eastern Sierra can continue to be a desirable place for their outdoor recreation doesn't seem an undue burden.

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4) It is my understanding that one important aspect of decision-making regarding pumping has been left to Los Angeles unilaterally without the consent of Inyo County. The agreement provision that gives LA the sole authority to turn on a well for the purposes of increasing soil moisture is frightening and completely unacceptable. Why has this particular critical decision been left in LA's hands alone? The whole purpose of this agreement is that *all decisions to pump ground water must be reached jointly by Inyo County and Los Angeles*. Otherwise carefully worked out safeguards are circumvented and the principle of cooperative and joint management is destroyed.

Please take into consideration these very real concerns.

Yours truly,

  
Elizabeth G. Tenney

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## RESPONSES TO COMMENTS

### LETTER D59

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#### RESPONSE D59-1

The criteria for identifying significant effects are described in the introductory statements in each environmental analysis section of Chapters 8 through 16 of the Draft EIR. The standards are based on CEQA Guidelines (Appendix G in CEQA, titled Significant Effects) unless indicated otherwise. The Agreement contains a detailed description of significant effects in Section IV.B (pages B-22 through B-24). Please refer to response to master comment PD-18 regarding the use of the term "significant" in the Agreement. Also, see response to master comment MT-7. Also please refer to responses to master comments EA-1 and PD-17.

#### RESPONSE D59-2

Water conservation in Los Angeles was addressed in Chapter 3 of the Draft EIR. Also please refer to response to master comment AL-3 regarding water conservation efforts in Los Angeles.

#### RESPONSE D59-3

This comment expresses a personal opinion unrelated to the content of the Draft EIR. No response is required.

#### RESPONSE D59-4

Please refer to response to master comment PD-6 regarding the issue of unilateral well turn on/off.



**Letter D60**

**Susan Zaffuto**



SUSAN ZAFFUTO  
P.O. BOX 1204  
LONE PINE, CALIFORNIA 93545

JANUARY 22, 1991

MR. JOHN A. DAVIS, P.E.  
SENIOR VICE PRESIDENT  
EIP ASSOCIATES  
150 SPEAR STREET, SUITE 1500  
SAN FRANCISCO, CALIFORNIA 94105

SUBJECT: Comments on the draft environmental impact report for the 20 year old project of increased groundwater pumping in the Owens Valley by the Los Angeles Department of Water and Power entitled:

"WATER FROM THE OWENS VALLEY TO SUPPLY THE SECOND LOS ANGELES AQUEDUCT--1970 TO 1990--1990 ONWARD, PURSUANT TO A LONG TERM GROUNDWATER MANAGEMENT PLAN"

The third attempt by the Los Angeles Department of Water and Power to comply with the court's orders and with the requirements of the California Environmental Quality Act to produce an adequate environmental impact report on its 20+ year old project of increased groundwater pumping in the Owens Valley is not acceptable because of substantial areas in which it fails to meet CEQA requirements.

The lack of good faith demonstrated by the city of Los Angeles and the county of Inyo reflected in this EIR by its disregard for the orders of the court; EIR Appendices Volume, page A-7: "The Court's order requires the EIR to use pre-second Los Angeles Aqueduct conditions for water supply and use and for the no-project alternative as noted herein.", and the requirements of the California Environmental Quality Act; Section 15142: "An EIR must include a description of the environment in the vicinity of the project, as it exists before the commencement of the project, from both a local and regional perspective.", make one wonder if it were truly prepared with a view to adequacy, or if it is just another delaying tactic to provide Los Angeles with more time to continue with its project of increased groundwater extraction and avoid responsibility for the consequent environmental devastation.

The Draft EIR fails to give a pre-project description as required by CEQA; therefore, the EIR is inadequate.

Los Angeles has put forward this very obvious attempt to avoid responsibility for the impacts of its project by its switch from using measurements of the actual water tables as they existed in 1970 to that of focusing the entire base of environmental damage assessment on its 1984-1987 Vegetation Inventory.

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\* EXCERPTS -ND TIME 12-17-78

The Inyo County and Los Angeles water controversy has become a matter of historical reality. Devastation to Inyo County's environment is well documented in numerous publications, newspaper articles, theses, and scientific studies. Los Angeles cannot rewrite history, especially of the past 20 years, no matter how many millions they spend in the attempt.

This tactic was recognized in 1978 as reflected in a Los Angeles Times story on December 17, entitled: "Water Table Crucial to Owens Environment", by Robert A. Jones.

\* "Nothing is more crucial to the Owens Valley environment than the underground water table that supports the valley's plant life and, indirectly, one of the richest wildlife populations in the state."

"The contrast between the department's vision and the visions of its critics is stark. Philip Williams, a hydrology consultant for Inyo County, maintains that water tables already have dropped about six feet, further than the DWP has predicted for the next decade."

"Ultimately, he says, the affected area of the valley floor could be twice as large as that projected by the department, and the impact likely will be for more severe. In the course of being drained, he says, some aquifers--water-bearing layers of rock, sand, or gravel--could forever lose their capacity to store water should the pumping program be stopped in the future."

"Ironically, the points of difference lie not so much in the valley's present condition but in the state of the water tables before the program began. The differences are crucial for they establish points of departure from which the fall of water tables will be measured."

"Inyo County's Williams claims that almost all of the calculations by the DWP amount to an elaborate sleight-of-hand. The major declines in shallow water tables occurred before 1974, not afterward, he says. The DWP, by claiming that 1974 levels roughly represent the pre-project condition, manages to avoid records of its own wells indicating substantial drops in the first three years following the beginning of pumping in 1970, he maintains."  
(Here is seen another example of DWP changing the "facts" as they go along.)

"In fact, DWP records indicate that the department itself used water levels similar to Williams' in the preparation of its first environmental impact report in 1976. 'The areas of high groundwater as evaluated by Mr. Lee and Mr. Conkling represent a condition wherein the basin is full and overflowing. It is estimated that the groundwater conditions as of 1970 were similar and the effect on high groundwater areas due to pumping would be from this point in time,' the 1976 report stated."



LA TIMES 12-17-78

"DWP's Georgeson concedes that the department now has retreated from that position largely because of the department's present contention that 1970 water tables were unusually high."

"The year 1970 still represents the baseline, he says, but the department no longer uses specific water levels from any given year as a point of departure. Rather, it now uses the density of vegetation groupings to extrapolate water levels and 'normal' conditions existing before pumping began."

"Williams has referred to the department's position as a retreat into what he calls 'total ambiguity.' Without a specific description of pre-project conditions, he says, no one can determine the accuracy of the department's environmental forecast."

(L.A. Times, December 17, 1978)

Los Angeles position today is that they cannot accurately assess the pre-project condition, for various reasons; yet, in 1970 they had been in the business of exporting water from the Owens Valley for 57 years!

On page 6-10 of the EIR, Los Angeles acknowledges that a difference exists in vegetative quality between its 1984 Vegetation Inventory and 1970: "Over time, depending on precipitation levels vegetation conditions would return to those documented in the 1984-1987 Vegetation Inventory, but probably not all groundwater dependent vegetation would recover to pre-1970 condition." Another discrepancy exists at page 17-13 of the EIR, in which Los Angeles refers to the years 1984-1987 as being "...a series of wet years which resulted in the healthiest vegetal cover since 1970." Also, we are now entering a fifth year of drought; would that not make 1987 a drought year?

The switching of damage assessment bases through the costly tactic developed of using the Vegetation Inventory rather than existing records of the pre-project condition is an inescapable barrier to the adequacy of the proposed EIR. Used throughout as the base for assessment and mitigation, it is not in compliance with CEQA.

Los Angeles must use vegetative levels and water levels that existed pre-project in 1970 as the beginning point of any environmental damage assessment in order to have a legally adequate EIR

The circumstances leading to the preparation of this EIR and the cooperative interactions of Inyo County and the City of Los Angeles are another area of major controversy, and one that is not even mentioned in the Chapter 17, CEQA Considerations, 17-7, Areas of controversy.

Any action taken which overturns the will of the people expressed in an legitimate election is subject to serious consideration. The Owens Valley Inyo County Groundwater Management Ordinance, Chapter 7.01 of the Inyo County Code, and Inyo County Ordinance #395, was approved by a mandate of 76% of the voters. Challenged by Los Angeles, the ordinance was held to be "unconstitutional" by Judge Turner in Inyo County Superior Court on July 13, 1983.

The judgement in this case; #12908, however, has never been entered. The Los Angeles Department of Water and Power entered into secret negotiations with Inyo County representatives, a great deal of money has been paid Inyo County, and the two players in this scenario have returned to court time after time to plead that the Judgement on the groundwater ordinance case not be entered. This has left the issue of constitutionality unresolved and other important matters unaddressed.

A specific accounting of all sums of money paid, or other considerations made, to Inyo County by the Los Angeles Department of Water and Power, their intended purposes, as well as an exact depicting of all negotiations that occurred between the parties from the time the groundwater ordinance case; #12908, was initiated, and April, 1984, must be included in the EIR.

In his ruling on the groundwater ordinance case, #12908, Judge Turner states on page two, line 12, of that document, "Audubon concerns itself with 'navigable waters' such as Mono Lake and the effect upon uses protected by the public trust of diverting its input water. Our case does not involve navigable waters."

Judge Turner is apparently oblivious to the fact that in Inyo County, both the Owens River and the Owens Lake were navigable waters from time immemorial before actions by Los Angeles, including actions during the last 20 years, dried them up. Aside from violating the public trust, the devastation of these bodies of water also has had major impacts on riparian and lakeshore vegetation; wildlife habitats; animals, birds and fish; tourism; the economies of valley communities; quality of life; and the public health and safety.

The creation of the Inyo County Groundwater Ordinance was a result of an overwhelming vote of the people, which has never been overturned by a vote of the people. It is my opinion that the county's position in preventing the judgement in the case from being made official is based totally on financial and other considerations to Inyo County by Los Angeles, as partially illustrated in the EIR at XIV. Financial assistance, Volume II, of the Draft Stipulation and Order for Judgement, beginning at page B-40.

On page three of his ruling, Judge Turner refers to the state's water resources and offers the following conclusion: "The state clearly has preempted the field." If this is true, please explain how the City of Los Angeles and Inyo County can legally proceed with the proposed project of increased groundwater pumping, or any groundwater pumping, as the field is preempted by the state. but if, as seems more likely, this is not a conclusion that would prove valid, as demonstrated by other unchallenged governmental entities operating within the state which do regulate their groundwater, then the basic premise of Judge Turner's unentered judgement is incorrect, and the will of the people of Inyo County is being outrageously thwarted.

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Because this is an ongoing area of considerable controversy in the Owens Valley, the EIR must provide a forthright description of all the events and circumstances involved. Also, it should include an evaluation, legally, on the actions by two government bodies, acting in concert, to prevent a legal judgement being entered.

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An additional area of grave concern the EIR fails to deal with is the Owens Lake and the asbestos-like, toxic dust from Owens Lake which impacts the entire valley and beyond due to the actions of the Los Angeles Department of Water and Power. In Various places the EIR states that it is "beyond the scope of this EIR" to deal with this impact of its project, as per page 17-5 of the EIR.

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CEQA, Section 21000, (d) states: "The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached." Also, CEQA 21002.1 (d), "A public agency functioning as a lead agency shall have responsibility for considering the effects, both individual and collective, of all activities involved in a project." In light of these requirements, and the fact that this is such a major health hazard, how can the EIR be valid without specific description of these impacts resulting from Owens Lake dust which may be found throughout the Owens Valley and beyond?

On the June 19, 1990, NBC Today Show, there was a discussion of Owens Lake hazards featuring Dr. Tom Cahill and his researcher; Tom gill, from the Crocker Nuclear Laboratory at the University of California at Davis; Ms. Ellen Hardebeck; the head of the Great Basin Unified Air Pollution Control District; Dr. Otto Rhaabe; an air toxicologist from the University of Southern California, and an Owens Valley resident who suffers severe breathing problems. The following excerpts provide a view of how serious a problem the Owens Lake dust is.

JUNE 19, 1990 NBC TODAY SHOW

Dr. Cahill: "When the wind gets strong, particles of sand will bounce along the lake bed, and they'll upbraid it, chipping off little fine particles. First, there's one, then two, then four, then eight, then 16, and almost the whole lake bed just takes off."

"We took samples near Owens Lake and near Mono Lake at the same time. We found, first of all, the total amount of dirt in the air was extraordinarily high, the highest in California. If you were in a factory, you'd have to wear a mask in a storm like that."

Jack Riley; local resident from Keeler: "I have a bad breathing problem. I'm on oxygen most of the time, and there's three or four of us in town here that are. The doctors have diagnosed mine as mostly the bronchial tubes. They just spasm and cut my air off."

Deborah Norville; Commentator: "And back in the lab, Cahill and Gill were baffled. The dust was a lot more dangerous than they'd expected."

Dr. Cahill: "We found the dust levels were very, very high, but the composition was very strange, very unlike other parts of California. But our technique looked at everything. I mean, if it's there, we'll see it. And lo and behold, we saw arsenic in sample after sample in the air and in the dust."

Norville: Cahill knew that with arsenic comes lung cancer, and he turned to toxicologist Otto Rhaabe for an analysis of the risk."

Dr. Rhaabe: The maximum permissible risk for the public air with regard to cancer induction should probably be no more than one in a million for a lifetime exposure. In this case, we found that the levels were about 100 times that."

Dr. Cahill: "The amount of dust that you move from the lake can be hundreds of tons, and it's then dusted around the surrounding area on vegetation and every surface. And we've seen evidence that, in fact, there is a secondary arsenic source now which comes from the fact historically that it's been blowing around the basin for 30 years or so. We have pictures of dust storms from Owens Lake above 14,000 feet in elevation, putting alkaline dust up in the White Mountain Forest in the Sierras."

Dr. Hardebeck; GBUAPCD: "And they go 150 miles downwind. They travel to Lancaster, at one point have traveled to San Bernardino, and we feel affect the health of approximately 40,000 people."

(Copy of this NBC video segment and transcript available on request.)

The California Air Resources Board identified the Owens Lake as a "Hot Spot emitter" for Inorganic Arsenic in its report 1990 identifying Arsenic as a toxic air pollutant. It further identified the heavy metals, Lead, Mercury and Selenium in the Owens Lake dust.

Numerous doctors, including Inyo County's former chief health officer, have expressed grave concern about the valley-wide effects of the Owens Lake dust. As well as Arsenic, Lead, Mercury and Selenium, the dust contains a lethal assortment of chemicals and metals from mining wastes, some of it dumped on Los Angeles' lands; while permitted at the time, one site is now classified a "toxic pit site" under EPA regulations, also, there is sodium, aluminum, silicon, sulphur, chlorine, potassium, calcium, iron and high concentrations of sulfate and carbonate radicals and fluorides.

A report compiled for the China Lake Naval Weapons Center located near Ridgecrest, California, states: "...medical problems are aggravated by the (Owens Dry Lake) dust. Patients at the Ridgecrest medical complex who suffer from emphysema, asthma and chronic bronchitis are subject to increased morbidity. Hospitalization of these patients with bronchial spasm and related pulmonary problems increases during dust episodes."

Ridgecrest is approximately 80 miles south of the Owens Lake. 60 miles north, though, there is a similar story. Dr. Gilbert Rodrigues, M.D.; formerly of the Bishop area and a specialist at that time in respiratory patient care at Northern Inyo Hospital, said the following: "Half of all patients admitted to intensive care at Northern Inyo Hospital have lung related problems, and 60% to 70% of all patients admitted for routine surgery have moderate to moderately severe lung disease. Respiratory related illnesses are overwhelming the medical resources of this community. The dust from Owens Dry Lake is a tremendous threat to an already compromised lung patient, and those suffering from emphysema grow much worse in Owens Valley."

Inyo County officials refuse to deal effectively with the dust problem even as far as issuing guidelines to the County Health Department for the public's health and safety. Los Angeles refuses to acknowledge responsibility for this grave problem of their making, and the people in Owens Valley bear the brunt of this negligence. Please explain how this current EIR can be legally valid without addressing in explicit detail the impacts, cumulatively and specifically, of the project on air quality throughout the Owens Valley and all other areas impacted by Owens Valley dust.

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Aside from the major considerations of failure to use the pre-project description of 1970 as its base of environmental damage assessment; the omission of the controversy and relevant material pertaining to the Inyo County Groundwater Ordinance, court case 12908, leading to the preparation of this EIR; and the failure to discuss impacts of Owens Lake dust, there are unacceptable areas in other portions of the EIR, Volumes I and II.

The agreement itself is unacceptable because it is vague, poorly written, and open-ended. It offers no assurance of environmental protection to the Owens Valley, and relies solely on the "good faith" of the parties; notably absent in Los Angeles' past dealings with Inyo.

7 Page B-12, B. GROUNDWATER MINING. This section is inadequate because 20 years is too long a period. This must be assessed on a yearly basis; Also unacceptable because of the statement at line 2, that "The Technical Group may increase the annual pumping from a well field area above this amount if a recharge program for that area is implemented or for other relevant reasons that are consistent with these goals and principles."

Page B-15, E. GREEN BOOK. This entire section is unacceptable because it depends exclusively on the 1984-1987 Vegetation Inventories as its base--also, because the section is speculative, unproven, and experimental.

Section XII. LOWER OWENS RIVER. The County of Inyo should not be obligated in any way to restore an area of Los Angeles' greatest impacts to the environment. The proposed pumpback station discussed in this section is the real reason behind any proposed mitigation by Los Angeles because it allows the pumping of a water supply heretofor unavailable to them.

Page B-40, A. SALT CEDAR CONTROL. This portion is offensive because it is a further attempt to destroy all vegetation in the Owens Valley. We wouldn't have a "Salt Cedar problem" if our environment had not been so seriously impaired. As a valid water conservation measure, I would like to suggest that Los Angeles determine to remove all "non-native vegetation" from within the borders of their county.

Section XX. HOLD HARMLESS. this section is unacceptable for many reasons, chief of them being that this document does not provide a valid pre-project description of environmental damages due to the project, therefore, it is unknown to the residents of the county just how severe some of the effects may be over time: This is particularly true of the impacts of the Owens Lake and dust effects to human health and safety throughout the Owens Valley.

Section XXII. NO EFFECT ON EXISTING WATER RIGHTS. This section is untruthful. The rights of private water right holders have already been affected by the actions of Los Angeles by the drawing down of water tables to levels which result in higher levels of salts, metals, chemicals and radon gas. This agreement offers such water rights holders no additional protection.

Section XXIV ACKNOWLEDGMENT OF WATER SUPPLY UNCERTAINTIES

The most unacceptable part of the entire agreement is included here beginning at line 19 on page B-58 through line 4 on page B-59. This segment gives the parties the right to change any aspect of the Green Book at will and invalidates any prior concept of environmental protection for the Owens Valley previously discussed.

In Volume II, the EIR, there are untruthful statements of fact. Chapter Seven, IMPACT ASSESSMENT METHOD AND SUMMARY, on page 7-4, item 8-1: "Groundwater pumping associated with the project has not and will not result in ground subsidence." In Los Angeles' previous EIR they have said that subsidence has occurred in the Owens Valley as the direct result of their groundwater pumping. Suddenly now, it hasn't.

Chapter Seven, page 7-4, item 9-5: "Between 1970 and 1990, no stream channels were lined, or the stream flow diverted into pipelines by LADWP" I have an Utility Encroachment Permit Application and related documents signed by Los Angeles Department of Water and Powers Duane Buchholz, in which the plan to "install approximately 12,000 feet of 30" diameter plastic pipe in an existing man-made ditch...The ditch, which is east of Highway 395,...After flowing about one half mile down Division Creek, the water is taken through a pipeline into the Black Rock Rearing Ponds for fish rearing purposes. It then flows into the Los Angeles Aqueduct."

The dates on these documents are April, 1978. This project did result in the lining of a stream channel and the piping of its water. This may be seen south of Tinnemaha, just north of the Blackrock facility.

On page 7-4 of the EIR, item 8-2, please explain how it is known that fluctuations in water levels will not and have not resulted in "significant" increased seismic activity, especially in view of the fact that major earthquake faults occur throughout the valley.

Page 7-4, item 9-3. How can this statement be true when the lower Owens River was completely dry in large part in September of 1990?

Page 7-5, items 9-10, 9-11, 9-12, and 9-13. Explain the means of determining the basis of these statements and what the term significant means here. It does not meet CEQA's definition as far as I can determine.

As with Volume II, the Volume I, EIR is inadequate throughout because of a failure to use pre-project conditions as required by CEQA.

Page 16-35 of the EIR. The proposed new well in the Lone Pine area would further draw down already lowered water tables and devastate the environment. With an increased capacity to the well field of 47%, no vegetative life seems likely to survive.

Historically, this area had a very high water table; whereas now, water is not encountered until over 40' in places. Never has the depth to water been "normally greater than 20'" until after the beginning of the project in 1970.

The current Lone Pine well is set up to provide great quantities of water to the aqueduct. It has no reservoir, holding tank, or aeration. The Owens Valley has very high groundwater radon levels, said to be between 2,000 to 8,700 pico curies per liter in a 1988 California Department of Health Services report by RPI International. The current well operation for the town of Lone Pine exposes the population to hazardous levels of radon through their water supply.

The Federal Environmental Protection Agency is expected to set a standard for radon in groundwater in February, 1991, of 300 pico curies per liter, which will place our water out of compliance substantially. The new Lone Pine well, proposed, will add to this problem by dropping the depth to water, increasing radon levels.

Throughout the Owens Valley it is a matter of concern that dramatically lowered water tables are severely impacting water quality by increased risks of contamination, added salts and higher radon gas.

Inyo County cannot forever be held accountable for the major part of Los Angeles water needs when it is their stated policy they will not limit growth in any way. The policy of transporting Inyo County's water to Los Angeles has gotten far out of hand. It is not ethical or reasonable to take water from one arid region to another with the result being utter devastation in the former and a semi-tropical environment in the latter. All parties must act responsibly to make the best use of California's vital water resources without destroying environments which belong to all the state's people.

CEQA Sections: 21000, a,b,c,d,g; 21001 a,b,c and f.

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One final comment: All mitigation as currently implemented or proposed has a fatal flaw. It requires the use of pumped groundwater, from existing wells or more usually, from the installation of new ones. This is totally unacceptable. The problem in the Owens Valley is too much groundwater being pumped from all areas. The mitigations cannot ever succeed by pumping more and more groundwater. Pumping must be sharply curtailed to allow environmental recovery, and mitigation projects should be supplied with surface water only.

Thank you for the opportunity to comment on this Draft Environmental Impact Report. Please add my name to your mailing list to receive any relevant public correspondence. I will hope to see a much changed document next June with accurate utilization of the true pre-project condition as of 1970.

Sincerely,

  
SUSAN ZAFFUTO



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## RESPONSES TO COMMENTS

### LETTER D60

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#### RESPONSE D60-1

Please refer to response to master comment EA-1. Also see response to comment B13-46 in Letter B-13.

#### RESPONSE D60-2

The citations from the Draft EIR are accurate. Comment noted; no further response is required.

#### RESPONSE D60-3

This comment raises an assertion of legal requirements. It does not itself, raise an environmental issue related to the content of the Draft EIR. The comment is noted; however, the applicability of some legal issues to various activities is an ongoing legal question which may be tested in a number of arenas other than this EIR.

#### RESPONSE D60-4

Please refer to responses to master comments PD-3 and AQ-1 regarding Owens (Dry) Lake.

#### RESPONSE D60-5

The issue of air quality impacts due to Owens Dry Lake are described in Chapter 12, Air Quality, in the Draft EIR. Also, please refer to responses to master comments PD-3 and AQ-1 regarding Owens (Dry) Lake.

RESPONSE D60-6

Please refer to responses to master comments PD-3 and AQ-1 regarding Owens (Dry) Lake.

RESPONSE D60-7

- (1) Please refer to response to master comment PD-12 for a discussion of groundwater mining.
- (2) The 1984-87 vegetation inventory is the base for management under the Agreement.
- (3) Comment noted. Also, please refer to response to master comment PD-11 for a discussion of Inyo County's involvement in the Lower Owens River Project.
- (4) Comment noted. No further response is required.
- (5) Comment noted. No further response is required.
- (6) The Green Book Section IV. A, beginning at page 94, describes the monitoring procedures to protect private wells.
- (7) The provision of the Agreement cited in this comment allows for improvements in management and monitoring methods as understanding of the Owens Valley environment increases.

RESPONSE D60-8

Please refer to response to master comment G-1 regarding subsidence.

RESPONSE D60-9

The citation of the Draft EIR text pertains to stream channels; the item described in this comment pertains to a man-made ditch. The two systems are not equivalent. The pipe referenced was indeed installed, however, it was a Department of Fish and Game project.

RESPONSE D60-10

Current scientific evidence indicates that the sources of earthquakes are driven by global forces such as upward movement of molten magma from the inner core of the earth, and other forces related to plate tectonics. No evidence has linked groundwater pumping to localized increase in seismic activity.

RESPONSE D60-11

Please refer to Chapter 4, Water Management in Owens Valley, Figure 4-7 of the Draft EIR for annual releases into the lower Owens River. Total annual flows were increased compared to pre-project conditions. Further re-watering of the lower Owens River is proposed as part of the project.

Standards of significance for water resources are presented on page 9-48.

Please refer to response to master comment WA-1 regarding the significance of water resources impacts, and PD-18 concerning significance.

RESPONSE D60-12

The use of pumped groundwater is only one form of mitigation described in the Draft EIR and Green Book. Other forms of mitigation are described in Section I.C of the Green Book. Please refer to response to master comment PD-17 for a discussion of the drought recovery policy.



**Letter D61**

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**Norman L. & Mary C. Bird, Bird's Industrial Complex**





BIRD'S INDUSTRIAL COMPLEX  
1537 ROCKING W. DRIVE  
BISHOP, CA 93314  
(619) 873-3784

John Davis, Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, California 94105

January 23, 1991

Dear Mr. Davis,

RE: LONG TERM WATER AGREEMENT

The task of writing a letter in the midst of the war in the Persian Gulf seems rather insignificant; however, it is still a vital issue to those of us who have lived in this valley for many years. We are beginning to have another year of drought. Meanwhile we watch as many of our trees and vegetation die. Reading all of your carefully prepared documents indicates an interest of coming to some kind-of logical terms to protect this valley; however the pumping goes on and theres even provisions for new wells, etc. The whole problem is we need less pumping. There must be a slow-down of water pumping until our land has a chance to recover. This is especially difficult during a drought without underground pumping. Eventually the moisture has to return to the root-zone!

Earlier last year, Tom Bradley, mayor of Los Angeles, tried to start a program of rationing water because of the drought. Mr. Bradley was immediately 'shot out of the saddle' by one of the Department of Water and Power's higher management personnel. His reply in the Los Angeles Times newspaper is still as abrasive today as it was the day he made it. He said that the Department of Water and Power was in the business of selling water and not in the conservation business. This man was put in a different position the next week for obvious reasons. Today we read in the L.A. Times that D.W.P. is scrambling to find a way to ration water and to enforce it. Unfortunately this problem wasn't tackled almost a year ago when Mr. Bradley tried to do it; if so, perhaps by now all these questions would have an answer.

In 1984, my husband and I purchased property at Laws, which in turn has been developed into Bird's Industrial Complex. We know that the water table has been lowered since our well was drilled in October of 1985. The water system provided at Laws was not good for drinking or making coffee, so we drilled a well deep enough in order to get better quality water. Naturally, we've read in the 'Green Book' the procedures a private well owner must go through to determine if your well is being effected by water pumping by D.W.P. The only problem that we can see is that 'mitigation' would be too time consuming. If a problem should develop in the future we would have too many businesses depending on us for good water. We'd probably just have to go ahead and do something; such as, drill another well or drop the pump even lower.

Yesterday we met with Randy Jackson, hydrologist, for the Water Department. We could not find our private well located on any charts or maps used. Mr. Jackson looked through many various documents and it was never found. It's as if we don't exist. We would very much appreciate our well being added to all information prepared for this long-term water agreement. We really appreciated all the time Mr. Jackson gave to us in answering our questions. He advised us to keep accurate records and readings of our well, which we will do in the future.

Another item of concern in the EIR and Green Book is the idea of letting Los Angeles have unilateral authority for the purpose of increasing the soil moisture. That is contradictory and unacceptable. In order to have any kind of an agreement it take more than one party. That's the reason for having this agreement. If only one person has all the rights of a decision then there is no agreement, and hard to conceive anyone trying to include such an item in this agreement. In any case, all the pumps would have to run if it's to increase the soil moisture since this valley is in short supply.

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How much has our water table been lowered over the years? We know first-hand since we're involved in the construction business. In the past years our business had to purchase water pumps whenever digging. We've installed many underground gas storage tanks for service stations throughout the valley. Our son would have to sleep on the job site so that he could jump-up and refill the fuel tanks when a pump stopped or else the holes would promptly fill back up with water. This process is now a thing of the past.


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Another concern is the proposal of putting three new wells in the Independence Symmes-Bair area, which is shown on page 16-25 in the EIR documents. This idea of waiting 6 mos. before drilling another well does not seem like enough time. Could not find how much water is expected to be taken out while this well is running at full capacity. The only way to determine if these three wells will effect the Reinhackle Spring is when the damage has all ready been done, then it's too late. How deep are these wells supposed to be? Perhaps we're not very smart but it seems to us that if a well has to be shut off because it's doing too much damage and we go drill another well we're just spreading this damage all over the valley eventually.

The State of California sounds as if it's starting to have water shortages through-out the state. Inyo County is being overwhelmed by different businesses wanted to get water from this valley. It's time to look elsewhere or at least attempt to find a way to recycle your waste water. This step is going to have to be addressed sooner or later. Meanwhile there are other areas to watch; such as, sprinkler systems not being allowed to run even when its raining, cutting back on length of time, etc. This household cut our sprinklers down half this past summer, nor did we wash down the drive-way or spray the cob-webs off the side of our home. There's no reason everyone can't do this regardless of where they live. Inyo citizens recognize that our water is cheaper; however it's time for the Department of Water and Power to let up on any more underground pumping. Our county is is showing serious scars from giving up too much. Perhaps the best remedy is to try to wear our shoes and put yourself in our place.

In closing we would like to thank-you for your time and all the effort that has gone into trying to reach a long-term water agreement. We do feel that this is the best approach if both parties can come to terms. We realize that there have been many long hours spent by our County Officials, personnel from the Department of Water and Power, and the EIP Associates. We have high hopes that something positive will result from all of this work.

Sincerely,

  
Norman L. Bird

  
Mary C. Bird



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## **RESPONSES TO COMMENTS LETTER D61**

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### **RESPONSE D61-1**

Comment noted. Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.

### **RESPONSE D61-2**

Please refer to response to master comment PD-6 regarding the issue of well turn on/off.

### **RESPONSE D61-3**

Please refer to responses to master comments PD-4, AF-2 and WA-4 regarding new wells and Reinhackle Spring.



**Letter D62**

**Mark Johns**



January 23, 1991

John Davis, Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, Ca 94105

1-17-91  
1-17-91  
1-17-91

Comments on draft EIR, Water from the Owens Valley to supply the Second Los Angeles Aqueduct.

I am the managing partner of a family owned DWP ranch lease in the Big Pine area. Our lease includes about 20000 acres, of which 1200 acres are irrigated alfalfa. My comments will be concerned with the land use and grazing elements of the EIR.

Chapter 17 outlines a grazing management program that has been in use since the completion of the second aqueduct. Grazing is a historical use of land in the valley. The cumulative effect of water gathering has an impact on livestock grazing. The grazing management plan (pg17-5; 17-6) has been in use since the completion of the second aqueduct and under the agreement. The five points adequately govern livestock grazing in the valley. Grazing practices are a result of water gathering. All endangered plants identified have been protected from grazing by fences put up by DWP and lessees. Monitorings plots of vegetation have been established throughout the valley. Lessees have cooperated with DWP to insure protection of valley vegetation.

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Much of the natural environment of the valley is a result of ranching practices. Vegetation, trees, native pastures, green alfalfa fields are part of the valley because of stable ranch leases. Ranch leases must be profitable for us to maintain our business. Freedom to operate, and the ability to adapt to changing economic and environmental conditions, are necessary for us to maintain our ranch leases. The Agreement, which allows for conversion of irrigated lands from one irrigated use to another, is an important concept (pgs.5-17-17). Without such freedom, ranches leases would lose economic viability.

The following comments are in response to oral testimony given at a public hearing in Bishop. Alfalfa has been grown in the Owens Valley historically. Alfalfa is not a scourge on the valley, as some groups would lead people to believe. Although alfalfa is water intensive, it's water

2 [ efficient sprinkler irrigation systems allow soils to be put into production that are highly erodible. Alfalfa provides habitat for many wildlife species. Elk, deer, hawks, eagles, coyotes, geese, and many small mammals in large numbers are found living in alfalfa fields. Comments were made about converting native pasture to alfalfa. Alfalfa does not cause a loss of habitat. It is the preferred food of the tule elk. The Tule Elk Field near Tinnemaha Res., which we maintain for the elk, is an example of alfalfa as a wildlife habitat. It is used solely by the elk and other wildlife during the growing season. Groups wanting the valley to become a pristine wilderness are not living in the real world.

3 [ The agreement between the County of Inyo and the DWP is very important for the protection of the valley. Chapters 5 page 6 discuss management procedures. Any management decisions concerning ranch leases made by the Technical Group should include, as part of the Technical Group, the Inyo County Farm Advisor, and advice from the County Ag Commissioners. The farm advisor has knowledge of agriculture that is not found in the existing technical group.

Sincerely,

Mark Johns  
Four J Cattle Corp.  
Star Rt. Box 5  
Big Pine, Ca. 93513

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## **RESPONSES TO COMMENTS**

### **LETTER D62**

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#### **RESPONSE D62-1**

Comment noted. Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.

#### **RESPONSE D62-2**

Comment noted; please refer to response to master comment VE-1 regarding allowable vegetation changes under the Agreement.

#### **RESPONSE D62-3**

Comment noted; please refer to response to master comment PD-7 regarding monitoring under the Green Book.

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**Letter D63**

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**Al Pelkey, Pacific Trade Center**



Mr. John Davis  
E.I.P. Associates  
150 Spear St. Suite 500  
San Francisco, CA 94105

Jan. 23, 1991

Dear Mr. Davis:

Re: Original Draft EIR

Being a great advocate of water conservation I feel it necessary to write this letter. Mostly because I have to admit my ignorance in what is being done by Owens Valley to help to eliminate the adverse impact on the water users of Southern California.

I know it is of the utmost importance that we of the Southern California area cut back our water usage. I, as a Building Engineer, have implemented the use of water bags in each of my toilet tanks. I have also cut back my grounds watering to less than half, and I've noticed no adverse affect thus far. Even in my home usage I have installed water saving shower heads and cut back on lawn watering. I am also willing to promote the implementation of these practices to all who will hear me. A question I have, is, do the Owens Valley farmers have this same sense of obligation to cut back on their water wastage?

I know the farmers need to irrigate in order for us to be able to receive the commodities provided to us in our area. But on the same token if Southern Californians have to ration to the tune of losing the aesthetic qualities of our homes and parks could this not create a pandemonium and an exodus that might have an impact upon the purchase of the commodities? This is, of course a hypothetical situation.

My main concern is - are we all working as hard as possible so that it is as fair to us as it is to the Owens Valley? It is my understanding that a significant amount of control of it's water resources is being taken away from the city of L.A. It is hard for me to understand why representatives of a few thousand should have so much more control over water than representatives of millions of people in Southern California.

I urge you, and I am sure it is the hope of all Southern Californians, that you would accept the original Draft E.I.R. as it is written. It would certainly restore my faith in the fairness needed to settle the control over water operations in the Owens Valley.

Sincerely,



Al Pelkey  
Building Engineer  
Pacific Trade Ctr.  
255 W. 5th Street  
San Pedro, CA 90731



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**RESPONSES TO COMMENTS  
LETTER D63**

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**RESPONSE D63-1**

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.



**Letter D64**

**Jennifer Duncan**





25 January 1991

John A. Davis, P.E.  
Senior Vice President  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA 94105


Re: Draft EIR - "Water From the Owens Valley to Supply the  
Second Los Angeles Aqueduct"

Dear Mr. Davis:

The enclosed is my comments concerning the above-noted document  
(herein "DEIR").

My comments are based on my paraprofessional work on this issue  
since 1986 within California Indian Legal Services and my own  
research efforts. I have resided at Independence since 1975 and  
have observed negative changes to the trees, plants, wildlife,  
climate and air quality. In sum, this DEIR is incomplete based  
on the enclosed comments and observations.

Respectfully submitted,



JENNIFER DUNCAN, C.L.A.  
P. O. Box 181  
Independence, CA 93526

## COMMENTS TO DEIR

### Chapters 1 - 9

#### 1. Inadequate Project Description

The DEIR states at Vol. I, p. 1-7, that this report deals with the Owens Valley within Inyo County. According to Inyo County's objections in the 1970's, LADWP failed to describe the "whole project". I believe this is still the case. Impact to Mono County, excluding Mono Lake, are to be addressed, i.e., Chalfant Valley, Pleasant Valley, Round Valley, etc.

#### 2. U.S./Indian Land Trade

The DEIR states at p. 2-9, "The Land Exchange gave to L.A. the water rights the Indians possessed along with 2,914 Acres".

Remarkably wrong. Of the 3200 acres held in trust for the Indians traded to the City, no water rights (nor surface mineral rights) were transferred. The Indians retain those rights.

#### 3. Climatic Trends not Discussed

The DEIR states at p. 3-1, "Thus weather contributes to the year-to-year variation in water use". This sentence alludes to the fishermen and skiers' reliance on water use in their respective sports.

I propose that in the water cycle weather is an indicator of "water use". That is, if there is a lowering of the groundwater table and a subsequent ability of plant roots to draw up water, there is a lessening of moisture released into the atmosphere through the plants. A reduction in the atmospheric moisture content likewise reduces the probability of rain. This could be a

significant impact on the entire Valley's water cycle. Therefore, an entire study chapter should be devoted to climate patterns in the Valley since 1930. The "as above, so below" maxim applies, but in reverse.

#### 4. Case Citation

At p. 3-21, DEIR should include the full citation for case referred to, namely, National Audubon Society v. Los Angeles DWP, (5/18/79).

#### 5. Page 4-11, Figure 4-5

The graph showing "Owens Valley Groundwater Pumping 1945-1970" does not reflect statements on p. 4-9. However it may be there was groundwater pumping outside the Owens Valley (see, Comment #1 above) which might explain discrepancies.

My recommendation would be to have the graph align with the statements. Example: "There was no Owens Valley groundwater pumping for export from 1945 to 1960. In 1961, due to drought, 110,000 AFY was pumped, followed in 1963 with no groundwater being pumped for export". I disagree with the sentence stating, ". . . and the early 1960's when pumped groundwater averaged approximately 69,000 AFY". There is a difference between one year at 110,000 AFY and the next at 10,000 AFY.

#### 6. Water Use in Owens Valley Towns

At. p.4-10, Table 4-1, a footnote explaining the remarkable decline of water use in Owens Valley towns beginning in 1976 should be given. If my memory serves me, I believe the City took Owens Valley water users off the 'flat rate' (\$7.00 per household) and installed water meters which jumped the cost of

use of water. Some residents had bills of \$100+. Most people, unable to afford this increase, quit watering vegetable gardens. This decline is notable and worthy of some explanation.

7. Page 4-13

I believe the reduction of irrigated acreage from 21,800 to 11,600 was a significant impact. About 50% of irrigated lands were abandoned and have not fared well.

8. Aqueduct Operations (Revised), Figures 4-9, p. 4-17

This chart has three sections, each illustrating 1970-1990 aqueduct operations for average years - typical dry year and typical wet year. After careful analysis, I state the following:

A. The "typical dry years" shows 1972, 1976, 1977 as the years used. Why not include the current drought years of 1987, 1988 and 1989? In a comprehensive analysis a broader coverage of any data is much more likely to demonstrate a more accurate description of the issue. Thus, I recommend the current drought years mentioned above be included in the typical dry year computations.

Upon careful review I determined this chart reveals some interesting facts. Looking at the "average years of 1970-71 to 1989-90, there is a 38% increase in the amount of Haiwee Reservoir inflow or Valley water gathering results compared to pre-project. Next, the "typical dry year" scenario also has increased by 21% compared to pre-project. Finally, the "typical wet year" (using 1978, 1980, 1982, 1983, 1986) shows an increase of 53% in the amount of inflow at Haiwee Reservoir. I recommend a description of these comparisons of "pre-project" and "1970-90"

figures be included immediately following Figure 4-9.

B. The Figure 4-9 shows "Springs and Flowing Wells" figures for each of the 1970-90 average, typical dry and typical wet years. Again, comparisons should be illustrated in a separate document as follows:

- Average Springs and Flowing Wells outflow during 1970-90 dropped to 39% of the pre-project levels - a decline of 61%.
- "Typical dry year", the outflow from springs and flowing wells dropped to 33% of the pre-project levels, a decline of 67%.
- Typical wet year, the outflow from springs and flowing wells also dropped to 33% of the pre-project levels, a decline of 67%.

C. Analysis of the pumped groundwater for 1970-90 further shows interesting facts which should be illustrated separately:

Compared to the pre-project period the pumped groundwater,

- In an average year (1970-90) groundwater pumping increased 1,050% (from 10,000AFY to 105,000AFY)
- In an average dry year (1970-90) groundwater pumping increased 410%
- In an average wet year (1970-90) groundwater pumping increased 5,000% (from 1,000AFY to 50,000AFY)

**9. Page 4-16, ¶2**

All of the components of Owens Valley water supply are commingled in the aqueduct system; therefore, there is no precise way to determine how much of the pumped groundwater is used in the Valley and how much is exported to

11

Los Angeles.

This statement gives rise to very serious concerns regarding the entire DEIR. It is my belief the City has pumped groundwater primarily for export, as this was the goal of constructing the 1970 second barrel to the aqueduct. To make the above statement clearly destroys any reliance one may have on any figures (including Figure 4-9) or facts pertaining to the measurement of the pumped groundwater. Further, the accountability rests with LADWP who must reconcile all the effects of the increased groundwater pumping with its own measuring devices.

Then the following paragraph contrarily states with certainty,

Total export to Los Angeles for the entire period (1945-1989) is presented in Figure 4-10.

Perhaps the author intended some other meaning which would regain confidence in the City's knowing how much groundwater is pumped for export.

12

#### 10. Page 4-16, ¶3

This paragraph is woefully lacking in detailed analysis regarding the City's management practices and the effects of such practices. Please refer to the preceding items, especially #8 for recommendations.

#### 11. Environmental and Enhancement/Mitigation Projects, Page 4-16, Section 4.5

The explanation of these projects states:

a) "Between 1970 to 1985, LADWP implemented certain environ-

mental projects.

b) "Between 1985 and 1990, Los Angeles and Inyo County . . . implemented . . . enhancement/mitigation (E/M) projects . . . designed to enhance the Valley's environment or to lessen or mitigate adverse environmental changes in the Valley . . .".

Comment: If a project is for mitigation, so name it - "Mitigation Project" and not allow LADWP to go elsewhere in the Valley to pump "replacement waters". If the LADWP caused a problem it must e mitigated at its expense. I propose whatever amount of water is used on the mitigation project, an equal amount should be deducted from the allowable rate of pumping that year.

Next, if an "enhancement" project is planned, before its implementation each community should have an opportunity to review the proposed enhancement project and submit a community written response (e.g., civic clubs). Further, full disclosure of the cause or justification for such project, costs, and amount of pumping should be included in an open forum. The Water Commission may be the instigating public review agency provided adequate notice is given to the adjacent community for such projects.

## 12. Chapter 5, Proposed Project, at 5-3

"Type A Vegetation" - the text states "These communities should not be affected by groundwater pumping or changes in surface water management practices, . . .".

Comment: Various plant specialists have indicated that LADWP's practice of "surface flooding" an area where plants are

impacted, followed by a drying up of the same area (for whatever reason) jeopardizes the plants' survival because of the two extremes. Therefore changes in surface water management have had a significant impact and this statement is wrong.

**13. Management Goals of the Agreement, at 5-4**

As stated in 12. above, surface management does affect vegetation in Type A.

Overall, I question the method of vegetation monitoring since it is of an experimental nature. I am not opposed to setting precedents, however the Inyo County Water Department ("Department") has not developed a hard data base from the 1984-87 inventories and surveys. Further, the Department has failed to apply the proposed vegetation monitoring with the 1984-87 data. We now have an opportune chance to test this new theory/approach prior to signing an agreement.

Next point, I disagree with the allowance of changes occurring within a certain plant community. For instance, Type E vegetation found near natural springs could be allowed to change from tules and water cress to willows which are found near creeks. Seemingly leaving room for a natural springfield to be devastated, then to be transformed into a creek with the water being controlled by LADWP. I surmise there is a wealth of studies somewhere which reveals the impacts to ecosystems when such are changed from a marsh to a creek.

**14. Groundwater Mining, at 5-5**

I propose some attention be given to "short-term groundwater mining" (i.e., 5-year periods).



15. Cessation of Pumping, at 5-7

The text refers to a footnote #6 which is not found.

16. Page 5-8 and Figure 5-2, at 5-10

As stated in 8. above, the data used for the "typical dry year" for 1970-90 does not include this recent drought (1987-89) which could have significance in the computation.

17. Page 5-8, ¶3

"Based on the fact that runoff during 1970-90 period was above normal [by 1%] and the assumption that long-term future pumping will be in the range of the 1970-90 average pumping, it was estimated that 15,000 AFY of water would flow from wells and springs."

I am opposed to the assumptions in this statement, but vehemently opposed for the apparent acceptance of the natural wells and springs flow reduced by 67% from pre-project levels (44,000 AFY) to 15,000 AFY! I am not convinced by the data provided that the Valley's natural springs are not more important to the Valley's flora.

I believe, and the USFS topographical maps show, many more springs and natural wells were in the Valley pre-1970. The insinuation that this reduction to 15,000 AFY would be acceptable is just not true from my standpoint. The loss of Hines Springs near Poverty Hills and the fact that LADWP was fully aware of its water gathering activities and the impact of those activities leaves now only a graveyard in place of the once flourishing huge cottonwood trees and lush plant life - which still existed in the early 1970's. Apparently an attempt to "mitigate" the damage to

this area is planned, but not much hope is given to re-establishing the natural flows. Finally the Reinhackle Springs area is an excellent example of one of the Valley's larger natural springs located northeast of the Alabama Gates near Lone Pine. All steps should be taken to protect and preserve this surviving natural springs and its delicate ecosystem. The proposed 3 new wells near Reinhackle Springs must not be allowed! History shows LADWP places its pumping wells adjacent to high water table areas and we have lost many such natural flows because of this practice. I urge new sites far from Reinhackle Springs be sought or, better yet, eliminate these 3 new wells altogether.

22

**18. Indian Lands in the Owens Valley, at 5-14**

The DEIR fails to document any data pertaining to:

- Contacting Indian tribes;
- Including Indian tribal governments;
- Using available Indian water studies (1976) from each

Owens Valley Reservation.

Based on these inadequacies this DEIR has to take steps to rectify these inadequacies, either by fully including or fully excluding the Owens Valley tribes. If the latter is applied, a separate EIR will be necessary by LADWP regarding the impacts of its water gathering activities in the Owens Valley to all tribal lands and tribal waters.

23

**19. Hillside Decree, at 5-15**

I recommend a copy of the court Order be included in the Appendix.

20. Enhancement and Mitigation Projects, at 5-18

Please see 11. above.

21. Releases of Los Angeles-Owned Land for Public and Private Use, at 5-24

24

I am in full support of LADWP owning up to its responsibility to release lands in the Valley. However, I object to the one-time 101 acres released approach. I recommend each of the Valley's four communities receive an annual land release commensurate with a reasonable growth rate and a "banking" of released lands be established. The one-time approach will only serve as a boost very temporary in nature. For better understanding of this recommendation I set out the following example:

LADWP releases to each community 15 acres of land beginning January, 1992 for a grant total of 60 acres (excluding the 26 acres in the Bishop area). Each January following, LADWP releases an additional 5 acres to each town unless the town still has 10 acres which have not been sold or used. Upon notification by the towns to LADWP of sale of said lands bringing the total land release town total below 10 acres, LADWP would release on the following January a sum of land bringing the respective town totals to not more than 10 acres available for public or private use.

The above method allows for continued growth potential to each community within specified limits. This would be economically

beneficial to each community and long-term potential growth would be addressed.

**22. Chapter 6, Alternatives to the Proposed Project**

A general comment to this chapter is it appears to discuss the reasonable alternatives to the project. I prefer Alternative 3 of all the options.

**23. Chapter 7, Impact Assessment**

I question generally the methodology for determining impacts to the various aspects. I specifically find faulty classifications as "less than significant impact" to 9-14, 9-16, and 10-15. Impact No. 10-12, the Five Bridges Road area, is correctly stated as "significant"; however I question the adequacy of the mitigation steps planned since the date of impact (May, 1988). Further, all impacts to natural springs (10-14) are aptly classified; however, I recommend more energetic mitigation steps be taken to rectify damage. More important, the entire last sentence of the paragraph should be eliminated. A replacement sentence should state that the Reinhackle Springs will be preserved and protected, that it will be established as an ongoing example of natural springs with no changes allowed to its ecosystem (see earlier comment).

I disagree with the "compensatory" mitigation proposed via the Lower Owens River Project. Each mitigation site should be treated separately and adequately. (See, earlier comments regarding enhancement/mitigation projects.)

I am opposed to Impact Item Nos. 16-7 through 16-19, specifically the mitigation measures as not sufficient. Espe-

cially Item No. 16-11 which states the "new wells" in the Independence/Symmes/Bairs area may reduce or eliminate the flow from Reinhackle Springs and impact the vegetation dependent upon flow from the spring - "significant" - the mitigation measure proposed is exceedingly insufficient. I believe this natural spring should be preserved, not just for plantlife, but also for animal/wildlife and unseen benefits to this Valley (see, earlier comments).

26

**24. Chapter 8, at 8-8, Geology**

In describing the Alabama Hills, the authors failed to mention several springs (Reinhackle for one) and marsh areas, as similarly stated in previous two paragraphs.

27

**25. Chapter 9, Water Resources**

Previous comments pertaining to this chapter incorporated generally here.

At page 9-35, Table 9-4, errors in the "total" column appear for the years 1966, 1971, 1976, 1980, 1983, 1984, 1988.

28

**26. Pages 9-35, 9-36, Table 9-4, Owens Valley Spring Flows in Acre-Feet**

Further statements or analysis should adjoin this Table, e.g., an average flow for 1935-1969, or 35 year average, is 35,657 AFY compared to the average flow during this project (1970-89) of 8,950 AFY. The project flow declined to 25% of the pre-project flow from these springs. I believe this gives rise to closer scrutiny of the changes in the Valley's natural flows.

29

**27. Pages 9-50 through 9-87**

Restate previous comments here relating to methodology, im-

pact classification and mitigation measures, or lack thereof.

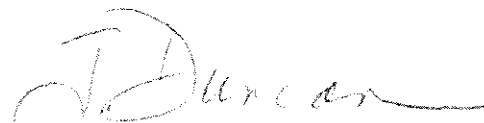
## 28. Various Comments

I oppose the proposed return of the town water systems. For Independence, a common sight is an LADWP truck working on a sewer problem on a weekly (or so) basis. The town has inadequate expertise or staff to meet the needs of this old sewer system. Let the sewer system remain with LADWP who has the staff and expertise to maintain it.

The vegetation study performed for 1984-87 by LADWP has not been made accessible to the public for review. The basis of the results in the inventory, i.e., field notes, is also unavailable. Since the Greenbook and the DEIR rely heavily on that body of data, LADWP has failed to provide this important data to the public for review.

## Conclusion

The great expense of the DEIR process in both resources (natural and monetary) and man hours unfortunately falls short of adequately describing the impacts to the Owens Valley area by LADWP increased water gathering activities since 1970. The earlier EIRs failed to describe the "whole project" and feasible alternatives; this present EIR fails to describe the cumulative impacts and combined effects in relation to the "whole project".



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## RESPONSES TO COMMENTS

### LETTER D64

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#### RESPONSE D64-1

Please refer to response to master comment PD-3 for a discussion of the scope of the project description.

#### RESPONSE D64-2

Please refer to response to master comment PD-9 for a discussion of alleged misstatement of Indian water rights.

#### RESPONSE D64-3

While the loss of Owens Lake in the 1920s has probably resulted in decreased humidity levels in the Valley, atmospheric moisture in the Owens Valley primarily results from storms moving east off of the Pacific Ocean and, during summer months, from the south east. The authors are unaware of any studies supporting this theory with regard to the Owens Valley.

#### RESPONSE D64-4

Comment noted. The full citation is National Audubon Society v. Superior Court, 33 c.3d 419; 189 Cal. Rptr. 346.

#### RESPONSE D64-5

Comment noted; while it is true that citing average values can mask highly fluctuating data, the annual data are presented in Figure 4-5 in Chapter 4 of the Draft EIR to demonstrate the variability in pumping quantities. Averages are useful, however, to understand trends over a longer term.

RESPONSE D64-6

Water meters were installed in various communities between 1976 and 1979. Metering contributed to a reduction in the use of water. The data point for 1967 was inadvertently omitted from Figure 4-10; however, this does not alter the trend of the curve.

RESPONSE D64-7

Please refer to response B1-5 in Letter B-1.

RESPONSE D64-8

Comment noted. No further response is required.

RESPONSE D64-9

Comment noted, no response necessary.

RESPONSE D64-10

Comment noted; groundwater pumping has increased since 1970 and flows from springs and flowing wells have decreased.

RESPONSE D64-11

The years used represent typical dry year operations. Please refer to responses to master comments PD-2 and WA-3.

RESPONSE D64-12

Comment noted, no response necessary.

RESPONSE D64-13

Please refer to response to master comment MT-4. Also, refer to response A4-38 in Letter A-4.



RESPONSE D64-14

All E/M projects have been subject to CEQA review. Also, please refer to master comment PD-7 for further discussion of reviewing procedures for mitigation measures.

RESPONSE D64-15

The text of the Draft EIR cited in this comment is accurate.

It is true that some Type A vegetation may be affected by water spreading practices. Most of these activities take place in areas that are already disturbed.

RESPONSE D64-16

During the 1991-92 runoff year the monitoring program was greatly expanded. Please refer to response to master comment PD-17.

RESPONSE D64-17

Please refer to responses to master comments PD-5, WA-4 and VE-1. Also, please refer to response A4-17 in Letter A-4.

RESPONSE D64-18

Please refer to response to master comment PD-12 regarding groundwater mining.

RESPONSE D64-19

Text correction is noted, and included in Chapter 3, Revisions to the Agreement and Draft EIR. Footnote #6, page 5-7 is deleted.

RESPONSE D64-20

Please see D64-11 above.

RESPONSE D64-21

Please refer to response to master comment PD-5 regarding protection of remaining springs, WA-4 regarding protection of Reinhackle Spring, and EA-1 concerning pre-project conditions.

RESPONSE D64-22

Please refer to response to master comment PD-8 and PD-9.

RESPONSE D64-23

Copies of the Hillside Decree are available at the Inyo County Water Department.

RESPONSE D64-24

Comment noted. No further response is required.

RESPONSE D64-25

Please refer to response to master comment WA-1 regarding conclusion of "no significant impacts" on water resources; WA-4, protection for Reinhackle Spring, text correction is noted, and included in Chapter 3, Revisions to the Agreement and Draft EIR; MT-3, mitigation requirements under CEQA; and MT-5, MT-6, MT-7, and MT-8. The Lower Owens River Project is acceptable mitigation. Please see response to master comment MT-6. Please refer to response to master comment MT-3 for allowable mitigation under CEQA; Appendix C-2 also presents a description of the goals and elements of the Lower Owens River Project. As allowed under CEQA, upon finalization of the project description, a separate environmental review will be conducted.

RESPONSE D64-26

Springs are discussed in Chapter 9, Water Resources, and Chapter 10, Vegetation, of the Draft EIR.

RESPONSE D64-27

Comment noted; the correct values should be 29524, 7747, 1466, 2072, 3332, 10038, and 608 for years 1966, 1971, 1976, 1980, 1983, 1984 and 1988, respectively. The report authors regret these errors. Text correction is noted, and included in Chapter 3, Revisions to the Agreement and Draft EIR.

RESPONSE D64-28

Comment noted. No further response is required.

RESPONSE D64-29

Comment noted.

RESPONSE D64-30

Concerning the town water systems, comment noted. Concerning the vegetation inventory, see response to B13-6 in Letter B-13.



**Letter D65**

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**Mark J. Lacey**



January 25, 1991

John Davis, Senior V.P.  
EIP Associates  
150 Speer St. Suite 1500  
San Francisco, CA 94105

To Whom it May Concern,

The intent of this letter is to bring forth the facts and advantages to grazing of DWP lands in Inyo County. A question has been raised as to the content of this EIR concerning grazing management. I think the answer to that lies in the title of this EIR. The title is Long Term Groundwater Management Plan. This plan is concerned with groundwater management. We already have land and grazing management on the DWP lands. The DWP employs both a Botanist and a Biologist to monitor forage and wildlife on their lands.

Let me continue by saying that grazing is the most efficient use of the renewable resource most abundant on DWP land. That resource is grass. The grasses we have in the Owens Valley are very low on the palatability scale compared to other areas of California. If these grasses are not continually harvested they mature and become even less palatable and livestock won't utilize them as efficiently. Furthermore, let me say that the stockwater and small amounts of irrigation water guaranteed our leases is what provides the few green areas and keeps the trees alive in Inyo County during these drouthy years. If we didn't need water from the aqueduct for our cattle to drink do you think the DWP soukd just turn it out? Not likely.

In addition to the positive impacts that we have on the environment we also have a great economic impact on Inyo County. In an area scant on resources other than tourism; Agriculture is one the largest industries. I don't think due weight has been given this subject. People are asking what the cumulative impacts of grazing are on this water plan. I ask what

are the cumulative impacts of this plan on grazing and agriculture in Inyo county.

In closing I would like to say that the environmental and economic importance of grazing and agriculture in Inyo County should be addressed. This plan could severely impact this industry and have a detrimental effect on the county.

Sincerely,

*Mark J. Lacey*  
Mark J. Lacey



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## RESPONSES TO COMMENTS

### LETTER D65

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#### RESPONSE D65-1

Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.



**Letter D66**

**Jeanne Lopez**



JEANNE LOPEZ  
P.O. BOX 212  
KEELER, CA 93530  
(619) 876-4633

January 25, 1991

JOHN DAVIS, SENIOR VICE PRESIDENT  
EIP ASSOCIATES  
150 SPEAR, SUITE 1500  
SAN FRANCISCO, CA 94105

Re: Draft EIR - Los Angeles Department of Water and Power  
and Inyo County

Dear Mr. Davis:

I have the following comments regarding the Draft EIR proposed by the Los Angeles Department of Water and Power regarding their water gathering activities in Inyo County:

First, my husband and I are homeowners in Keeler, which is situated at the edge of the Owens Dry Lake. I strongly object to the fact that your DEIR does not address mitigation measures for the draining and drying up of the Owens Lake, which releases clouds of sodium sulfate and other harmful PM-10 particulate matter, polluting the air with dust storms for a surrounding 250 mile radius. LADWP has lowered the water tables in the Owens Valley to the point that this 100 square mile lake, which had water in it for thousands of years, is now a barren disaster area. The lake dried up sometime in the 1940's, but in former times, steam boats plied its waters from Keeler, transporting silver ore from nearby Cerro Gordo mines. Long-time Keeler residents can remember when the lake had water in it, which acted like a "natural air conditioner". In contrast, three years ago, a portion of the "Star Wars" film was made on the Owens Dry Lake near Keeler, because it looked so much like Mars, or somewhere in outer space! Needless to say, property values and indeed the very quality of life in Keeler have been devastated. The Great Basin Unified Air Pollution Control District has amassed data about the air pollution in Keeler, which is the worst in the United States for deadly PM-10 airborne particles, able to be absorbed by lung tissue because of their small size. It is unconscionable that mitigation of this health hazard is not addressed adequately in your DEIR. It is a glaring example of the damage done to the Owens Valley by LADWP's groundwater pumping.

Secondly, I wish to request that the technical report submitted to your organization by Ecosat Geobotanical Surveys

of North Vancouver, B.C., entitled: "Survey of Vegetation, Owens Valley, California, Results of Field & Aerial Photo Interpretation Following 17 Years of Water Management Activities" dated June 8, 1990, be included in its entirety in your DEIR. I have these comments about the technical report:

1) In section I.0, "Introduction", paragraph three, mention is made of "unpublished range surveys by the City of Los Angeles, Dept. of Water and Power 1990". This survey information should be included in the EIR.

2) Further in the same section, the author states that "Yet grasslands have developed in the bottomlands of the Owens Valley. Grasslands can exist in desert environments if moisture is available from sources other than annual precipitation... These vegetation types are supplied with the water they need to survive by the abundant runoff from the Sierra Nevada mountains. This water historically reached these grasslands and shrublands through direct runoff and surface spreading or through high groundwater levels...." The author further states on page 3 that the shallow depths to groundwater (i.e. at the surface to depths of 244cm) were documented by Lee (1912) and Conkling (1921) "which occurred throughout most of the Valley bottomlands at those times". Please assure that the Owens Valley's resources are protected or restored to their historical values, not some more "convenient" (to Los Angeles) arbitrary figure taken from data after groundwater pumping lowered the water tables and diverted the runoff.

3) In Section 2.2, Results, page 7, the report states that in the 13 year period from 1968 to 1981 67% of all sites monitored experienced negative vegetation loss; 24 sites experienced a complete loss of vegetation or change to another vegetation type; 75 sites experienced major negative vegetation loss. During the 56 year period from 1912 to 1968, loss of vegetation occurred on 38% of all sites (55) and gain on 30% (44). Clearly, there was a balance during the 56 year period, that is not reflected in the radical negative changes which occurred from 1968 to 1981 (after the second barrel of the aqueduct was put into service).

4) Same report, page 18: "Groundwater pumping activity has changed significantly from 1968 to 1981. Data show that groundwater pumping averaged 12.72c.f.s. during 1969-1970 and 140.87c.f.s. during 1971-1989... ("Green Book")..." Again, the DEIR should accurately reflect the groundwater pumping figures, their changes, and the resulting drawdown and its effects.

5) Same report, page 23: "...A number of sites south of Independence and west of the Aqueduct also showed no significant change from 1968 to 1981. These sites... occur on coarser textured soils above the Valley bottomlands where shrubs (big

sagebrush, Nevada saltbush, and others not dependent upon groundwater for survival) occurred in 1968." Therefore, they would not indicate changes as much as the more dependent types of vegetation, and the fact that they showed no significant change should be factored into the percentages of negative change which did occur.

6) Same report, page 25: "...the groundwater supply serves as a buffer to those plant species requiring its availability during years of very low precipitation." Pumping the groundwater therefore alters the ecological balance negatively in ways not immediately apparent, that is, the removal of the buffer destroys plant species which depend upon it for survival.

7) Same report, page 27: Recommendations: Item 4.3: "Interpretation of the 1988 aerial photography should be conducted for all available areas of coverage to establish the nature and extent of vegetation changes from 1968 to 1988 throughout the entire Valley." Item 4.8: "Satellite data should be utilized from 1972 to present for several purposes: 1) Location and mapping of all fires; 2) location of actual surface water patterns; 3) mapping of plant biomass annually." All the recommendations contained in this report should be implemented to obtain an objective assessment of damage/change.

I object to the fact that this DEIR is being conducted after the "project" has been in operation for some 20 years. How can it hope to comply with requirements for an EIR when it obviously will tend to deal with skewed data, not undertaken in an objective, orderly EIR process? There is no clear definition of the "project".

The DEIR is one of the most difficult, complex and confusing pieces of environmental assessment reading ever to come my way. One of its basic flaws is that it lacks protections for the Owens Valley which are enforceable. There is too much time between recording possible negative impacts, getting them through the environmental process, and taking action as outlined in the DEIR. The negative impacts may well take their course irrevocably before they are addressed. Also, the Board of Supervisors can stop some or all of the mitigation projects at any time; for example, the Lower Owens River mitigation project. This does not provide adequate protection for the small amount of mitigation implemented.

There is a theory that "it takes water to get water", or that moisture must be present on the ground to attract rainfall. If that is the case, we may already be in a worst case scenario, which may come to a disastrous conclusion in the near future. If the Ecosat report mentioned above is correct, there is very little, if any, time left to correct the overpumping of groundwater and abuses by LADWP in the Owens Valley, because

the damages are multiplying rapidly and there is finally an area of "no return".

I object to the evaluation of damages in the Owens Valley being converted into dollars of cost to Los Angeles. The rate of exchange does not seem applicable or fair. LADWP makes untold millions off the water it buys so cheaply in the Owens Valley. All we are asking is that they not turn it into a dust bowl. Surely we have rights, also. And some things are worth more than money. The future population of California and the United States will lose a precious asset if it loses the grandeur and scenic value of the Owens Valley. It deserves to be preserved.

5

Finally, there must be measures enforced in Los Angeles to increase use of reclaimed water; to stop wastage of water, perhaps by mandatory water rationing; desalinization of seawater should be implemented, and there should be a growth moratorium until these vital water issues can be addressed. Water is the one commodity which no-one can do without. Los Angeles and the Owens Valley inhabit a desert environment. Let's face facts and stop the abuse.

Thank you very much for your attempts to address these concerns.

Sincerely,

  
JEANNE LOPEZ

cc: Inyo County Board of Supervisors

Los Angeles City Council

Senator Bill Leonard

Assemblyman Phil Wyman

Senator John Seymour

Representative William Thomas



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## RESPONSES TO COMMENTS

### LETTER D66

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#### RESPONSE D66-1

Please refer to responses to master comments PD-3 and AQ-1 regarding Owens (Dry) Lake and the issue of air quality.

#### RESPONSE D66-2

Please refer to response to master comment VE-5 regarding the use of the Jaques report, and Appendix B-2 for additional information regarding aerial photo interpretation. A copy of the report is available at the Inyo County Water Department.

#### RESPONSE D66-3

Comment noted. Please refer to response to master comment PD-1 regarding the issue of project operation since 1970.

#### RESPONSE D66-4

Please refer to responses to master comments PD-2, regarding the complexity of the aqueduct system; PD-4, regarding low groundwater levels; PD-5, regarding protection of springs and seeps; PD-7, regarding monitoring under the Green Book; PD-12, regarding groundwater mining; and MT-1 through MT-8 regarding mitigation.

#### RESPONSE D66-5

Please refer to responses to master comments AL-2 and AL-3 regarding desalination, reclamation and conservation.



**Letter D67**

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**Tom Noland, Spainhower Anchor Ranch**



## Spainhower Anchor Ranch

1/25/91

DRAWER P

LONE PINE, CALIFORNIA 93545

Phone: (714) 876-5676 4266

John Davis

EIP

150 Spear St Suite 1500

San Francisco Ca 94105

DATE  
TIME  
FILE

Comments on Inyo Co. + DWP EIR

Volume 1page 7-19 14-1

Significance without mitigation should be changed from LS to S. (less than significant to significant) The effect of reducing irrigated ~~age~~ acres, whether or not they were officially classified as irrigated or not, did have a significant impact on ranches in the Owens Valley. I am familiar with 2 ranches in particular - the Spainhower J Ranch and Rancho Samataguma. The number of cattle these two ranches were forced to sell because of the 2nd barrel to LA was very substantial.

page 10-63

This page would lead a reader to believe that Owens Valley ranches are better off after 1970 than they were before 1970, due to the 5 acre ft. firm commitment of water. What is ~~not~~ stated is that the lands allocated flood irrigation have

# Spainhower Anchor Ranch

DRAWER P

LONE PINE, CALIFORNIA 93545

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shrunk. With a lowering of ground water tables due to pumping, the water provided (5 acre ft.) is not sufficient to irrigate the entire area. For that reason the meadows are smaller. Many ranches are not in as good a shape as they were before 1970. Mitigation measures since 1987 on the Spainhower I Ranch DWP leases have reversed partially, the negative economic effect of the post 1970 water gathering and pumping.

page 10-56 + 57

2 These pages appear to state that the Lone Pine water table has not experienced a draw down  $> 10'$ . DWP test well data for wells 255, 256, 360 and 361 shows a  $> 10'$  draw down caused by pumping wells 344 and 346. Whatever the draw down that has occurred, it is enough to effect plants in the area. Complete die off has occurred in many meadows, springs and swamps.

3 page 10-45 Lone Pine Quad

Approximately 10 more acres should be shown

# Spainhower Anchor Ranch

DRAWER P

LONE PINE, CALIFORNIA 93545

Phone: (714) 876-5675 4266

as pre 1970 irrigation. The area is located adjacent to Hwy 395 on the south east end of the town.  
page 7-22 Lone Pine new well

Significance without mitigation should be changed from LS to S. The pumping of wells 344 and 346 since 1970 has greatly affected the private meadows on the Spainhower J Ranch and the leased DWP meadows. Also a new domestic-stock water ~~to~~ well had to be installed on the ranch in 1988. This was necessary because of the pumping of wells 344 and 346. The artesian spring that had supplied domestic and stock water has ceased to function as an artesian and has decreased in production significantly since 1970. Page 10-4 shows droughts similar to the one occurring now, in 1916, 1922 and 1926. The artesian has never failed in these ~~the~~ droughts or at any other time that anyone I've contacted knows about, until the pumping began in 1970. The EIR should assess the damage to private

## Spainhower Anchor Ranch

DRAWER P

LONE PINE, CALIFORNIA 93545

Phone: (714) 876-~~5576~~ 4266

meadows and artesian wells in Lone Pine as well as DWP meadows and riparian areas. A new well in Lone Pine would increase damage to natural artesian wells and private and DWP meadows. This is especially important <sup>west</sup> ~~west~~ of the fault line.

### 5 Additional economic effects

Ranching in the Owens Valley could be hurt by the proposed monitoring method of leaf area density. The less leaf area, the less water needed concept could bring about a situation of plant stress and decreased forage cover. The end result would be the necessity to remove grazing animals in order to keep the plants alive. A plant may be able to survive for a year without suitable groundwater, but survive may be all it can do. Plants that are grazed need more than a survival ration of water (groundwater) to support themselves and grazing every year. Ranches relying on types B & C vegetation could be significantly economically affected.

Sincerely,

Tom Nolan



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## RESPONSES TO COMMENTS

### LETTER D67

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#### RESPONSE D67-1

This comment expresses a personal opinion that two individual ranches experienced economic effects from reclassification of irrigated land. The comment is noted. See response to comment B1-5.

#### RESPONSE D67-2

No significant adverse impacts of pumping in the Lone Pine area under the project are identified in the Draft EIR.

#### RESPONSE D67-3

This field was dried at the request of lessee and the water was used on the Richards field.

#### RESPONSE D67-4

Hydrologic analysis does not indicate that operation of the two LADWP town wells or the E/M well in the Lone Pine area has resulted in the impacts identified.

#### RESPONSE D67-5

Comment noted. Modification or reduction in the degree of livestock grazing (as described in Appendix B-1) could be employed to protect vegetation.



Letter D68

Francis Pedneau

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FRANCIS PEDNEAU  
P.O. BOX 667  
Lone Pine, CA 93545  
(619)876-5663

January 25, 1991

JOHN DAVIS, SENIOR VICE PRESIDENT  
EIP ASSOCIATES  
150 SPEAR ST., SUITE 1500  
SAN FRANCISCO, CA 94105

Re: Draft EIR Owens Valley, Inyo County

Dear Sir:

I am a lifelong resident of the Owens Valley. I was born in Lone Pine in 1938 and have hunted, fished, and hiked throughout the entire Owens Valley for the last 45+ years. I have witnessed the degradation of our Valley and its environment over these years that, in my opinion, is a direct result of the water gathering and exporting practices of the LADWP.

Why should the people (taxpayers) of Inyo County be required to pay for any mitigation measures that LADWP will be required to implement as per DEIR, Greenbook, Agreement? LADWP is the cause of the problems. They should be required to pay for the solution.

A technical report entitled:

Survey of Vegetation  
Owens Valley, California  
Results of Field and Aerial Photo Interpretation  
Following 17 years of  
Water Management activities

was submitted to you by: Ecosat Geobotanical Surveys, Inc.  
4455 Ruskin Place  
North Vancouver, B.C.

Why wasn't this report addressed more in depth in your DEIR?

The Lower Owens River Project should stand alone as a mitigation measure. It should not be a catch-all mitigation project for all of the other damaged areas in the Valley.

Speaking of the Lower Owens River Project: what is it? You don't define it or detail it in any of your publications.

3 There are currently several large development projects  
in various stages of planning/construction in the Los Angeles  
area. One in particular, the Porter Ranch Project, is going  
to require great amounts of water. Where is this water going  
to come from? How do the developers address this in their  
project EIR? Maybe they don't have to submit one.

4 Why doesn't your DEIR detail water conservation and  
reclamation measures to be implemented by LADWP? Why don't  
you address alternative water sources more in depth?  
Desalinization is one. But that would cost more. What do these  
people (LADWP) think the cost to our environment is going to  
be?

5 Why isn't the Department of Fish and Game Code Section  
# 5937 addressed? The degradation of wildlife, fish in  
particular, which has occurred by the diversion of Owens Valley  
streams has literally decimated the local fish population,  
killing millions of fish during incidents of drying up or  
flooding of creekbeds and portions of the Lower Owens River.

6 According to your DEIR, upper or lower Haiwee Reservoirs  
will be opened to recreation. The people of the State of  
California have had the right to fish the waters of upper Haiwee  
Reservoir according to a Grand Deed that was recorded by Inyo  
County Recorder Richard F. Oyler on Feb. 27, 1950. LADWP has  
never made this information available to the public.  
Approximately 10 years ago, LADWP was involved in a land trade  
with the Bureau of Land Management and possibly other governmental  
agencies. The BLM was going to trade some of their land around  
Haiwee Reservoir to the LADWP for LADWP land elsewhere. One  
of the BLM conditions of the trade was that the LADWP obtain  
approval of the trade from the Inyo County Board of Supervisors.  
The Board of Supervisors gave their approval, with one condition:  
that LADWP agree to open Haiwee Reservoir to recreation. LADWP  
agreed. The land trade took place. LADWP got what they wanted  
and the people of Inyo County were left with the dirty end of  
the stick again. But, as history has shown, this is typical  
of how the LADWP goes about the business of "greening" the desert  
of Southern California. So why should Haiwee Reservoir be an  
identified mitigation project? We the people already have the  
right to fish there and LADWP has promised to open it to  
recreation.

7 According to your document, after water is restored to  
the Lower Owens River, at some point in the future the water  
can be turned off. This is unacceptable.

8 Why can't the tailwater from Blackrock and Fish Springs  
Hatcheries be used for enhancement and mitigation projects before  
it is put into the aqueduct?

Does the LADWP have a disaster plan? So that a repeat of the August, 1989 fish kill on the Lower Owens River doesn't happen again.

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Sincerely,

A handwritten signature in dark ink, appearing to read 'Francis Pedneau', with a stylized, flowing script.

FRANCIS PEDNEAU





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## **RESPONSES TO COMMENTS LETTER D68**

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### **RESPONSE D68-1**

Please refer to response to master comment VE-5 regarding the Jaques report, and Appendix B-2 for discussion of aerial photo interpretation.

### **RESPONSE D68-2**

Please refer to response to master comment MT-6 regarding the Lower Owens River project; and Appendix C-2 for a description of the goals and elements of the project.

### **RESPONSE D68-3**

The Porter Ranch development in Los Angeles is beyond the scope of this Draft EIR. The issue of water supply is addressed in the CEQA review for that project.

### **RESPONSE D68-4**

Water conservation measures are described in Chapter 3, pages 3-6 through 3-12 of the Draft EIR. Also, please refer to responses to master comments AL-2 and AL-3 regarding desalination, reclamation and conservation.

### **RESPONSE D68-5**

This comment raises an assertion of legal requirements. It does not itself raise an environmental issue related to the content of the Draft EIR. The comment is noted; however, the applicability of some legal issues to various activities is an ongoing legal question which may be tested in a number of arenas other than this EIR.

RESPONSE D68-6

Please refer to response to master comment PD-16 regarding Haiwee Reservoir.

RESPONSE D68-7

Please refer to responses to master comments MT-4, regarding the continuation of mitigation, and MT-6 regarding the Lower Owens River project.

RESPONSE D68-8

See response to comment C11-34.

RESPONSE D68-9

LADWP's disaster plan calls for release of water from waste gates in an emergency.

Letter D69

Melinda Salmonds



MELINDA SALMONDS  
P.O. BOX 42  
OLANCHA, CA 93549  
(619)764-2337

January 25, 1991

JOHN DAVIS, SENIOR VICE PRESIDENT  
EIP ASSOCIATES  
150 SPEAR ST., SUITE 1500  
SAN FRANCISCO, CA 94105

Re: Comments Regarding the DEIR On Los Angeles's  
Owens Valley Project

Sir:

In reviewing the DEIR between LADWP and Inyo County, I have a much clearer picture of the problems we are facing. If you take a step back, and cut it to the quick, Los Angeles gets everything it wants, and gives almost nothing to Inyo County.

They will have 15 new wells, approximately 42,000 AFY more water, and get out of mitigating the largest environmental disaster in the United States, the Owens (Dry) Lake.

What does Owens Valley get? We get 15 new wells, lose more water and are stuck with an agreement that may or may not work. In your Summary (S-11) you recognize the experimental nature of the agreement, yet you still recommend this as the best protection for both parties. How can this be, if it fails? Is Los Angeles hurt? No. Is the Owens Valley hurt? Yes. Because there will be 15 new wells out there. Also, the Agreement does not totally mitigate the devastation created by groundwater pumping in the Valley.

The Lower Owens River Project is being used to mitigate all areas, in a trade-off. I totally disagree with this, as the Lower Owens River should come under the auspices of the Department of Fish and Game. I disagree with the pumpback station, as that water should be turned out onto the Owens Lake and channeled to the areas where the dust blows. LADWP's other mitigation projects (the fish hatcheries, spreading areas, alfalfa fields, etc.) should not be allowed to feed back into the aqueduct, but spread on the surface, possibly restoring some vegetation.

As to the rest of the Valley's devastation, the best way to mitigate would be to bring the water tables back to the root zone, to relieve the stress caused by pumping and drought.

Then and only then should the experiment of rotation - soil monitoring be implemented.

The section on wildlife in the DEIR is totally inadequate and should be addressed more thoroughly.

Also, since Olancho/Cartago are part of the basin and Los Angeles owns a lot of property here, we should be included in the DEIR, if only as a comparison to the rest of the Valley, as none of our water has yet been pumped for export. Your report should also include the "Survey of Vegetation on Owens Valley" done by Ecosat Geobotanical Surveys, Inc., 1990.

Finally, I would like to comment on L.A.'s water conservation efforts, and their excuses for not doing more.

I'll begin with retrofitting plumbing. Their percentages are based on certifications of compliance given to homeowners by plumbers doing the work. It is my understanding that a great many of these certificates are merely signed-off, without these kits actually being installed. Therefore, there are probably not as many as shown in the DEIR. There should be strict enforcement provisions for contractors.

The voluntary 10% rationing implemented by LADWP last spring was successful for only a few months, then failed in September, yet LADWP has done nothing to correct this. MWD is implementing mandatory rationing Feb. 1, 1991; Los Angeles has yet to do this. Instead, they have petitioned the courts to resume water diversions from Mono Lake.

The water reclamation facilities will not be completed soon enough to make any difference, given the continuing growth of the area.

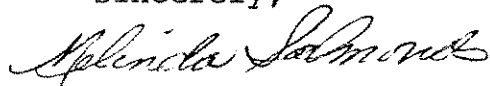
It is becoming more apparent as each day passes that Seawater Desalination is the most reliable form of water delivery to Southern California. In figuring the cost of desalination, was the cost of finding, treating and delivering water from new sources averaged in? If desalination is not a viable solution, why then is MWD constructing a pilot plant to serve Southern California because of long-term needs for additional water resources? (L.A. Times, 7/12/90.) Also, I object to financial considerations taking precedence over environmental concerns.

Now, to the section dealing with growth limitations: Los Angeles will not impose any limitations on growth for one reason: Money. They have the Porter Ranch Development, Plaza Vista, the Marina Triangle, the UCLA expansion and on January 18, 1991 approved the Farmer's Market Plan. This calls for 700,000 sq. ft. of shops, dept. stores, restaurants, housing and millions

of gallons of water used daily for all these projects. It is also ridiculous to state that limiting growth in Los Angeles would cause undue growth in outside communities, because that is already occurring and will continue. Estimated State population will be 40 million by the year 2010, unless something is done. The Los Virgines Water District in San Fernando Valley is refusing to accept new customers, due to water shortages, and I'm sure more would follow if Los Angeles led the way. This lack of a policy regarding growth is also seriously affecting the entire water conservation effort among the citizens of L.A. Over the past year there have been many letters to the L.A. Times alluding to this. Their main theme seems to be "why should we cut back 10% when hundreds more come into the area using up the 10% we saved?" This reflects the attitude of many people and they have a right to feel that way, because it's true.

In closing, I must state that this DEIR is inadequate and the proposed agreement is too experimental in nature for the long-term protection of the Owens Valley.

Sincerely,



MELINDA SALMONDS

cc: Senator Bill Leonard  
400 N. Mountain Ave, Suite 109  
Upland, CA 91786

Assemblyman Phil Wyman  
540 Perdew, Rm. A-1  
Ridgecrest, CA 93555

Representative William Thomas  
4100 Truxtun Ave., Rm. 220  
Bakersfield, CA 93309





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## RESPONSES TO COMMENTS

### LETTER D69

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#### RESPONSE D69-1

The Lower Owens River Project is acceptable mitigation. Please see response to master comment MT-6. Please refer to response to master comment MT-3 for allowable mitigation under CEQA; Appendix C-2 also presents a description of the goals and elements of the Lower Owens River Project. As allowed under CEQA, upon finalization of the project description, a separate environmental review will be conducted.

#### RESPONSE D69-2

Please refer to response to master comment PD-17 concerning the drought recovery policy.

#### RESPONSE D69-3

Please refer to response to master comment AL-3 for an update on water conservation efforts in Los Angeles.

#### RESPONSE D69-4

Please refer to response to master comment AL-2 regarding water reclamation.

#### RESPONSE D69-5

An overview of the environmental effects of desalination is presented in Chapter 6, Alternatives, of the Draft EIR. Please refer to response to master comment AL-2 regarding desalination.

RESPONSE D69-6

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.

**Letter D70**

**Jeanne Walter**



Jeanne Walter  
Post Office Box 253  
Bishop, CA 93515  
(619) 873-4755

January 25, 1991

John Davis  
EIP Associates  
150 Spear St.  
San Francisco, Ca. 94105

Dear Mr. Davis,

I am taking this opportunity to comment on the draft EIR on water management in the Owens Valley. While it is obvious that a great deal of effort and research has gone into the document, I feel that ~~there~~ are a few areas that must be changed or it will be unacceptable to those of us who live in the Owens Valley and want it to survive.

Significant areas of land (eg. Laws) is ~~heavily~~ impacted by pumping and yet is not included in the EIR. In conjunction with this, there is an inadequate pre-project description of the areas affected, without this mitigation is inadequate. Sizes of marshes and meadows needs to be defined.

Drought policy needs to be strengthened in support of the valley and should include policy for future droughts. If potential impacts are unclear or uncertain, no increased pumping or water transport should be allowed. Possible mitigation does not repair the damage or make it "O.K.". We already know that some areas are not amenable to mitigation.

Any ambiguous words such as "significant" must be explicitly defined. Statements need to be quantified.

Any and all provisions which grant Los Angeles unilateral authority to turn pumps on must be deleted. If they are going to

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be allowed to do that it hardly seems that we need an agreement. It fact it makes it an non-agreement, since no agreement is necessary.

Until we have (if we ever have) a means of adequately monitoring damage, pumping should only be allowed in the most conservative manner.

Remaining springs should remain in their natural state.

Cumulative impacts of all LADWF activity in the Owens Valley needs to addressed, this includes leases for grazing, mining, etc.

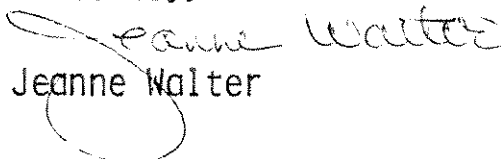
Los Angeles alternatives for water need to explored in a practical long-range manner, not just the most fiscally or politically expedient manner.

Native American treaties and rights have not been addressed. Reservations make up a significant portion of the Owens Valley.

I doubt that any of my concerns are new to you. I only hope that they will reinforce the need to amend the EIR. Our current water shortage should also quantify the importance of this EIR in shaping the future for all of us. Los Angeles history in our area makes anything less than a truly adequate EIR unacceptable.

I do not envy you the task, and can only hope that you and your organization are capable of accomplishing it.

Sincerely,

  
Jeanne Walter

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## **RESPONSES TO COMMENTS LETTER D70**

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### **RESPONSE D70-1**

A number of factors are involved with the loss of vegetation in the Laws area, including grazing, fire, water spreading, and past agricultural use. A site in the Laws area is addressed in response to master comment VE-8; also see response EA-1 for a discussion of pre-project conditions.

### **RESPONSE D70-2**

Please refer to response to master comment PD-17 regarding the drought recovery policy.

### **RESPONSE D70-3**

Please refer to response to master comment PD-6 regarding the issue of unilateral well turn on/off.

### **RESPONSE D70-4**

Please refer to responses to master comments PD-8, PD-9 and PD-10 for a detailed discussion of the relationship between the proposed project, Draft EIR and Indian tribes.





**Letter D71**

**Joe Washington**



1/25/91

John Davis  
EIP Associates  
150 Spear Street, Suite 1500  
San Francisco, CA

I can not agree with the proposed water agreement between Los Angeles and Inyo County for several reasons.

- 1) The first problem involves the scope of mitigation work to be done. I realize mitigation projects will be outlined and assessed in future analysis, but the agreement should describe the minimum amount of work to be done. For instance, is the Lower Owens River project going to consist of increasing the water supply and assuming riparian vegetation will regenerate itself, or is vegetation going to be planted. If so, how many acres are going to be planted and where, and what particular species are planned for revegetation. I am also concerned about increased public use of mitigation areas. Creation of warm water fisheries will attract much larger numbers of people to the river, thereby impacting wildlife habitat and making it less favorable for wildlife. Therefore I would like to see the majority of the river project maintained in a roadless condition. A similar concern involves the use of Haiwee Reservoir for public recreation.

2 The EIR mentioned that Tinnemaha reservoir be decreased or abandoned and there was no mention of adverse impacts to wildlife.

3 Another Mitigation concern involves Fish and Blackrock springs. Habitat has been significantly impacted as a result of pumping and I do not believe fish stocking is an acceptable means of mitigation.

4 2) My second area of concern involves livestock grazing. The EIR states that no impacts to livestock production are anticipated, but I do not see how present grazing levels can be maintained without further significant impacts to vegetation. I am familiar with many areas that are overgrazed and the grazing management program outlined in the EIR does not seem to be utilized. Proper grazing management should be included in the final agreement and monitored along with water management. If any progress is going to be made in restoration work grazing will have to be eliminated in these areas until vegetation is well established.

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3) The EIR doesn't adequately describe pre project vegetation and wildlife conditions. It was stated that no scientific analysis or measurements were conducted prior to the ~~agreement~~<sup>Project</sup> and it is therefore unknown what conditions existed. LADWP has been operating in the valley since the early 1900's and it is hard to imagine they do not have a grasp of vegetation conditions prior to 1970. It is agreed that impacts have occurred and estimates of pre project conditions should therefore be obtainable.

Also I do not agree with the statement that negative changes caused prior to 1970 are permanent and cannot be ~~reversed~~ improved. Significant impacts caused prior to 1970 should be mitigated in the overall design to provide wildlife habitat.

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4) The meaning of "significant" impacts should be clearly defined to include any measurable changes in vegetation. In addition to vegetation changes caused by pumping, this

should also include changes caused by construction of new wells and ancillary facilities. Impacts associated with these construction activities are downplayed in the EIR. The construction of new roads to well sites results in increased public use of these areas and ~~for~~ I have seen instances where 4 wheel drive vehicles have used these roads as starting points for indiscriminate cross country travel. I am particularly concerned with the construction of well ISB-5 in hogback creek. This drainage supports several distinct community groups and has been relatively low impacted by human use. I feel it is of particular significance and worthy of full protection, and I would like to see this well site relocated.

5) It is often stated that future pumping rates cannot be forecasted, but I would like to see upper limits set. Rates should remain in the 1970-1990 levels and pumping should

be very conservative until vegetation monitoring programs are firmly established and able to measure minor fluctuations. When wells are shut down for drought recovery, soil moisture must be sufficient for existing vegetation before wells are turned on. Agreements should be reached between LA and Inyo County before any wells are returned to service, regardless of the reason.

6) I do not believe irrigated native meadow and pasture should be allowed to change to alphalpa even though they are in the same plant management categories. This would result in serious impacts to wildlife habitat.

7) Land transferred to County or City agencies should not include existing wildlife habitat such as woodlands or marsh, as this would also cause significant impacts.

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8) I would like to see more woodlots established and strict controls on random woodcutting throughout the valley. This has adversely affected wildlife habitat in many areas and often involves cross country vehicle travel.

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9) I would like to see a greater commitment to water conservation and reclamation by the city of Los Angeles.

Sincerely,  
Joe Washington



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## **RESPONSES TO COMMENTS LETTER D71**

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### **RESPONSE D71-1**

*Please refer to responses to master comments MT-1 through MT-8, regarding mitigation; MT-6 and Appendix C-2, regarding the Lower Owens River project; and PD-16 regarding Haiwee Reservoir.*

### **RESPONSE D71-2**

*Please see response to comment C11-20 in Letter C-11.*

### **RESPONSE D71-3**

*See response to comment C11-34 and response to master comment MT-3.*

### **RESPONSE D71-4**

*Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.*

### **RESPONSE D71-5**

*Please refer to response to master comment EA-1 for a discussion of pre-project conditions.*

RESPONSE D71-6

The criteria for identifying significant effects are described in the introductory statements in each environmental analysis section of Chapters 8 through 16 of the Draft EIR. The standards are based on CEQA Guidelines (Appendix G in CEQA, titled Significant Effects) unless indicated otherwise. The Agreement contains a detailed description of significant effects in Section IV.B (pages B-22 through B-24). Please refer to response to master comment PD-18 regarding the use of the term "significant" in the Agreement. Also, see response to master comment MT-7.

RESPONSE D71-7

Please refer to responses to master comments PD-6 regarding the issue of well turn on/off and PD-17 concerning the drought recovery policy.

RESPONSE D71-8

Please refer to response to master comment VE-1 regarding allowable vegetation changes under the Agreement.

RESPONSE D71-9

Please refer to response to master comment PD-15 regarding the release of Los Angeles-owned lands.

RESPONSE D71-10

Comment noted. No further response is required.

RESPONSE D71-11

Comment noted. Conservation efforts by Los Angeles are described in detail in Chapter 3, pages 3-6 through 3-12 of the Draft EIR. Also, please refer to responses to master comments AL-2 and AL-3 regarding desalination, reclamation and conservation.

**Letter D72**

**Lois E. Wilson**



Lois E. Wilson  
P.O. Box 617  
Lone Pine, CA. 93545  
January 25, 1991

Mr. John Davis  
Senior Vice President  
EIP Associates  
150 Spear Street  
San Francisco, CA. 94105

Dear Mr. Davis,

I have listed only my major concerns and comments on the Draft EIR for the 1970 Project of Water Gathering Activities of Los Angeles DWP in the Owens Valley and the Long Term Groundwater Management Agreement. I have listed them by order of priority to me:

Chapter 12 Air Quality

12.1 Air quality in the Owens Valley is not generally excellent. There are significant increases in respiratory distress syndrome and various other sorts of respiratory problems. I am one of the people who have developed chronic sinusitis and bronchitis myself. Deliberate attempts to remove phreatophytes by de-watering has exposed much more barren land here than has been reported in this draft EIR. How has the conclusion been arrived at that air quality is generally excellent? The next sentence states; "during periods of high wind, dust, in large quantities can be present in the air". How many days are windy in the Owens Valley? (high winds). Recently I read a report that in June of 1979 UC Davis studied air quality in Owens Valley for 17 weeks and reported 9 dust storms during that time. As a resident here I would like to report that dust storms have steadily increased in severity. Could this be attributed to the increase of barren land? What is the velocity of the wind in Owens Valley? I have heard between 20 to 60 MPH winds are not unusual.

Why has Appendix E been left out of this draft?

Why has SIP not been included?

Regarding violations of State and Federal standards of PM-10

Page 12-2

Page 12-4 Table 12-2 states: PM-10 with SO<sub>2</sub> may produce acute illness, yet we know we have PM-10 with SO<sub>2</sub>. What is the plan to mitigate this?

Page 12-6 shows more violation of Federal and State standards.

Page 12-8 says mitigation actions to control PM-10 are outside the scope of this EIR. Is this another political move as was the passing of SB-270 in 1983?

Page 12-10 and 12-11; Impact 12-1 is seriously minimized

Page 12-11 and 12 12-1 Mitigation Measures:

How many acres have been affected by groundwater pumping and how many by surface diversions?

4 How can we know what the project causes when the impact is intermingled? How do they plan to water the revegetated area? By more pumping? If this is so, doesn't it merely add to the problem? Mining is occurring and recharge is not taking place adequately in this valley, what is the plan when subsidence occurs as has already been reported by DWP in their 1975 EIR?

5 Page 12-12 12-2 Impact  
Regarding the statement "If the goals of the agreement are achieved... damage and resulting significant air quality impacts....would be avoided. The required monitoring devices failed in the past as reported in a memo from the Inyo County Water Department in April 1990. What are the plans if the goals are not achieved?

6 CEQA 21000 (d) seems to be violated in air quality.

Since we are basically discussing human life here which is being seriously jeopardized by this project, how can mitigation actions be outside the scope of this EIR?

7 Page 9-48 Water Resources "Because this is a unique EIR in that it describes a project that began more than 20 years ago".... is poor reason to relieve DWP from mitigation to reduce the impacts by considering all impacts described as less than significant unless explicitly identified as significant. How does this reasoning comply with CEQA? Shouldn't all impacts be mitigated?

8 9.1 Page 9-1 is misleading. All water not exported is eventually consumed? Isn't this inconsistent with the ecological cycle of evaporation and precipitation? Here in the Owens Valley with the closed basin the water here is either stored in the underground basin, evaporated + some consumed.

9 This draft EIR is inadequate to satisfy CEQA law in the following areas:

Chapter 6 "No Project" is not adequately covered.

It does not operate from 1970 Pre-project base.

No conclusion has been made as to the cause of dead and dying vegetation.

Cumulative effect is not adequately addressed.

The scope of the project is narrowed down.

Mitigation trades off one impact for another in different areas and in some cases simply monetary gain.

The burden of proving LADWP activities are causing adverse effects is being placed on the party suffering from the effects - the burden of proof should be on DWP to prove their actions are NOT causing these effects.

The Agreement which is part of this EIR is destructive for Inyo County for the following reasons:

the Dispute resolution by "specific performance" leaves Inyo County in a very compromised shakey position:

B-3 Case 12908 should be filed and appealed by Inyo County.

B-5 Result of Case 12883 ordering County to prepare a legally sufficient EIR: County did not adopt its own EIR, thus depriving the people of Inyo County their constitutional rights to enforce an ordinance mandated by 76% of the voters to protect their own right to life liberty and the pursuit of happiness..... Is this a trade for monetary gain?

B-8 line 10-14 Is this true? Has been approved?

B-10 line 4 monitoring has already failed, what is the alternate plan?

B-12 III B line 23 What is the plan to stop short term mining? What is the plan to stop subsidence and vegetation loss on short term basis? It doesn't take 19 - 20 years to kill plant, animal and human life!

B-14 Monitoring- Too much judgement is left to a handful of appointed people. Also, how controlled are the sites? "Leave the driving to us?" We the people have not been able to get straightforward answers during the past 20 years. We have had too many closed meetings, few public meetings, which have been scheduled at conflicting times and often distances that make it difficult to attend.

B-16- line 16 Indian Lands

These people are already having trouble getting their entitlement and their land especially in Lone Pine has very significant adverse effects.

line 22 - Many species are already gone.

B-17 line 10 "should" should be changed to Will since it has already happened due to no available precipitation and de-watering practices.

line 26 - these have already failed and caused much destruction.

B-18 is blank how can we comment on it?

B-22 - 29 is another case of having to depend on one or two individuals to decide how much death is significant - this is unthinkable to me.

B-29 line 6 We are already being mined. Why do we need additional wells? What good is it to rotate when recharge is not occurring?

B-32 This is a perfect example of how DWP can get around Court Orders and continue with their own plan.

B-33 & 34 Is it possible for a study to be unbiased and not have a conflict using DWP funding?

B-34 What good is a water system if you do not own the water rights?

B-37 line 17 should be changed from 500 acre feet to .68 or less than 1 cfs consistent with the next page B-38 where the water is measured in cfs line 7 and 11. It is misleading not to do so.

B-38 line 5 Is this another means of pumping additional up to 36,500 AFY of water from Keeler Bridge to the aqueduct? If so, has it been included in the total AF of water to be exported? Is it considered just in-valley use? I would like to have this explained more clearly.

B-39 line 5 What kind of chemicals are to be sprayed for killing the plants?

B-39 How is the non-pumpback separated?

B-39 line 23 is ambiguous - what is the determining factor? 3.75 million is a lot of money. More explanation is needed here.

B-40 line 5 & 6 I understand Haiwee Dam has already been determined unsafe to operate. Why is it even being mentioned here? It looks like dangling a piece of candy in a child's face.

line 15 "if it is feasible to do so." Why don't they just leave out this part if they already know they cannot do it?

B-40 line 21 Salt Cedar Control - This is one of the most repulsive parts of the Agreement to me. To think that my own County Government is going to send its own people out to kill the only thing left that can live on its own here then to accept money for doing the job seems the final blow. The salt cedar is at least green and provides some shelter to wild animals and birds. Salt Cedar in this windy area provides excellent wind break. I would like to see if it could be planted around the shore of the Owens Dry Lake for dust control.

The In-Valley uses are ~~too~~ intermingled with surface water, pumped water and the ultimate flow into the aqueduct - it is impossible for anyone to know how much water is exported. I think the measuring device to meter the water being exported should be at Haiwee where the intake to the pipeline is. The County, LADWP and <sup>State</sup> ~~then~~ could jointly monitor the export and the reports should be public knowledge.

11

For the sake of time I will simply comment on particularly objectionable items throughout the remainder of my comments on the Agreement by page and line:

Page B-50 line 4 & 5

line 20 & 21 - why?

B-51 line 14 & 15 - more wells!

B-52 line 10 & 21 - 22 Pretty doubtful for Inyo



Page B-53 line 7 - more wells?

line 14 - 17 another doubtful for Inyo

Page B-54

B-56 Hold Harmless

B-58 line 24 through B-59 line 4

B-59 through B-64

Another Most objectionable part of the Agreement is Page B-64 line 21 through 28 and Page B-65 - Relinquishing Inyo Lawsuits leaves citizens of Inyo utterly dependent on LADWP good faith which has seldom been kept in the past.

Thank you for reading my comments and I hope you will give them careful consideration in writing the final EIR. Please add my name to your mailing list to receive any relative public correspondence.

Respectfully submitted,

*Lois E. Wilson*

Lois E. Wilson

P.O. Box 617

Lone Pine, CA. 93545

12



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## RESPONSES TO COMMENTS

### LETTER D72

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#### RESPONSE D72-1

Please refer to responses to master comments PD-3 and AQ-1 regarding Owens Lake and air quality issues.

#### RESPONSE D72-2

Comment noted. No further response is required.

#### RESPONSE D72-3

Please see Chapter 10, Vegetation, of the Draft EIR for acreages identified as being significantly affected. Also, please refer to response to master comment AQ-1 regarding air quality impacts.

#### RESPONSE D72-4

Please refer to response to comment MT-2 regarding revegetation.

#### RESPONSE D72-5

Comment noted. The Water Department has not stated the monitoring has failed in the past.

#### RESPONSE D72-6

Owens Dry Lake is outside the scope of this EIR. Please refer to response to master comment PD-3 for discussion of Owens Lake.

RESPONSE D72-7

Please refer to responses to master comments PD-1, regarding operation of the project since 1970; and MT-3 for discussion of mitigation under CEQA.

RESPONSE D72-8

In this sense, the term "consumed" includes evaporation, evapotranspiration, and recharge of groundwater because these are the fates of surface water entering the Valley. The normal fate of surface water is to flow to the ocean, and this does not occur in Owens Valley.

RESPONSE D72-9

Please refer to responses to master comments PD-1, PD-3, EA-1, AL-1, MT-3 and MT-5 for discussion of project operation since 1970; exclusion of Owens Dry Lake from the EIR; pre-project conditions; discussion of alternatives; description of mitigation under CEQA; and cumulative impacts, respectively.

RESPONSE D72-10

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.

RESPONSE D72-11

This comment expresses an opinion on the merits of the project and does not relate to the content of the Draft EIR. Comment noted. No response is required.

RESPONSE D72-12

Comment noted. No further response is required.

Letter D73

Mary DeDecker



## LETTER D-73

P.O. Box 506  
Independence, CA 93526  
Phone (619) 878-2389

January 26, 1991

Mr. John A. Davis  
EIP Associates  
150 Spear Street  
San Francisco, CA 94105

Dear Mr. Davis:

This is my response to your draft EIR on the groundwater management plan for Owens Valley.

Responses to the Summary:

First paragraph: The people of Owens Valley were Told by the DWP that the proposed second aqueduct would take only "surplus water". They were not warned that surplus in the eyes of Los Angeles would mean drying up springs and seeps and drain wetlands, all critical habitats in the environment of Owens Valley.

It was the discovery that this was occurring that brought on the suit filed in 1972.

Page 5, last item of agreement: The word, "enhancement", should be stricken from the term "enhancement/mitigation" throughout this agreement. It is a deceptive term which would substitute purely cosmetic projects for those of any value for mitigation. It helps the DWP image, at the expense of true mitigation which would be of value to Owens Valley.

Page 6: The word, "significant", is too vague a term for such a serious determination. It could allow irreparable damage to vegetation. Even though this may satisfy the legal requirements under CEQA, it is not acceptable to the people of Owens Valley. Therefore it does not belong in this agreement. Unless a firm interpretation can be given for that word it should be stricken from any use in the EIR.

Areas of riparian vegetation dependent on springs and flowing wells should be clearly mapped to make this an adequate EIR. It should show which of these have been dried up since 1981-82.

There has not been sensitive management to protect rare or endangered species, this resulting in serious impacts on favorable sites. It is necessary here for the DWP to agree not to take steps to oppose the listing of any species. In 1990 it prevented the listing of *Oryzopsis nevadensis*, an endangered species whose only occurrence in California is on Los Angeles owned land in Owens Valley. This was in opposition to a recommendation by botanical authorities of the Department of Fish and Game and the California Native Plant Society (CNPS). A plant is not protected by law unless it is on the state or federal list. There is a long backlog, however, of plants which have been recommended for listing. The federal agencies respect this and protect any species listed by CNPS as being seriously rare or endangered.

Page 7: It was on the water spreading areas that a virtual population explosion of tamarisk occurred in the wet year of 1968-69. This was caused by surface disturbance of soil combined with unusually moist conditions. The agreement should address this problem and give assurance that recharge facilities would not increase the tamarisk problem. It could be controlled then with little effort.

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Pages 22-23: I agree that the issue of the dust problem on Owens Lake should not be a subject of the water agreement nor of this EIR.

#### Comments on 10. Vegetation.

6

Page 5: Creosote Bush should be shown as a dominant species of the Mojavean flora. It is the chief indicator species.

Blackbush, in Owens Valley, usually occurs with Great Basin species.

Page 6: The common rush in native pastures is *Juncus balticus*.

Page 7: Mojave Creosote Bush Scrub. The presently accepted name for creosote bush is *Larrea tridentata*. It is dominant in southern Owens Valley only.

Mojave Mixed Woody Scrub. Bladderpod does not occur in Owens Valley. It would be best not to show a subspecies for Joshua tree. It is doubtful that *Ssp. herbertii* occurs as far north as Owens Valley.

7

Page 11: Blackbush Scrub is not limited to calcareous soils. In Owens Valley it is more often on granitic soils. What do you mean by "... dominated by a single species of saltbush"? That would not be the case.

Desert Sink Scrub. Parry saltbush could be included here.

8

Page 14: I resent the use of "Rabbitbrush Meadow" in this EIR. It is actually a dying meadow, one which is becoming too dry to support grass. Rabbitbrush is an invader which, in this case, is taking over the meadow. If the drying trend continues, the rabbitbrush, too will die.

The same might be said of Nevada Saltbush Meadow, although that occurrence is less common. The Nevada saltbush is usually established before the grass.

9

Page 15: Transmontane Alkali Marsh.

The cattail here would be *Typha domingensis*.

Page 19: Great Basin Riparian Scrub.

I doubt that *Salix commutata* occurs anywhere in Owens Valley. Perhaps it is confused with *Salix lasiolepis*.

10

Pages 20-23.

Plants of concern are listed. Reference to my former statement concerning endangered plants is made here. I would insist that the DWP follow the same procedure as do the federal agencies in recognizing the validity of CNPS designations. CNPS ratings are shown on page 20. I will discuss the plants listed herein, along with giving the CNPS ratings for each. The first figure shows the degree of rarity, the second figure refers to endangerment, and the third one to distribution. The higher the number, the more serious is its situation.

*Amelanchier utahensis* ssp. *covillei*. This is not listed in the CNPS R/E inventory. I doubt that it occurs on the floor of Owens Valley, although it is found in the bordering mountains.

*Astragalus geyeri* var. *geyeri*. (3-2-1)

Rare in Owens Valley, its habitat similar to that of *Oryzopsis nevadensis*. This may be its most southerly site.

*Astragalus lentiginosus* var. *piscinensis*. (3-3-3)

This is one that I discovered. It is extremely rare, but should be reasonably secure, at least that



part of the population within the enclosure at Fish Slough. I doubt that pupfish recovery work had any impact on it. Any plants outside the enclosure would be subject to trampling by cattle.

*Calochortus excavatus* (1-2-3)

Normally, This species occurs with *Sidalcea covillei*. However, it cannot tolerate grazing. In pastures it is limited to the few plants which are growing up through bushes, usually rabbitbrush.

*Celtis reticulata* Not listed by CNPS.

Any remaining plants of this species are on private property in the town of Independence.

*Cordylanthus ramosus*. Not listed by CNPS.

The name in the EIR is in error. An exceptionally fine population of this species grew in the black rock area around Little Black Rock Spring until 1974. It was completely destroyed when the Dept. of Fish and Game began pumping at Black Rock Springs. Its growth habit was so vigorous that Dr. Larry Heckard, the authority on the genus, first thought it might be a new species. Upon studying it he decided it was only an unusual form of the species *ramosus*. It is a Great Basin species, unusual in California.

*Eriogonum amplexicaule*. (1-2-2)

It seems to favor roadsides where it receives a little extra moisture.

*Fimbristylis spaldingii* (2-2-1)

This species is protected where it occurs at Fish Slough. Otherwise, it would be threatened by any impact on warm or hot springs.

*Loeflingia squarrosa* ssp. *artemisiarum*. (2-2-2)

In Owens Valley it is known only in the stabilized sand dunes north of Big Pine. The plant is a tiny tuft about 1 inch high. It probably depends on precipitation and may not appear at all in drouth years. Trampling could impact it but it does not occur in grassy areas.

*Oryctes nevadensis*. (3-3-2)

This small annual grows in loose, sandy soil and is very vulnerable to trampling by livestock. It should have been listed by the state, but political pressures prevented it.

*Ranunculus hydracharoides*. (2-2-1)

It occurs in the Bishop area as well as on the south fork of Oak Creek. Its only threat appears to be trampling by livestock in watering places.

*Sidalcea covillei* (2-3-3)

An Owens Valley endemic which was formerly abundant on the bottomlands of the Owens River and in moist or springy places. The moist habitats that it requires are relentlessly being dried. Remnants of its former populations still exist, but the species is headed for extinction unless a serious effort is made to provide reliable habitats.

The same might be said of *Calochortus excavatus*.

*Thelypodium crispum* (Not listed by CNPS.)

This was occasional in central Owens Valley out from Independence. The plants are scarce now, and those which are found are small and weak.

*Thelypodium integrifolium* ssp. *complanatum*. (Not listed by CNPS.)

This is another victim of pumping at Black Rock Springs. An exceptionally fine population existed at Little Black Rock Springs until wiped out by pumping. There was an abundance of the plants 4 to 8 feet tall. This species is not known elsewhere in the valley.

*Viola nephrophylla*. (Not listed by CNPS.)

Its sheltered site on Hogback Creek was destroyed by deliberate burning several years ago. The cattleman lessee torched every clump of growth there, including tall trees which harbored the rare yellow-billed cuckoo. It was one of Owens Valley's finest wet habitats, unfortunately on Los Angeles owned land. I am still bitter about its destruction.

11

Pages 32-33. The most tragic losses in the drying of Owens Valley have been those of the major springs, namely, Fish Springs, Big and Little Seely Springs, Blackrock and Little Blackrock Springs. Little Blackrock Springs was the most fabulous combination of habitats of them all. The blundering in its mismanagement is unforgivable. I wonder if any mitigation measures for them will show any more sensitivity. We must not allow any more springs to be lost. They are extremely valuable centers of life.

12

Page 47-48. I am at a loss to know why the report of Dennis Jacques and his photographic record have not been given adequate recognition. Dennis and I shared field work in the study of 1974. I found his observations reliable and his conclusions sound. They should be valuable in filling in the missing period now. Why are they not being used? I reviewed his aerial photos recently and find them well worthwhile.

Page 72. See my comments above on "Significant".

Comments on Volume II:

13

A-7: Project location. It says here that Owens Valley is 5 TO 30 miles in width. The summary says it is 6 to 15 miles wide.

14

Bishop is a city, not one of the towns.

B-9: No criteria is shown for selection of representatives to the technical committee. It should be specified that members of that committee must have expertise in an appropriate field.

B-10 C. How will "significant" amounts or changes be determined?

B-10 D. This statement should be clarified and rewritten.

12 E.II-B Too many uses are covered in Type E Classification.

This should be broken down to show which uses are environmentally desirable and which would have a negative effect. As it is now it could allow all the water quota to go to some use other than for environmental benefits.

15

B-12-III-A. Line 20. **"An adequate supply"** should replace "a reliable supply".

16

III B-12-13. The possibility of long periods of drouth should be addressed here.

III-C-5. Page B-14. This is entirely unacceptable to the people of Owens Valley. Mitigation must occur at the site of impact and be an honest effort to mitigate the problem.

17

Page B-14, line 24. It must be clearly shown that Inyo County will participate in the monitoring.

Page B-15 -E. Significant effects **must be avoided**. Any developing impacts must be recognized in the early stages and not allowed to develop to a significant level. **This entire process is too slow.**

18

Page B-16. I. No seriously consistent effort has been evident toward the protection of rare and/or endangered species. See my earlier statement on the subject.

Pages 8-19. Lines 3-12. The several vegetation communities should be named here. Changes within a Type could be significant to the environmental health of the valley.

Lines 19-25. This allows too long a time for mitigation to occur. Under normal circumstances it must not take 12 months to commence implementation of a mitigation plan.

Line 27. Samples of appropriate perennial species should be named.

Page 21, lines 15-18. Standing and technical committees should be included with those making any decision to reduce or eliminate a water supply.

Page 47- D. It should be made clear that this is in lieu of taxes and not just a handout.

Page 62-D. I object to submitting a claim for resolution to the same superior court judge who was assigned to Case No. 12908. I consider him a biased party. It would place us at the mercy of the same judge who ruled against us in that case. It is doubtful that he has changed his attitude. We should request a neutral judge.

### **Lower Owens River Project.**

I am told that the lower Owens River project is intended to mitigate the drying of various wetlands and springs. That is unreasonable and entirely unacceptable. The watering of Owens River is to mitigate the taking of water from the river when it was first diverted into the aqueduct. Nothing can make up for the loss of the river for all those years, but it is time to bring it back to life without any strings attached.

### **Grazing.**

It is obvious throughout the agreement and the EIR that grazing has had a serious impact on the environment of Owens Valley. This does not have to be the case. Proper management would prevent the serious impacts, and it would benefit the cattlemen who use the land. I would insist that negotiations begin at once toward a resolution to this problem. It is such a major factor in the management of Owens Valley that it can no longer be ignored.

### **Maps.**

Last of all I would comment that too many of the maps are inaccurate or confusing. Good maps would have been a great help in interpreting the EIR.

Yours sincerely,

*Mary DeDecker*

Mary DeDecker  
Botanist



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## RESPONSES TO COMMENTS LETTER D73

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### RESPONSE D73-1

Not all of the E/M projects implemented between 1984 and 1990 were mitigation measures for adverse impacts (i.e., Klondike Lake, Lone Pine Riparian Park, Eastern California Museum). Thus the designation enhancement/mitigation is appropriate. Please refer to response to master comment MT-1 regarding further discussion of E/M projects. Concerning those specific projects identified as mitigation for significant adverse impacts of the project since 1970, see response to master comment MT-4.

### RESPONSE D73-2

The criteria for identifying significant effects are described in the introductory statements in each environmental analysis section of Chapters 8 through 16 of the Draft EIR. The standards are based on CEQA Guidelines (Appendix G in CEQA, titled Significant Effects) unless indicated otherwise. The Agreement contains a detailed description of significant effects in Section IV.B (pages B-22 through B-24). Please refer to response to master comment PD-18 regarding the use of the term "significant" in the Agreement. Also, see response to master comment MT-7.

### RESPONSE D73-3

Please refer to response to master comment EA-1 regarding pre-project conditions. Also, please refer to response to master comment PD-5 and WA-4 regarding seeps and springs in Owens Valley, Appendix A-1 for spring locations, and the vegetation management maps attached to the Agreement for locations of Types D and E vegetation.

RESPONSE D73-4

Please refer to response to master comment VE-6 regarding plant species of concern. The comment regarding *Oryctes nevadensis* is noted.

RESPONSE D73-5

Please refer to response to master comment VE-7 regarding saltcedar control.

RESPONSE D73-6

This comment contains a number of parts.

Page 10-5, paragraph 3, sentence 2 is corrected to read "The main indicator of the Mojavean region is creosote bush. Additional species include Mormon tea, spiny sage, cheesebush, and species of horsebush."

The comment is noted and accepted. However, scientific names from the text are placed in Appendix B-4 along with associated common names.

Comment noted and accepted. This is reflected in Appendix B-4 giving scientific and common names. The last sentence under the description of Mojave Creosote Bush Scrub on page 10-7 is changed to read "It is the dominant plant community between 3,000 and 4,000 feet elevation in southern Owens Valley."

Bladderpod is removed from the description of Mojave Mixed Woody Scrub on page 10-7. In Appendix B-4 of scientific and common names, no subspecies is used for the Joshua tree.

RESPONSE D73-7

The word "calcareous" is removed from the soil description for Blackbush Scrub on page 10-11. The first sentence under Desert Saltbush Scrub is changed to read ". . . usually dominated by one or more species of saltbush." Under the description of Desert Saltbush Scrub the list of species of *Atriplex* spp. is changed to include Parry saltbush.

RESPONSE D73-8

Comment noted. It is recognized that rabbitbrush is often associated with disturbance of various kinds. The names of the plant communities have been used in the Agreement and the Green Book as well as in the Draft EIR. For the sake of consistency, they are maintained.

RESPONSE D73-9

This species of cattail is added to Appendix B-4 containing scientific and common names.

Mountain willow, *Salix commutata*, is removed from the description of Great Basin Riparian Scrub on page 10-19 and replaced by arroyo willow. The species *Salix lasiolepis* is added to Appendix B-4 of plant names.

RESPONSE D73-10

The list of Plant Species of Concern beginning on page 10-20 of the Draft EIR has been updated to incorporate most of the comments addressed here, and is placed in Appendix B-3 to this Final EIR.

RESPONSE D73-11

The value of seeps and springs is acknowledged. Please refer to responses to master comments PD-5, regarding this issue in general, and WA-4 regarding protection of Reinhackle Spring in particular.

RESPONSE D73-12

Please see response to master comment VE-5 regarding the report prepared by Mr. Jaques, and Appendix B-2 regarding interpretation of aerial photos.

RESPONSE D73-13

This inconsistency is likely the result of the fact that several authors were involved in writing the Draft EIR and differing opinions exist on what constitutes Owens Valley. It is not seen as a serious flaw. It is also acknowledged that Bishop is a city and not a town.

RESPONSE D73-14

Please refer to response C11-8 of letter C11. Please refer to response to master comment PD-18 regarding the use of the term significant in the Agreement. The remaining comments are noted and will be considered.

RESPONSE D73-15

The comment regarding the phrasing "An adequate supply . . ." is noted. The overall goal of managing resources within Inyo County is clarified on page 1 of the Green Book, which states that "groundwater pumping and changes in surface water management practices will be managed with the goal of avoiding significant decreases and changes in Owens Valley vegetation from conditions documented in 1984 to 1987, and of avoiding other significant environmental impacts." Please refer to response to master comment PD-12 for a discussion of groundwater mining provision of the Agreement. For a discussion of the drought recovery policy, please refer to response to master comment PD-17.

RESPONSE D73-16

For a discussion of mitigation allowed under CEQA please refer to response to master comment MT-3. The Technical Group contains representatives of Inyo County, ensuring that Inyo County will participate in all monitoring.

RESPONSE D73-17

Comment noted. The goal of the Agreement and the monitoring system is to ensure that there are no significant effects, decreases or changes to vegetation. Please refer to response to master comment MT-2 for a discussion of mitigation under the Green Book

RESPONSE D73-18

Please refer to response to master comment VE-6 regarding rare and endangered plant species.



RESPONSE D73-19

Please see the Agreement, pages B-11 and B-12, for a general description of the vegetation communities contained within each management type and Section II of the Green Book, beginning at page 34, for a description of the 1984-87 vegetation inventory and vegetation maps. Under Section XXV of the Agreement (page B-58, line 19) and Section V (page 118) of the Green Book the vegetation classification and management maps may be revised as appropriate.

Please refer to response to master comment VE-1 for allowable vegetation changes under the Agreement.

RESPONSE D73-20

Please see Green Book Section I.C.2 (page 28) which provides that the Technical Group is not precluded from implementing any necessary interim mitigation measures during the period while a mitigation plan is being developed.

RESPONSE D73-21

Perennial cover varies at different locations of the valley and it is assumed that the restored vegetation would be the same as the original vegetation. See also Section I.C.2.a (page 28) of the Green Book which states that if there is a significant decline of perennial vegetation cover, the preferred goal of a mitigation plan would be to restore the same type of perennial vegetation cover.

RESPONSE D73-22

Without question, the Technical Group and Standing Committee will be involved in making this type of decision.

RESPONSE D73-23

Comment noted. No further response is required.

RESPONSE D73-24

The judge in question has retired. Section XXVI.D of the Agreement (page B-64, line 3) provides that, in the event the judge presiding over the case ceases to act, "the Chair of the Judicial Council shall be requested to assign a successor judge from a neutral County." Both parties have the right to challenge the assignment. Judge John P. Moran of Tulare County has been assigned by the Judicial Council to replace Judge Turner.

RESPONSE D73-25

The Lower Owens River Project is acceptable mitigation. Please see response to master comment MT-6. Please refer to response to master comment MT-3 for allowable mitigation under CEQA; Appendix C-2 also presents a description of the goals and elements of the Lower Owens River Project. As allowed under CEQA, upon finalization of the project description, a separate environmental review will be conducted.

RESPONSE D73-26

Livestock grazing is not part of the proposed project. Please refer to response to master comment PD-14 and Appendix B-1 for additional discussion of LADWP's livestock grazing management program.

RESPONSE D73-27

Comment noted. Some new maps have been provided in the Final EIR. The EIR authors regret any inconvenience.

**Letter D74**

**Mrs. D. Hussey**



Mr. D. HUSSEY -

LETTER D-74

To EIP Director 2277 LOCH LOMOND AVE

BISHOP, CAL.

Regarding the Draft EIR Jan. 26<sup>th</sup> 1991 - 9514  
and the proposed Long Term

Groundwater Management Plan currently under  
discussion and review.

Sirs -

There should definitely be a moratorium  
on the final decision and date of the  
"proposed" agreement as it now stands, due  
to the current and possible long duration  
of the drought conditions we are now  
experiencing. LADWP MUST curtail its  
plans to pump, and to drill new wells in  
the Owens Valley -- the Laws area and  
the Bishop Cone are already at risk -

Their careless greed and lack of concern  
over the Valley's environment has been  
very evident over the past several decades,  
but now it is tantamount to criminal.  
The LADWP has frequently been ruled and  
abilted by a sad lack unity and foresight by

Some County Officials — our vegetation and scenic areas, our fisheries and wildlife have all suffered as a result. Creeks, lakes and rivers are drying up, our wildlife are deteriorating and disappearing due to habitat damage.

2 At open meetings our concerns about the impact of such constant pumping and erosion are either ignored or hindered by lame excuses — This problem will not go away by looking the other way. L.A. was responsible for drying up the Owens Lake, yet they accept no blame nor do they pay for our costs of mitigation — Why don't they agree to re-fill Owens Lake, that would help solve some of the damage done to the environment as well as resolve much of the health hazard caused by blowing dust in the area. This latter must be controlled — our

3. air is being contaminated, driving in

the area becomes hazardous due to the poor visibility. — Sprinklers, besides being too costly, are ineffective — Air quality — bad

The large <sup>monies</sup> money LADWP donates annually to various entities of the City (LA) could be better used to pay for installation of a desalinization plant to convert seawater — (on Catalina Island many toilets are equipped with seawater in their tanks)

More use of "grey water" for irrigation etc: in parks, on ranches etc:, plus instituting a strict building moratorium and stricter water conservation policy in Los Angeles County is needed.

The Owens Valley per se' should be included in the EIR — Its future life and economy are at stake, and this should be addressed in the EIR — this is a glaring omission!

5. Now, as far as monitoring the pumping of the wells - this should be done by some entity other than the DWS or the County - and the results should be publicized - this way no one can be accused of "favoring" one side or the other in the resulting findings.

Our local supervisors MUST be made aware of the present dire conditions in the entire valley, and to take very special, positive steps to mitigate the damage (and prevent further damage) to the environment - There should be no place for those who may have an axe to grind, or those with any conflict of interest. Our problems MUST be alleviated before we reach the point of no return - Convincing the LADWP to lower their pumping from this area will be no easy task, but it must be done if the valley is to survive and LIVE again.



5. Greed and lack of concern have no place in the scheme of things, and positive, strong legal action is now a real requisite to attain this goal.

We must not allow LA to eradicate our way of life here, nor to let us dry up and blow away - they have impacted us for far too long - and the results are not a pretty sight - Erosion, dust storms, dead or dying vegetation must all be eradicated, it is too late now for "mitigation". LA MUST find other sources of water besides the Owens Valley - this valley has been decimated, preyed upon and ravaged for far too long.

It is time to call a halt to all this depredation and ruination, we need to be protected and preserved from future harm.

In its present form, the proposed plan will ~~not~~ is inadequate and does not give us enough protection for the environment.

In its present form the agreement is an affront to our intelligence, it does NOT give us adequate mitigation nor protection. It should be further studied and rewritten more to our benefit, or else thrown out and re-worked. Benefits to L.A. (as written) outweigh the benefits to Inyo.

It is too "wordy" and hard to understand in many areas; too technical for the average person to grasp. Our environment and economy must be protected, and we need some impartial (outside) assistance to attain this end, and keep LOCAL control.

Don't know if my comments will be of any benefit in your deliberations, but we are concerned and disturbed by the "status quo" to date and want to contribute our input herewith. - Sincerely -  
Dorothy Hussey. Bishop.

P. S.

My husband believes that as Los Angeles and the LADWP apparently have no intention of doing anything to alleviate the drought situation or to ease up on their pumping via the aqueduct, the environmentalists and also the Federal Government should step in and handle the crisis situation that now exists here in the Owens Valley. From Mono Lake to the Owens Lake vegetation is dying the land is drying up and blowing away. People are being endangered by choking dust-storms stirred up by local winds.

Our economy as well as our environment have suffered. Our supervisors are too ineffectual to stand up to LADWP. We must now rely on the courts to help us. D-H.



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## RESPONSES TO COMMENTS

### LETTER D74

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#### RESPONSE D74-1

Please refer to response to master comment PD-17 regarding the drought recovery policy.

#### RESPONSE D74-2

Please refer to responses to master comments PD-3 and AQ-1 regarding Owens (Dry) Lake.

#### RESPONSE D74-3

Please refer to response to master comment PD-7 regarding monitoring provisions under the Green Book.





