the Owens Valley Committee

the RAINSHADOW

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w e w a t c h t h e w a t e r

The Rainshadow is the newsletter of the Owens Valley Committee. OVC is a 501(c)(3) non-profit citizen's action group dedicated to the protection, restoration and sustainable management of water and land resources affecting the Owens Valley.

In this issue

Please Check the Date on Your Mailing Label

The Owens Valley Committee needs your help! If there's a date on the mailing label of this newsletter, that's when you last made a donation to the OVC. If the date is less recent than March 2008, please take a moment now, while you're thinking about it, to use the enclosed envelope to renew your membership. If you haven't yet joined the OVC, now would be a good time!

No envelope? Our address appears on the back of the newsletter along with suggested levels of donation. Please make out a check to the "Owens Valley Committee," and congratulate yourself for performing such a good deed. You'll continue to receive or begin receiving our newsletter (unless you tell us that you prefer to receive no mail).

Donations are fully tax-deductible.

President's Message

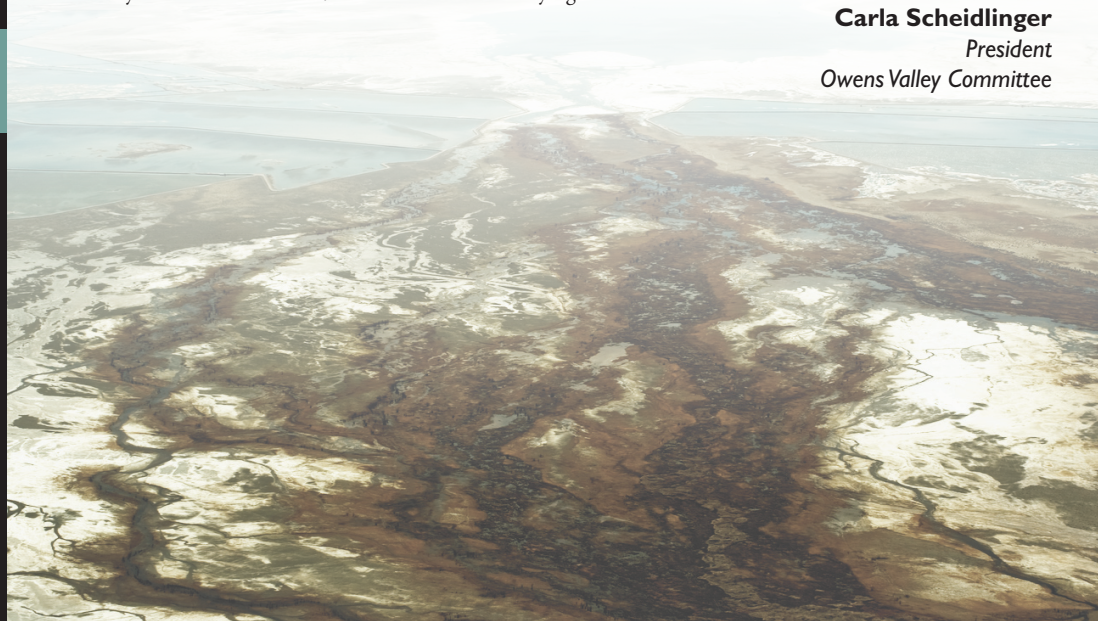
Greetings to all Owens Valley Committee supporters! This has been a season of research, review, and collaboration for the OVC. Our desks are groaning under the weight (literal and figurative) of several meaty documents submitted by Los Angeles Department of Water and Power regarding the management of their Owens Valley lands and the monitoring and adaptive management of the Lower Owens River Project (LORP). Our dedicated volunteers and technical experts have been reviewing these documents and researching ways that other projects bearing some similarities to these efforts have been managed and monitored.

Although we are thrilled with the implementation of the LORP and recognize that there are surely some ways in which "just adding water" brings environmental benefits, we are also acutely aware that this is not a natural riverine system. As such, it will require close management and monitoring to assure that it achieves the multiple environmental benefits that it must provide. As we told the public earlier this year, accepting the LORP without the management plans in place is a little like buying a model of car that is unique and so new that it hasn't been test driven yet, and no safety data are available for it. We may know that some similar models have performed well, but this one really is unique. Furthermore, there are no warranties or service plans offered with the car. The salesperson assures us that we'll eventually have them, but the terms that these plans offer are not available to us. We would not buy such a car. Similarly, we are not "buying" the LORP without the monitoring and management plans that should come with it and have filed a lawsuit to make sure that these plans are properly developed and implemented.

While litigation is sometimes necessary, it is certainly not our first choice or the only thing we rely on to advance environmental mitigation. The on-going collaborative planning effort for Yellow-billed Cuckoo habitat and wetland mitigation sites, which OVC has been actively involved in, is very close to bearing fruit. We are also pleased to have a seat at the table for the development of an Integrated Regional Water Management Plan for the Owens Valley that will enable local agencies to qualify for state funding for water-related projects.

As always, your support is critical to our efforts to maintain the quality of the precious landscape that we all treasure. We wish you all the best for 2009 and look forward to staying in touch.

Carla Scheidlinger
President
Owens Valley Committee



DWP Groundwater Pumping

Some Questions & Answers

Daniel Pritchett

The Owens Valley Committee and Sierra Club continue to fight tenaciously and successfully to force the Los Angeles Department of Water and Power (DWP) to honor its commitments to implement mitigation projects in Owens Valley. These projects (such as the re-watering of the lower Owens River) were intended to mitigate the impacts of DWP's excessive groundwater pumping. The excessive pumping began in 1970 with the completion of the second aqueduct and continued during Inyo County's 19-year lawsuit to bring DWP's management into compliance with the California Environmental Quality Act (CEQA). Inyo County and DWP settled the lawsuit in 1991 with the signing of the Inyo-L.A. Long-Term Water Agreement (LTWA). [See note.] Unfortunately, a variety of data suggest DWP's pumping remains excessive to this day.

This excessive pumping has the unfortunate effect of diminishing the value of the OVC and Sierra Club's legal victories regarding mitigation projects. Mitigation projects represent a step forward, but continuation of excessive groundwater pumping represents a step backward. The extent to which there has been a net gain for the environment is thus debatable.

In my capacity as Conservation Chair of the Bristlecone Chapter of the California Native Plant Society (CNPS) I've spent much time studying the science, law, and politics pertaining to DWP's groundwater management under the LTWA. On the assumption that most OVC members have had better things to do, I offer the following questions and answers as an attempt to provide an overview of this complicated issue. Needless to say, many more questions might be posed and much more could be written.

All photos: Daniel Pritchett

This site in the Independence Spring well-field used to be a boggy meadow before water tables were lowered by DWP pumping. It is one of the sites specified for re-vegetation in the LTWA. The hay bales and tubing represent "re-vegetation."

These are two LTWA permanent monitoring sites established in the Thibaut-Sawmill well-field in the late 1980's. Both sites were mapped as parts of groundwater-dependent meadows and

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BIANNUAL REPORT OF THE
OWENS VALLEY COMMITTEE

The Biannual report edition of *The Rainshadow* is produced in the Spring and Fall of each year. Send suggestion and corrections to the editor.

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ON THE COVER:
Owens Lake and delta. Photo: Derrick Vocelka

QUESTIONS

1. **What do we mean by excessive groundwater pumping?**
2. **What data suggest pumping remains excessive?**
3. **What are the consequences of excessive pumping?**
4. **How is DWP able to continue excessive pumping under the LTWA?**
5. **Mayor Villaraigosa was endorsed by the Sierra Club. Isn't he doing anything to make DWP reduce its pumping?**
6. **What can be done to bring DWP's pumping into compliance with the LTWA?**

ANSWERS

1 I USE THE TERM "EXCESSIVE" WITH regard to the stated goals of the Inyo-L.A. Long-Term Water Agreement. Current volumes of pumping are excessive because they are too high to comply with the LTWA's requirements that groundwater management be conducted so as to "avoid" creating "certain described changes in vegetation" and other "significant impacts." The key word in the agreement here is "avoid." Mitigation becomes necessary when, in violation of the agreement, negative impacts have not been avoided.

2 DATA SUGGESTING DWP'S PUMPING remains excessive are published every year by DWP itself in its annual report (available on its website). This report includes a calculation of annual average pumping since 1987, the end of the baseline period during which DWP mapped its vegetation in Inyo County. Under the LTWA, conditions in any given year may be compared with baseline conditions to help determine if pumping management is meeting its goals of impact avoidance. As of May 2008 the average annual pumping since 1987 has been 93,033 acre-feet per year (a.f./yr. or AFY). [1 acre-foot covers an acre to a depth of 1 foot and is equal to 43,560 cubic feet. Thus, 93,033 acre-feet is more than 4 billion cubic feet or more than 30 billion gallons.]

Not mentioned in DWP's report, however, is the fact that the USGS concluded that long-term average pumping should not exceed 70,000 AFY if the vegetation-protection requirements of the LTWA are to be met. The USGS report is the only analysis any person or organization has published that estimates a

long-term annual pumping volume that would comply with the LTWA. DWP has never publicly challenged the USGS estimate, and, in fact, there are good reasons to believe that the USGS's estimate is actually too high.

The difference between 93,033 AFY (DWP's actual average pumping) and 70,000 AFY (the USGS maximum for LTWA compliance) is 23,033 AFY. This means that since 1987 DWP has pumped 483,693 acre-feet (21 years × 23,033 AFY) in excess of the USGS estimated maximum pumping to comply with the LTWA. Assuming a value of at least $400 per acre-foot of water, this excessive pumping exported water worth about $200 million.

There are other data (ranging from vegetation monitoring to satellite imagery) that suggest DWP's pumping is excessive, but the valley-wide long-term average pumping number is the most effective way to communicate the magnitude of the problem.

3

CONSEQUENCES OF DWP'S EXCESSIVE pumping are best described in a single word: "desertification." You may wonder: "How can desertification occur? Everyone knows Owens Valley is already a desert."

While Owens Valley definitely has a desert climate, the presence of shallow groundwater under tens of thousands of acres on the valley floor formerly sustained ecosystems that were decidedly un-desert-like, such as meadows. The first Euro-Americans who saw Owens Valley repeatedly commented on the abundance of grass and the extensive meadows.

Owens Valley meadows are examples of "groundwater-dependent" ecosystems. They exist only in the presence of shallow groundwater (groundwater close to the surface) because precipitation alone is not sufficient to sustain them. The concept of "groundwater dependence" is recognized not just among ecologists, but also in the LTWA itself. Unfortunately, DWP's wells are located where groundwater is shallow—in the meadow zone where ecosystems are groundwater-dependent. Residents of Los Angeles thus compete for water with blades of Owens Valley grasses and related life that depends on them.

If you think this doesn't sound like a fair fight, you're right. At current volumes of pumping, water tables under portions of most well-fields are permanently drawn-down to depths inaccessible to even our deep-rooted, groundwater-dependent grasses. As a result, grass cover declines over time while shrubs and bare ground increase. Desertified meadowlands increasingly resemble adjoining desert shrublands. DWP's consultants have pointed out that many factors may contribute to desertification, but it's hard to argue that cutting off access to groundwater doesn't greatly accelerate the process.

4

THERE ARE SEVERAL REASONS WHY DWP has been able to continue its excessive pumping even after the LTWA was signed. The first reason is because the technical means laid out in the LTWA for groundwater management are not adequate to reduce pumping sufficiently to accomplish the LTWA's goal of impact avoidance. The technical appendix to the LTWA specifies complicated criteria that control when a well can be pumped and when it must be turned off. These criteria (known as the "On/Off protocol") have been ineffective.

Even more important, however, is the fact that numerous wells were entirely "exempted" from any management control according to the "On/Off" criteria. Exempt wells are pumped regardless of impacts they may create. On any given year DWP pumps as much as 60,000 acre-feet from exempt wells. Please recall that the USGS estimated that the long-term annual average pumping shouldn't exceed 70,000 AFY. Given that DWP pumps about 60,000 acre-feet from exempt wells, if almost any non-exempt wells are in "on" status, the annual pumping will exceed 70,000 acre-feet. For example, in the years 2000-2004 DWP could have pumped 145,000, 186,000, 151,500, 164,000 and 145,000 acre-feet, respectively, had it pumped all its wells in "on" status in addition to its exempt wells.

A second reason DWP has been able to continue its excessive pumping is because it chose to unilaterally terminate a portion of the Environmental Impact Report (EIR) to the LTWA known as the "Drought Recovery Policy" (DRP). This policy was jointly approved by DWP and Inyo County because there was great doubt about whether the "On/Off" protocol would be adequate to recover water tables from the enormous draw-downs that DWP had created during the drought of the late 1980's. Superseding the "On/Off" protocol, the DRP had as its explicit goal recovery of soil moisture in the vegetation rooting zone.

After nominally complying with the DRP from 1991-1999 and attaining partial water table recovery in all well-fields, DWP hired consultants in 2000 to "evaluate" the DRP. DWP's consultants, not surprisingly, told DWP what it wanted to hear: that it was justified in terminating the DRP, which it subsequently did. DWP's consultants reached their conclusion by simply ignoring the DRP's goal, noted above. Inyo County strenuously objected to DWP's DRP termination and threatened legal action, but never made good on its threat. (This is as striking an example of Inyo County's fear of DWP as will ever be found.) Without the DRP, the only constraint on DWP's pumping is the "On/Off" protocol, which as noted above allows pumping far in excess of what would be required to realize the LTWA's requirement of management to avoid impacts.

had similar grass cover (about 29%) in 1988. Both sites burnt in a July 2007 wildfire. Groundwater under TS-1 (left) has been drawn down far below the grass rooting zone continuously since the late 1980's. Groundwater under TS-3 (right) recovered to the bottom of the grass rooting zone in 1997. In July 2007 the Bristlecone Chapter of CNPS submitted a formal, written request that management in the area around TS-1 be modified to allow water table recovery. As of November 2008, neither Inyo County nor DWP has taken any action regarding this request.

5

ACCORDING TO *THE INYO REGISTER*, Los Angeles Mayor Antonio Villaraigosa pledged his "absolute" commitment to honoring DWP's obligations for environmental protection in the Owens Valley, and several of his appointees to the L.A. Board of Water and Power have proclaimed themselves environmentalists. Under their leadership DWP has agreed to a three-year Interim Management Plan (IMP), which specifies that pumping from 2007-2010 will be conducted so as to maintain water tables at the levels of 2007. Maintaining water tables is less bad than creating new draw-downs; so the IMP is a step in the right direction. Unfortunately, it isn't adequate to make good Mayor Villaraigosa's pledge, because water table levels in 2007 had yet to fully recover from the draw-downs of 1987-1989. Maintaining drawn-down water tables through 2010 simply guarantees desertification in drawn-down areas will continue. Desertification will not be stopped or

_continued from page 3

reversed. The negative impacts that were supposed to be avoided will become even worse.

During the three years of management under the IMP, the DWP and Inyo County have agreed to revise the entire technical appendix (the Green Book) to the LTWA. Mayor Villaraigosa and his appointees are to be commended for agreeing to this revision. Unfortunately, there is little reason to expect the revised Green Book to be much superior to the existing version. This is because the revision process is fundamentally flawed. I make this assertion because: 1) most of the same Bishop DWP staff who implemented and defended DWP's excessive pumping are representing DWP in the negotiations; 2) the same ethically-challenged consultant that "evaluated" the DRP for DWP is participating in the negotiations; 3) the only person with an advanced degree in biology or ecology on the Inyo County Water Department staff is retiring; 4) there is no meaningful public scrutiny of the proceedings; and 5) the USGS hydrologist who initially facilitated the meetings and vouched for the good faith efforts of the participants has ceased participating.

Closed meetings between Inyo and DWP without public scrutiny have consistently resulted in management by intimidation and political horse-trading rather than biologically defensible protocols. History is repeating itself, and Albert Einstein's definition of madness—doing the same thing over and over and expecting different results—is apparently unknown to Inyo Supervisors and Mayor Villaraigosa's appointees.

IN THE LONG RUN, PUBLIC OPINION in Los Angeles is the only power potentially great enough to force DWP to implement the LTWA in good faith. Neither Inyo County nor environmental groups have the resources to continually file lawsuits. DWP's exploitative management is done in the name of the citizens of Los Angeles, and the citizens of Los Angeles have the responsibility to insist that the environmental destruction cease.

In the short run, the most effective actions interested readers could take would be to contact the decision makers: DWP General Manager David Nahai, the L.A. Board of Water and Power Commissioners, and Inyo County Supervisors. There are two requests that need to be made:

(1) Ask that meetings of the staff revising the Green Book be opened to scrutiny by video-taping them and making tapes available to the public. Sunshine is a powerful disinfectant. If the negotiations are, in fact, proceeding in good faith, the credibility of both Inyo and L.A. will be enhanced by the scrutiny. If not, interested members of the public will be able to make informed comment to appropriate representatives.

(2) Ask that pumping in the Thibaut-Sawmill (TS) well-field be reduced as proposed by the Bristlecone Chapter of the California Native Plant Society. In July 2007 I submitted a formal request (on behalf of the Bristlecone Chapter) that management in the TS well-field around parcel Blackrock 094 be modified. I cited Inyo County's and DWP's own data, which document that current levels of pumping cannot be consistent with the impact avoidance requirements of the LTWA. Sixteen months later, this request has yet to be addressed.

Check the OVC website (www.ovcweb.org/Issues/Blackrock.htm) for details on this issue and for striking photos of what 20 years of drawn-down water tables have done to what was supposed to remain a groundwater-dependent meadow ecosystem.

Note: *Although Inyo County and DWP settled their litigation by signing the LTWA, the associated Environmental Impact Report (EIR) was not legally adequate. Rather than throw out the LTWA and start an entirely new EIR, the court invited several "friends"—including the OVC and Sierra Club—to negotiate a Memorandum of Understanding (MOU) to remedy deficiencies in the EIR to the LTWA. These negotiations lasted until 1997, when an MOU to the LTWA was finally signed. The MOU focuses on projects to mitigate impacts of DWP's excessive pumping during the 19 years of litigation from 1972-1991, while the LTWA describes how groundwater pumping will be managed so as to avoid creating new impacts.*

Owens Lake is Coming Back to Wild Life

Michael Prather

Photo: Mike Prather

"Great numbers of water birds are in sight along the shore—Avocets, Phalaropes and Ducks. Large flocks of shorebirds in flight over the water in the distance, wheeling about show en masse, now silvery now dark, against the gray-blue of the water. There must literally be thousands of birds within sight of this spot. En route around the south end of Owens Lake to Olancha saw water birds almost continuously."

–Joseph Grinnell, University of California, Sept. 24, 1917

HISTORICALLY, Owens Lake was a rich bird resource for thousands of years. The completion of the first Los Angeles Aqueduct in 1913 changed all that. By the 1920's the lake was almost completely dry. But beginning in 2001, with the onset of the enormous Los Angeles Owens Lake dust control project, wildlife has returned in large numbers—once again using the lake as a migratory stopover and breeding area. Water for dust control has re-created a rich California wildlife resource.

Photo: Mike Prather

FIRST OWENS LAKE SPRING BIG DAY BIRD SURVEY

On April 19, 2008, the Eastern Sierra Audubon Society, Audubon-California, and the Owens Valley Committee held an Owens Lake Spring Big Day. In birding, a Big Day means a group of birders surveys an area and identifies as many species and individual birds as possible in a single day. As the first lake-wide survey of the bird populations of Owens Lake, the count gives us a one-day snapshot of Owens Lake during spring migration. Birders chose April 19 because at that time high numbers of migrating shorebirds move north from wintering areas as far south as Argentina (Patagonia) and Tierra del Fuego. These masses of birds migrate through North America to breed in the boreal forests of Alaska and Canada as well as the high Arctic along the shores of the Bering Sea and Arctic Ocean.

En route the migrants stop at rich feeding sites such as coastal wetlands and estuaries and the inland lakes of the Great Basin like Mono Lake, Great Salt Lake, and now, once again, Owens Lake. Geologic records show that for at least 800,000 years they stopped at Owens Lake. Feeding stopovers are few and far between, even for these marathoner bird species. Necessary fat reserves must be put on to enable the migrants to reach the next stop that may be hundreds or even thousands of miles away. The birds must arrive on their breeding grounds to the north by the middle of May.

Forty-nine birders from all over California met at the Lone Pine Film Museum theater at 7AM to help with the Owens Lake bird survey—traveling from the San Francisco Bay area, San Luis Obispo, Los Angeles, Pasadena, Pomona, Santa Barbara, Ridgecrest, Lone Pine, Big Pine, and Bishop. Eight groups surveyed all bird habitats at the lake in challenging weather conditions. Wind speeds from zero to gale force were experienced off and on during the day, and yet all eight groups completed their assigned surveys. One part of the lake's surface would 'blow up,' while another area would quiet itself. Birds on the ground and the water stuck tight, not wanting to lift into a battle with the winds.

Volunteers recorded a total of 112 avian species and 45,650 individual birds—the highest total number of birds ever officially recorded at Owens Lake. Volunteers identified 15 species of waterfowl (ducks and geese) and 22 species of shorebirds. The highest totals for individuals of a species included 13,873 California Gulls (an inland nester at Mono Lake and elsewhere); 9,218 American Avocets; 1,767 Eared Grebes; 13,826 'Peeps' or small Sandpipers such as Dunlin, Western and Least Sandpipers; and 2,882 individual ducks. Delighted birders also observed White-faced Ibis, Black-bellied Plovers in breeding plumage (on their way to the land of the Inuit and polar bears), Snowy Plovers, Long-billed Curlews, and many more.

FIRST OWENS LAKE FALL BIG DAY BIRD SURVEY

To follow up on their spring success, birders returned for the first Fall Big Day at Owens Lake Saturday, August 23, 2008. Shorebird migration peaks at the Lake in the last two weeks of August. Thirteen participants in four parties counted 42,754 individual birds of 71 different species. Highlights were 311 White-faced Ibis; 4,611 Northern Shovelers out of a total of 11,146 ducks of 12 different species; 6 Peregrine Falcons; 969 Black-necked Stilts; 16,296 American Avocets; 1,605 Western Sandpipers; 3,434 Least Sandpipers; 3,954 Wilson's and Red-necked Phalaropes; and 1,955 California Gulls. Results included 22 species of shorebirds totaling 27,641 individuals.

RECENT NEWS FROM OWENS LAKE

The Los Angeles Owens Lake Dust Control Project currently stretches across 30 of the lake's 100 square miles. Roughly 3.5 square miles are covered with native salt grass grown on a drip system, and the remaining 27 square miles are covered with ponded water or are sheet flooded. These water-based dust control methods have re-created the Owens Lake food web that once again supports thousands of birds.

Beginning in fall 2008, the last phase of the dust control project will start, with completion scheduled for 2010. More than nine square miles of additional ponds and sheet flooding will be built, thereby adding additional habitat for shorebirds and waterfowl. Los Angeles Department of Water and Power (LADWP) is also scheduled to complete a Long-Term Habitat Management Plan for the entire dust control project by 2010.

Audubon-California, Nature Conservancy, and Eastern Sierra Audubon are coordinating an effort to develop a comprehensive lake-wide wildlife management plan for Owens Lake. LADWP, California Department of Fish and Game, and Great Basin Air Pollution Control District are also participating in the work. This conservation plan will look at the dust control project as well as the springs and wetlands around the shoreline of the lake. Once the plan is completed, managers and conservation groups should be able to use it to protect the rich wildlife resources at the lake.

Photo: Mike Prather

At the 200-acre Cartago Springs wetland at the foot of the Owens Lake, the Department of Fish and Game is using mitigation funds from Cal Trans to enhance habitat. This property continues to develop as a wildlife-viewing area for the public. Visitors are welcome to stop in year-round and see numerous bird species attracted to the ponds and wetlands as well as the ruins of a historic soda ash plant from the WWI era and the 1920's.

Legal & Environmental Issues

An Update on a Shaggy Dog Story

Mark Bagley (OVC Legal and Policy Liaison)

OVC is actively involved in several legal issues to get the Los Angeles Department of Water and Power (LADWP) to comply with commitments they made in a 1997 Memorandum of Understanding (MOU) with Inyo County, OVC, Sierra Club, State Lands Commission, and the California Department of Fish and Game.

Two of these issues were raised in the original lawsuit that forced the implementation of flows in the Lower Owens River Project (LORP)—the re-watering of 62 miles of river—namely, the MOU commitment for development of Yellow-billed Cuckoo habitat enhancement plans at Baker Creek and Hogback Creek and development of mitigation projects to use 1600 acre-feet of water per year for mitigation of groundwater pumping impacts to Owens Valley springs.

The third issue was raised in a separate 2005 lawsuit and involves lack of compliance with the MOU in the development of the required LORP Ecosystem Management Plan. Our main concerns are with the monitoring and adaptive management components of that plan.

Other issues and activities we are engaged in include reviewing a LADWP draft Owens Valley Land Management Plan (OVLMP), also required by the 1997 MOU, meeting with LADWP and other parties about the OVLMP, and participating in a large group that is working to develop an Integrated Regional Water Management Plan (IRWMP) for the Inyo-Mono region.

YELLOW-BILLED CUCKOO HABITAT ENHANCEMENT PLANS

Since the spring of 2006 the MOU parties and the affected rancher have been working together to revise the Yellow-billed Cuckoo habitat enhancement plan to make it acceptable to all. These plans should provide significant improvements to the riparian forest habitats at both Baker Creek and Hog Back Creek. We continue to meet and have made significant progress since our last newsletter. We hope to complete the plan in the next few months.

ADDITIONAL MITIGATION PLANS

An ad hoc process was begun in early 2006 to get staff from members of the MOU parties and the affected ranchers to work cooperatively in an informal way to reach agreement on a set of additional mitigation projects that would be acceptable to all.

The ad hoc group has recently agreed on a set of projects, and their recommendations are now under review by the MOU parties. Acceptance of these projects would require revisions to the 1997 MOU and ultimately an environmental review under the California Environmental Quality Act (CEQA) and approval by the LADWP Board of Commissioners.

> “…Because flows in the revived Lower Owens River are controlled by LADWP and not by Mother Nature, the need for enforceable, scientifically sound adaptive management that is responsive to what is happening in and along the river is all the greater, if a healthy riparian environment is to develop.”

LORP MOU-COMPLIANCE LAWSUIT—CONCERNS REGARDING THE MONITORING AND ADAPTIVE MANAGEMENT PLAN

Our last newsletter (Spring/Summer 2008) provided a detailed discussion of the issues and is now available at our website www.ovcweb.org. The issues here primarily concern the LORP Ecosystem Management Plan (LORP Plan) and its compliance with the provisions of the 1997 MOU.

The OVC and Sierra Club originally filed a lawsuit in January 2005 over the failure of the draft LORP Plan and the 2004 LORP Environmental Impact Report (EIR) to comply with the MOU.

The LORP Plan, which was to be developed by independent MOU consultants, is specifically required by the MOU to provide a monitoring and reporting plan for collecting the data necessary to determine whether the LORP is meeting its required goals and, if not, to provide feedback so that the management of the LORP can be modified or adapted in order to meet those goals. The MOU specifically states that if the monitoring reports reveal that adaptive modifications to the LORP management are necessary to attain the LORP goals, “such adaptive modifications will be made.”

The MOU also specifies that the overall project description in the LORP EIR must be consistent with the MOU consultants’ recommendations, which are contained in the LORP Plan, and with the provisions of the MOU. A basic flaw is that the LORP was approved and implemented before the LORP Plan was finalized. The final LORP monitoring and adaptive management portion of the Plan was not completed until the spring of 2008. In addition, the project description in the 2004 LORP EIR did not agree with the consultants’ plan regarding releases of the high springtime seasonal habitat flows.

Furthermore, the draft LORP Plan at the time the LORP EIR was approved was a flawed document that did not fully comply with the requirements of the MOU. Therefore, OVC and the Sierra Club filed suit contending that the MOU requires that the project description in the LORP EIR must be consistent with the LORP Plan and that the LORP Plan should have been completed before approval and implementation of the project.

The LORP Ecosystem Management Plan is a vital part of the project, and the monitoring and adaptive management part of the plan will have a large influence on its success.

This case lay idle while LADWP worked to establish the LORP base flows and the consultants worked to finalize the LORP Plan. With the release of the final monitoring and adaptive management plan in May 2008, we finally have the completed LORP Plan.

Unfortunately, the major problems we have had with the plan throughout the draft stages have not been adequately addressed. There are still no adaptive management measures specifically keyed to the years in which monitoring occurs; no adaptive management protocols for managing habitat flows in each of the hydrologically varying sections of the river; there are no protocols

or prescriptions for augmentation of seasonal habitat flows below the intake that are linked to vegetation predictions, groundwater recovery, or other habitat flow goals; there is no linkage in the plan between adaptive management and actual vegetation trends that may differ from trends that were projected; and the habitat indicator species are still inadequately addressed.

In late May, OVC and Sierra Club initiated the MOU dispute process to, again, raise these issues. A dispute meeting of all the MOU parties was held in early August, but unfortunately there was no agreement on the issues. OVC and Sierra Club filed a new law suit in Inyo County Superior Court in early September. The suit is against LADWP and Inyo County, as they jointly have the responsibility under the MOU to direct and assist the MOU consultants in preparation of a LORP Plan that fully complies with the MOU. Responses from L.A. and Inyo have now been received by the court. Stay tuned—these court proceeding usually move quite slowly.

In the meantime, the LORP is being implemented based on the plan that was approved in the 2004 LORP EIR. We are happy to have 62 additional miles of water flowing again where for 92 years a mostly dry bed with tumbleweeds prevailed as a result of the L.A. aqueduct. However, because flows in the revived Lower Owens River are controlled by LADWP and not by Mother Nature, the need for enforceable, scientifically sound adaptive management that is responsive to what is happening in and along the river is all the greater, if a healthy riparian environment is to develop.

OWENS VALLEY LAND MANAGEMENT PLAN

The 1997 MOU calls for LADWP to develop a Land Management Plan for Los Angeles-owned, non-urban lands in the Owens River Watershed in Inyo County (excluding the LORP planning area, which has its own management plan). This plan will not supersede the Inyo-L.A. Long-Term Water Agreement, the 1991 goundwater EIR, the 1997 MOU, or the 2003 LORP EIR.

The 1997 MOU required that this plan be completed within 10 years, i.e., by June of 2007. In May 2008 LADWP provided the MOU parties with a draft plan. In November LADWP held a meeting with the MOU parties and other interested groups to discuss the plan and how to move it forward. They are now preparing to release their final draft plan to the public early in 2009. Public scoping meetings will start the environmental review process under the California Environmental Quality Act.

This is a very important plan that we will be paying close attention to as it affects livestock grazing, riverine-riparian ecosystems, recreation, cultural resources, fire, commercial uses, threatened and endangered species, and areas of special management concern. The resource management issues include water supply, habitat, recreation and land use. The plan will provide a framework for implementing management prescriptions over time, monitoring the resources, and adaptively managing changed land and water conditions.

The thrust of the draft plan is to improve and maintain ecological conditions on L.A.-owned lands, recognizing that water and land use management exert the greatest influence on the ecosystems. All of LADWP's non-urban lands are permitted under some type of agricultural lease; thus, the draft plan states that proper management of leases will determine how well the riverine and upland ecosystems are improved and maintained.

We look forward to the public release of a final draft plan. We will post to the OVC website a notice when the plan is released.

Photo: Derrick Vocelka

Aqueduct Intake (Top: L.A. aqueduct. Bottom: Lower Owens River.)

INTEGRATED REGIONAL WATER MANAGEMENT PLAN

Since spring 2008 Ceal Klingler, Derrick Vocelka and/or Mark Bagley have been attending monthly meetings of a diverse group that is establishing an Inyo-Mono regional entity that would develop an Integrated Regional Water Management Plan (IRWMP) to meet the water needs of the people and watersheds of the Inyo and Mono County region now and into the future.

The California Department of Water Resources (DWR) requires a regional group to implement an IRWMP with a 30-year planning horizon in order to be eligible for DWR grants from the substantial funds provided by Propositions 50 and 84. DWR is encouraging the formation of these plans throughout the state and would like to see broad participation of water providers, land management agencies, local governments, environmental organizations, Native American tribes, and other community stakeholders.

The Inyo-Mono group includes representatives from Inyo County, Mono County, LADWP, Mammoth Community Water District, June Lake Public Utility District, Indian Wells Valley Water District and Kern County (representing the watershed that extends from Inyo County into northeastern Kern), Toiyabe and Inyo National Forests, BLM, USDA Natural Resources Conservation Service, Owens Valley Indian Water Commission, Big Pine Paiute Tribe, Mammoth Mountain Ski Area, OVC, Sierra Club, Mono Lake Committee, Eastern Sierra Audubon Society, California Trout, Friends of the Inyo, Eastern Sierra Land Trust, and the Amargosa Conservancy.

Initially this group was guided by staff from the Sierra Nevada Alliance and Cal Trout and has received, through Cal Trout, a grant from the Sierra Nevada Conservancy to hire a consultant to work with the group and develop a proposal for a planning grant from DWR that would pay to develop the IRWMP.

The group has developed a draft Memorandum of Understanding (MOU) that would establish a legal entity to develop and implement the IRWMP. This MOU describes how the group will function and make decisions and the areas to be included in the plan.

This process provides a great opportunity for OVC to participate with a wide variety of other stakeholders in developing plans to protect our water resources.

OVC Mission

OVC is a non-profit citizen action group dedicated to the protection, restoration and sustainable management of water and land resources affecting the Owens Valley. The Committee oversees compliance with the implementation of appropriate water management policy, educates the public, encourages participation in local government, and advocates an inclusive and open decision-making process.

Peter Knapp

OVC Goals

1. "Watchdog" the 1991 LTWA between Inyo County and L.A.
2. Oversee the implementation and management of the Lower Owens River Project (LORP).
3. Educate the public and promote its involvement with water issues.
4. Seek a dual use designation for dust control water at Owens Lake for wildlife as well as dust.

OWENS VALLEY COMMITTEE
PO Box 77
Bishop, CA 93515

YES!

I would love to join the Owens Valley Committee and help with protection, restoration and sustainable management of water and land resources in the Owens Valley.

___ $25	Speckled Dace
___ $50	Tui Chub
___ $100	Owens Pupfish
___ $250	Brook
___ $500	Spring
___ $1000	Aquifer
___ Other	

Name_____

Address_____

_____

Phone_____

E-mail_____

Volunteer Skills_____

_____

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Eastern Sierra Birding Trail Maps & our OVC Membership brochures are available. Email ***outreach@ovcweb.org*** *or call* ***760.876.5807***