



August 7, 2015

Ms. Julie Van Wagner
Los Angeles Department of Water and Power
111 Hope Street
Los Angeles, California 90012

Re: Owens Lake Master Plan EIR Notice of Preparation

Sent via email: Julie.VanWagner@ladwp.com

Dear Ms. Van Wagner:

Thank you for the opportunity to comment on the Owens Lake Master Plan EIR Notice of Preparation. Friends of the Inyo is a locally-based nonprofit conservation organization dedicated to the stewardship, exploration and preservation of the Eastern Sierra's public lands and wildlife. Over our 25 year history, Friends of the Inyo has become an active partner with many federal, state and local agencies, providing comments and professional feedback on projects impacting the Eastern Sierra, reflecting the opinions of our over 700 members and supporters.

This past April, Friends of the Inyo put on the first ever Owens Lake Bird Festival. Partners included Inyo County, Eastern Sierra Audubon Society, Eastern Sierra Interpretive Association and the Los Angeles Department of Water and Power. Over 130 participants from all over the United States visited the lake to witness the wonder of thousands of migrating shorebirds and waterfowl. Plans are underway for the 2016 Owens Lake Bird Festival, April 22-24. In addition, Owens Lake is an Audubon Important Bird Area (IBA) and is currently being nominated to join the Western Hemisphere Shorebird Reserve Network (WHSRN). This is a network of wetlands that extends from the tip of southern South America to the arctic in Canada and Alaska. Maintaining and restoring the habitat used by birds at Owens Lake is of particular importance to our organization.

Friends of the Inyo feels that the following issues are of critical importance in developing the Draft Environmental Impact Report (DEIR) of the Owens Lake Master Plan. We realize that the EIR will be programmatic in many areas and that more detailed analysis will take place as additional work is proposed within the OLMP. We thank LADWP for pledging to incorporate the Owens Lake Master Plan final working draft process and the Owens Lake Master Project process documents into the DEIR.



Groundwater

The proposed use of local groundwater is currently in a multiyear study phase that will develop a groundwater model. This model will determine if groundwater can be used for dust control in a sustainable manner without negative impacts such as subsidence, damage to nearby wells, harm to springs, seeps, wetlands and meadows etc. These potential impacts should be adequately discussed in the DEIR as should the Resource Protection Protocols. A detailed groundwater proposal is needed, subject to public review as part of the DEIR. The DEIR must also address in detail the dispute between Inyo County and LADWP over the applicability of the 1991 Inyo/Los Angeles Long-term Water Agreement to groundwater use at Owens Lake. In addition the EIR must discuss the applicability of the recent Sustainable Groundwater Management Act of 2014. It is noted there will be a 50% reduction in water use for dust mitigation but no baseline information on water use is given. Without this information any reduction rate is ambiguous.

Water Quality

The issue of water quality and its effect on wildlife is of concern. There may be potential impacts to water quality (including but not limited to; increased salinity, metals, and organic pollutants) from the possible use of local groundwater at Owens Lake. The volume of water reduction should be quantified, as should the wildlife habitat baseline. In order to comment adequately on the OLMP DEIR these figures should be described in detail. They cannot be 'moving targets'. An alternative should be presented where no groundwater is needed in order to meet the dust control and habitat goals of the project. Any groundwater used must be clearly listed as 'water saved' and included in the proposed water savings total – included with water savings from the lakebed work.

Alkali Meadows

Alkali meadows should be described as a Sensitive Plant Community as listed by the California Native Plant Society (CNPS). On-site mitigation should be a priority if impacts occur. The OLMP work plan for alkali meadows should be discussed and completed as soon as feasible.

Monitoring

Third party review of the habitat monitoring plan, the effectiveness of the Habitat Suitability Model (HSM) and adaptive management should be detailed in a discussion of the scope of work for a third party. Our preference is to contract with Point Blue (formerly PRBO Conservation Science) due to its monitoring history at Owens Lake and past relationship working with LADWP. The habitat group should



continue to meet regularly with LADWP through the life of this project to assist with HSM, mitigation and monitoring. If feasible, the use of a Memoriam of Understanding (MOU) could be beneficial to all participants. Existing documents already developed on monitoring should be referenced in the monitoring portion of the DEIR. Where mitigation is required, the DEIR must clearly identify methodology and rationale. We view the HSM as central to any mitigation that occurs so that existing total acreage of habitat value on the entirety of the lakebed is maintained.

Public Trust

The Public Trust Doctrine should be discussed as it relates to habitat and wildlife at Owens Lake. As a result of the California Supreme Court decision in 1983 at Mono Lake, it was clearly established that the Public Trust values of wildlife/ecosystems belonging to the people of California must be balanced with the water 'rights' (beneficial use) of the City of Los Angeles. The Owens Lake Master Project stakeholder process is attempting to seek this balance through collaboration – balancing water savings with baseline habitat values. Finally, any language about public access should take into consideration seasonal closures for areas with nesting birds.

Conclusion

The Owens Lake Master Plan offers a unique opportunity to plan responsibly to balance water use, control dust, provide for wildlife habitat and expand recreation opportunities. Careful consideration and a range of alternatives will need to be presented in the DEIR so that all outstanding cultural, ecological, and social values can be addressed. We hope the DEIR will clarify the stages of the 18-36 month completion timeline and highlight where stages will overlap and to what degree. We are pleased LADWP is engaging stakeholders in this process. We thank everyone who has worked over the years to make Owens Lake a better place for people and wildlife and we look forward to reviewing the DEIR.

Respectively Submitted,

/s/ Mike Prather
Secretary of the Board