

Hi Laura,

Here are our some of our questions for the Technical Committee regarding the 2019 LORP Annual Report (agenda Item 5a) from OVC, SC, and Mark Bagley:

**DHA:**

1. To confirm, the recommended changes to the timing and duration of the flows in the chart on pg 7-68 will take place this year?
2. There was no mention of habitat mapping at the start and end of a 5-yr trial period for the change in timing and flows in the Annual Report nor discing or doing a burn if the vegetation dries up. Please let us know where you stand on this proposal.
3. Can you tell us how much water is released in the DHA during SHFs?

**BWMA:**

1. To confirm, the recommended changes to the flooding regime (500 acres Sept-May) will take place this year?
2. There was no response to our suggestion of leaving 10-20 acres wet year-round or the speed/timing of drawdowns. What are your thoughts on this?
3. When/who will re-evaluate the HIS list and evaluate habitat based on forage for migratory water birds? The recommendation is for CDFW to do this, have they agreed to this?
4. Who will develop a protocol for bird surveys geared to the changes in the flow regime?

**General:**

1. How is the recreational fishing goal to be met?
2. Will there be a Habitat Conservation Plan for the LORP? This is long overdue.
3. Why isn't the Owens River Water Trail mentioned in the Annual Report?
4. Why was the SHF only 190 cfs last May when it was a big runoff year?
5. What is the highest flow possible that would not damage roads, bridges, or dust control infrastructure, *if* it were for a short duration?
6. Has CDFW agreed to doing the electroshock fish surveys, per the recommendation in the final report. CDFW's comment letter did not indicate they were willing to do so.
7. We believe LADWP should pay for pepperweed and saltcedar treatment/removal since the spread of noxious weeds resulted from LADWP's emergency releases. It wasn't part of LORP operations. Weed removal is a serious problem that needs to be addressed.

**River System:**

Is LADWP willing to meet with us to discuss possible adaptive management actions for the Riverine System? We would like the MOU Parties to meet and discuss the following ideas this year so adaptive management actions could start in 2021:

- an adaptive management strategy for each of the 6 different reaches of the river

- improving flow through the Islands by opening the east channel and augmenting river flow from the Alabama Gates
- prescribed burns for willow/cottonwood recruitment
- channel clearing pilot projects

## Laura Piper

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**From:** Sally Manning <s.manning@bigpinepaiute.org>  
**Sent:** Wednesday, May 6, 2020 10:28 AM  
**To:** Laura Piper  
**Subject:** agenda item 7

The Big Pine Paiute Tribe of the Owens Valley submitted a comment letter dated May 1, 2020 to the governing bodies of your two agencies. Here are some statements from the letter.

The Big Pine Paiute Tribe requests LADWP minimize to near zero the amount of groundwater pumping in Owens Valley this 2020-21 runoff year. In its draft Owens Valley Operations Plan for Runoff Year 2020-21, LADWP has proposed a range of pumping from 75,000 to 93,000 acre-feet. The Tribe advises this is far too much pumping, because it further stresses already-degraded groundwater-dependent vegetation and other resources throughout the valley.

The Tribe strongly recommends your two agencies consult with the Tribe so that we can work together on management to achieve healthy and sustainable ecological conditions throughout the valley. the 1990 draft Environmental Impact Report says, "*Under the water management goals of the Agreement, all lands in the Owens Valley, including tribal lands, will receive a greater degree of environmental protection*". Owens Valley to the Tribe is *Payahuunadü*, the land where the water flows. This place has been home to Owens Valley Paiute people since time immemorial, and we must protect its resources for our people today and for future generations. Year after year, the Tribe sees unacceptable conditions and trends, including:

- excessive pumping, depressed water tables,
- inadequate response to degraded vegetation conditions,
- less meadow, dead and dying trees,
- fields receiving reduced or no irrigation water,
- an increase in shrubs and non native weeds, and
- inadequate and unfulfilled mitigations.

The future of the Tribe and this valley continue to be threatened by excessive pumping. LADWP's annual operations, often supported by Inyo County, must be constrained and much more work needs to be done to manage and sustain water resources for our valley.

The Tribe has commented repeatedly, in writing, with the request that LADWP curb the excessive pumping from the Big Pine area. Despite the Tribe's concerns, the County of Inyo continues to allow this excessive pumping. Pumping from the Big Pine wellfield far exceeds pumping from any other area of the valley. Since 1971 when the second barrel of the Los Angeles Aqueduct was completed, LADWP has pumped more than 1.2 *million* acre-feet from Big Pine, and this pumping accounts for one-third of LADWP's total Owens Valley pumping. In particular, the Tribe objects to the approximately 20,000 acre-feet per year pumped continuously from the exempt wells near the Fish Springs Hatchery (Wells 330, 332, 218, and 219). LADWP proposes 21,000-23,695 acre-feet of pumping in Big Pine once again this runoff year. A statement in the draft Owens Valley Operations Plan (p. 1-6) clearly says, "*Average groundwater levels in the Big Pine Wellfield are forecasted to drop between 1.0 feet and 1.3 feet*" by April 2021 with the planned amount of pumping (italics added for emphasis).

The Tribe has long expressed concerns regarding operation of Well 415, which is located directly west of the Big Pine Paiute Reservation, and the Tribe respectfully requests that your agencies engage in formal Tribal consultation regarding operation of Well 415. Page 1-18 of the draft Owens Valley Operations Plan says, "LADWP has transferred town water system supply to Well W415 and plans to decommission Well W341 once enough data has been collected to determine Well W415 has sufficient pumping capacity to serve the

towns' water supply demand." Use of Well 415 constitutes a change in LADWP operations, and LADWP suggests that Well 415 pumps water at a higher rate than the primary town supply well, Well 341. In addition, LADWP expects to pump more from this well than what is needed to supply the town. The Tribe has no knowledge of a sound monitoring plan for Well 415. The Tribe knows of no plan for protecting water levels under the Reservation and throughout Big Pine if Well 415 is operated. Please respect the Tribe's request for consultation.

The Tribe respects the water needs of the town of Big Pine; however, the Tribe continues to be concerned that pumping in excess of town supply occurs from LADWP wells, and there is a constant export of water into Big Pine Creek from the town water system. The Tribe is concerned that LADWP appears to take, on average since 1993, an additional 50 acre-feet of water from the town supply wells for no apparent reason. The extra pumped-and-exported water has adverse consequences for the people and environment of Big Pine. Fifty acre-feet per year is 16.3 million gallons, which LADWP may sell to its water customers. What is the reason for this abundant flow from the town system directly to LADWP's aqueduct system? Does LADWP intend to continue to pump this excess water from Well 415 should it replace Well 341?

The Tribe is concerned with statements in the draft Owens Valley Operations Plan about replacing (and/or exempting) wells throughout the valley this runoff year or in the near future. The Tribe suggests that, given LADWP's water resources planning as presented at the May 6, 2019, Standing Committee meeting, there is no need for LADWP to continue to add or enhance pumping capacity in Owens Valley. The Tribe objects to new wells, and if critical wells such as for town domestic needs necessitate replacing, these situations should be handled case by case with Tribal and public involvement.

The Tribe notes LADWP's proposed plan for the coming runoff year includes operational testing of Well 386, and the Tribe objects to pumping Well 386. Well 386, in conjunction with Well 385, caused significant vegetation die off thirty years ago in the Five Bridges area north of Bishop. To date, conditions have failed to fully recover in the Five Bridges area. The Tribe strenuously objected to testing of Well 385, but your agencies moved forward with the test during winter of 2019-2020. Wells 385 and 386 were to be permanently shut off as agreed by the Inyo/LA Technical Group and in a Revegetation Plan prepared to comply with the 1997 Memorandum of Understanding.

The Tribe respectfully reminds your agencies of the commitments made in the Drought Recovery Policy adopted in 1992. In addition to full recovery from the pumping during the dry years of the late 1980s and early 1990s, the Drought Recovery Policy committed to the development of scientifically sound monitoring and management plan. These important commitments were never realized.

These are only on a few of the Tribe's concerns. The Tribe has commented in writing in previous years and has raised numerous concerns and none have been adequately addressed. For example, LADWP takes every opportunity to reduce or curtail irrigation water delivery in some years. In 2018, LADWP data shows that no water flowed in the ditch next to the giant Sequoia at the north end of Big Pine, and now the tree is dying, a visual victim of LADWP's failure to fulfill Water Agreement commitments. LADWP has failed to fulfill mitigation obligations in Big Pine, at Five Bridges, and in other parts of the valley. The Tribe and the rest of the Owens Valley was supposed to be a beneficiary of the 1991 Inyo/LA Water Agreement, yet we find ourselves the victims whose concerns are routinely ignored.

Please consider extending the Tribe the opportunity to consult with your agencies on water management. The Tribe sees a need to broaden oversight of water management in the Owens Valley to include the Tribe's long-term perspective. If water and resource management recommendations were sought from the Tribe and implemented, the goal of better environmental protection could be achieved.

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