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11 Los Angeles, et al.

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF INYO

14 SIERRA CLUB, and OWENS VALLEY )  
15 COMMITTEE, )

16 Plaintiffs, )  
17 vs. )

18 CITY OF LOS ANGELES, et al. )  
19 Defendants. )

20 CALIFORNIA DEPARTMENT OF FISH )  
21 AND GAME and CALIFORNIA STATE )  
22 LANDS COMMISSION, )

23 Real Parties in Interest and )  
24 Cross-Complainants. )

25 COUNTY OF INYO and DOES 51 - 100 )  
26 Real Party in Interest )

CCASE NO.: SICV01-29768

(The Honorable Lee Cooper, Assigned)

**LADWP'S FEBRUARY 2006 REPORT TO  
THE COURT REGARDING THE YELLOW  
BILLED CUCKOO ENHANCEMENT PLAN  
AND THE HINES SPRING PLAN**

**FAX FILE**

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1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 This report is submitted in accordance with the reporting provisions of the September 15, 2006  
3 Stipulation and Order and serves as a status report on matters pertaining to the Yellow Billed Cuckoo  
4 Habitat Enhancement Plan and the Hines Spring Work Plan.  
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6 **The Yellow Billed Cuckoo Habitat Enhancement Plan**

7 The Draft EIR for the Yellow Billed Cuckoo Habitat Enhancement Plan has been published  
8 for public review and comment. The review and comment period runs through March 17, 2006 in  
9 accordance with CEQA.  
10

11 **The Hines Spring Work Plan**

12 Ecosystem Sciences indicated they would submit a revised draft final plan on February 10,  
13 2006, which was submitted as promised. At the February 23, 2006 status conference Don Mooney  
14 had two inquiries regarding the plan and whether the submission on March 10, 2006 would be the final  
15 plan. An e-mail was sent to ESI regarding Mr. Mooney's inquiry and ESI responded that the March  
16 10, 2006 submission would be the final plan. (Exhibit A).  
17

18 The comments from the parties on the February 10, 2006 draft final plan were due on  
19 February 24, 2006. Comment letters were submitted by the parties and/or counsel and OVC and the  
20 Sierra Club requested the opportunity to submit additional comments. Those comments are attached  
21 collectively hereto as Exhibit B.  
22

23 ESI submitted a letter dated February 28, 2006 advising in pertinent part that "...it is clear the  
24 MOU parties do not intend to allow Ecosystem Sciences to fulfill its responsibilities or obligations as  
25 directed by the MOU. Finally, our professionals (Hill, Dr. Platts, staff and subcontractors)  
26 unanimously refuse to work in an atmosphere of intimidation and second-guessing in which science  
27 has no value and is trumped by legal maneuvering. Thus, it is in the best interest of the Hines Spring  
28

1 Mitigation Project that Ecosystem Sciences withdraw.”

2 Based upon ESI's withdrawal there presently will not be a final report on March 10, 2006 and  
3 the project is now in limbo.  
4

5  
6 Dated: February 28, 2006

ROCKARD J. DELGADILLO, City Attorney

RICHARD M. BROWN,

General Counsel, Water and Power

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9  
10 By 

11 JOSEPH A. BRAJEVICH

12 Deputy City Attorney  
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